

**REPORT
OF THE
COMMITTEE
ON THE ELIMINATION
OF RACIAL DISCRIMINATION**

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FIFTH SESSION

SUPPLEMENT No. 18 (A/35/18)



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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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LETTER OF TRANSMITTAL

22 August 1980

Dear Sir,

I have the honour to refer to article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination, according to which the Committee on the Elimination of Racial Discrimination, established pursuant to the Convention, "shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Racial Discrimination held two regular sessions in 1980 and, at its 499th meeting held today, unanimously adopted the attached report in fulfilment of its obligations under the Convention; it is submitted to you herewith for transmission to the General Assembly at its thirty-fifth session.

In this connexion, you may recall that in pursuance of a suggestion made by the Committee at its seventh session, the General Assembly normally followed the practice of considering the reports of the Committee separately from other items of its agenda. The Committee expresses the hope that, in accordance with the established practice, the General Assembly would continue to consider the report of the Committee separately from other items of its agenda.

Accept, Sir, the assurances of my highest consideration.

(Signed) Yuli BAHNEV
Chairman of the
Committee on the Elimination
of Racial Discrimination

His Excellency
Mr. Kurt Waldheim
Secretary-General of the United Nations
New York

I. INTRODUCTION

A. States parties to the Convention

1. On 22 August 1980, the closing date of the twenty-second session of the Committee on the Elimination of Racial Discrimination, there were 107 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly of the United Nations in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the twenty-second session, only seven of the 107 States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. A list of States parties, and an indication of those which have made the declaration under article 14, paragraph 1, of the Convention, is contained in annex I below.

B. Sessions

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1980. The twenty-first session (456th to 477th meetings) was held from 24 March to 11 April 1980 at the United Nations Office at Geneva; and the twenty-second session (478th to 499th meetings) was held from 4 to 22 August 1980 at United Nations Headquarters, New York.

C. Membership of the Committee

4. In accordance with the provisions of article 8 of the Convention, representatives of the States parties held their seventh meeting at United Nations Headquarters on 11 January 1980, ^{1/} and elected nine members of the Committee on the Elimination of Racial Discrimination, from among the candidates nominated, to replace those whose terms were due to expire on 19 January 1980. The names of the members of the Committee for 1980-1981, including those elected or re-elected on 11 January 1980, are as follows:

^{1/} See Official Records of the International Convention on the Elimination of All Forms of Racial Discrimination, Seventh Meeting of States parties, Decisions (CERD/SP/12).

<u>Name of member</u>	<u>Country of nationality</u>	<u>Term expires on 19 January</u>
Mr. Yuli BAHNEV <u>2/</u>	Bulgaria	1984
Mr. Stanislav A. BESSONOV <u>3/</u>	Union of Soviet Socialist Republics	1984
Mr. Pedro BRIN MARTINEZ <u>2/</u>	Panama	1984
Mr. André DECHEZELLES <u>2/</u>	France	1984
Mr. Silvo DEVETAK <u>2/</u>	Yugoslavia	1984
Mr. Abdel Moneim M. GHONEIM	Egypt	1982
Mr. Ousmane GOUNDIAM	Senegal	1982
Mr. José D. INGLES <u>3/</u>	Philippines	1984
Mr. George O. LAMPTEY	Ghana	1982
Mr. Erik NETTEL <u>2/</u>	Austria	1984
Mr. Manuel V. ORDOÑEZ <u>3/</u>	Argentina	1984
Mr. Karl Josef PARTSCH	Germany, Federal Republic of	1982
Mrs. Shanti SADIQ ALI <u>3/</u>	India	1984
Mr. Fayez A. SAYEGH	Kuwait	1982
Mr. Agha SHAHI	Pakistan	1982
Mr. Georges TENEKIDES	Greece	1982
Mr. Luis VALENCIA RODRIGUEZ	Ecuador	1982
Mr. Shuaib Uthman YOLAH	Nigeria	1982

D. Solemn declaration

5. At the opening meeting of the twenty-first session, those members of the Committee who were elected or re-elected by the Meeting of the States parties to the Convention on 11 January 1980 made a solemn declaration in accordance with rule 14 of the provisional rules of procedure of the Committee.

E. Attendance

6. All members, except Messrs. Sayegh, Shahi and Yolah, attended the twenty-first session. Mr. Valencia Rodríguez attended part of that session. All members, except Messrs. Sayegh and Yolah, attended the twenty-second session. Messrs. Brin Martínez, Nettel, Shahi, Ténékidès and Valencia Rodríguez attended part of that session.

2/ Re-elected on 11 January 1980.

3/ Elected on 11 January 1980.

F. Election of officers

7. At its 456th meeting, held on 24 March 1980, the Committee elected the following officers for a term of two years in accordance with article 10, paragraph 2, of the Convention:

Chairman: Mr. Yuli BAHNEV

Vice-Chairmen: Mr. Ousmane GOUNDIAM
Mr. José D. INGLES
Mr. Luis VALENCIA RODRIGUEZ

Rapporteur: Mr. Karl Josef PARTSCH

G. Agenda

Twenty-first session

8. At its 456th meeting, on 24 March 1980, the Committee adopted the items listed on the provisional agenda, submitted by the Secretary-General, as the agenda of its twenty-first session, as follows:

1. Opening of the session by the representative of the Secretary-General.
2. Solemn declaration by the newly elected members of the Committee, under rule 14 of the provisional rules of procedure,
3. Election of officers,
4. Adoption of the agenda,
5. Action by the General Assembly at its thirty-fourth session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention.
6. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
7. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention,
8. Implementation of article 7 of the Convention,
9. Decade for Action to Combat Racism and Racial Discrimination,
10. Meetings of the Committee in 1981 and 1982.

Twenty-second session

9. At its 478th meeting, held on 4 August 1980, the Committee adopted the items listed on the provisional agenda, submitted by the Secretary-General, as the agenda of its twenty-second session, as follows:

1. Adoption of the agenda.
2. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
3. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
4. Decade for Action to Combat Racism and Racial Discrimination.
5. Meetings of the Committee in 1981 and 1982.
6. Report of the Committee to the General Assembly at its thirty-fifth session under article 9, paragraph 2, of the Convention.

H. Co-operation with the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization

10. In accordance with decision 2 (VI) of 21 August 1972 of the Committee concerning co-operation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), representatives of both organizations attended the twenty-first and twenty-second sessions of the Committee.

11. As regards co-operation between UNESCO and the Committee, it may be recalled that at its nineteenth session, held from 26 March to 13 April 1979 at UNESCO Headquarters, the Committee undertook, in the context of its consideration of the item concerning the implementation of article 7 of the Convention, a thorough discussion of the UNESCO Declaration on Race and Racial Prejudice and the resolution on its implementation approved by the General Conference at its twentieth session, and adopted a decision on its further co-operation with UNESCO in the implementation of article 7 of the Convention. 4/ The Committee also decided to resume consideration of the item on the implementation of article 7 of the Convention at its twenty-first session in the spring of 1980.

12. At its twenty-first session, the Committee had before it a document (CERD/C/69) entitled "Preliminary reflections of UNESCO concerning the implementation of the provisions of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination", prepared and submitted by

4/ See Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 18 (A/34/18), chap. III and decision 2 (XIX).

UNESCO in response to the Committee's invitation, in its above-mentioned decision, to transmit to it suggestions for the preparation of general guidelines with a view to assisting States parties to implement article 7 of the Convention. 5/

13. At the twenty-second session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the sixty-sixth session of the International Labour Conference, was made available to the members of the Committee on the Elimination of Racial Discrimination in accordance with arrangements for co-operation between the two Committees. The Committee took note with appreciation of the report of the Committee of Experts, in particular of those sections which dealt with the application of the 1958 Convention (No. 111) concerning discrimination in respect of employment and occupation, as well as of other information in the report relevant to its activities.

II. ACTION BY THE GENERAL ASSEMBLY AT ITS THIRTY-FOURTH SESSION
ON THE ANNUAL REPORT SUBMITTED BY THE COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION UNDER ARTICLE 9,
PARAGRAPH 2, OF THE CONVENTION

14. The Committee considered this item during its twenty-first session, at the 474th meeting, held on 8 April 1980.

A. Comments by members of the Committee on the observations and suggestions made by Member States in the Third Committee

15. Members of the Committee noted with satisfaction that, although the Committee's report had not been considered separately by the Third Committee of the General Assembly, some 89 delegations, including those of 20 States not parties to the Convention, had taken the floor in the meetings devoted to the consideration of the Committee's report and the Decade for Action to Combat Racism and Racial Discrimination, which demonstrated how much interest was aroused by those matters. Most of those delegations had expressed favourable views on the Committee's work and the implementation of the Convention.

16. The Rapporteur of the Committee, Mr. Partsch, summarizing the reception given by the General Assembly at its thirty-fourth session to the Committee's annual report, pointed out that several criticisms had been expressed in the Third Committee with regard to the report and the Committee itself. In the first place, it had been said that the report did not reflect sufficiently the replies of the representatives of States parties and several delegations had suggested that the report should be more detailed. The second criticism voiced was that the Committee concentrated significantly on legal aspects of the implementation of the Convention at the expense of other essential aspects of the struggle against racial discrimination. That opinion had been expressed for instance, by the representative

5/ For details of the Committee's consideration of the item entitled "Implementation of article 7 of the Convention", see chap. III below.

of Ethiopia. The third was that the Committee sometimes strayed beyond its terms of reference, an opinion expressed principally by the Western European delegations.

17. With regard to the first point, the Rapporteur pointed out that some of the questions asked by members of the Committee were prompted by considerations that the representative of the State party concerned did not consider appropriate to the situation in his country and took up the questions in a different form in his statement, whereas for the sake of objectivity the Rapporteur had no choice but to report what the members of the Committee had said. Mr. Nettel observed that, in so far as the representatives of certain States did not find in the Committee's report the replies they thought they had given or would like to have given to the Committee during the consideration of their Governments' periodic reports, it was not necessarily the Committee or its Rapporteur who should be blamed - frequently the fault lay with the representatives themselves. They could find the replies which were not included in the report in the Committee's summary records which were widely distributed to all Governments and delegations. Messrs. Bahnev and Inglés stated that greater care should be taken to reflect faithfully the replies of the representatives of the States parties in the Committee reports. However, it could happen that their views were not fully reflected because the answers were not satisfactory. In principle, it would be desirable that Governments of States parties send qualified representatives for participation in the Committee's work.

18. With reference to the second criticism, Mr. Partsch commented that the Committee possessed a solid basis for its consideration of legal aspects, whereas for the actual facts it had to rely on limited and strictly official sources. Mr. Nettel considered that the criticism was entirely groundless, for the Committee could not be accused of adopting too legalistic an approach when its duty was precisely to interpret a legal instrument. The new guidelines which the Committee was drawing up for the States parties encouraged them in fact to look into what was hidden underneath the legal camouflage behind which Governments frequently sheltered to hide reality. Mrs. Sadiq Ali stated that the Committee could not ignore the legal aspects, to which articles 4 and 6 of the Convention, among others, attached such importance. Mr. Inglés also agreed with the view of earlier speakers that the Committee was bound by its obligations under the Convention to recommend to States parties that they should enact the necessary legislation to give effect to the provisions of the Convention. Mr. Bessonov observed that the study of national legislation could only provide a general background for investigating the situation regarding racial discrimination; hence it was the Committee's duty to carry out thorough and objective investigations, as the Committee itself had recognized when preparing and discussing the revised guidelines for the reports of States parties. Messrs. Goundiam and Valencia Rodríguez observed that in discharging its mandate, the Committee was bound by the provisions of articles 4, 5 and 6 and, particularly, article 9 which referred to consideration of reports on the legislative, judicial, administrative and other measures adopted by States parties.

19. With regard to the third criticism that the Committee was exceeding its terms of reference, Mr. Bessonov stated that the struggle against racial discrimination was bound to be of a political nature. It would be illogical to try to combat racism at the strictly national level, while ignoring the important problems arising at the international level. The States parties to the Convention had assumed an obligation to help in the elimination of racial discrimination at all

levels. Mr. Nettel pointed out that the reason why some delegations had taken issue with certain decisions of the Committee was that they conflicted with their own political positions. Hence, such criticisms did not necessarily mean that the Committee had been wrong or that it had exceeded its terms of reference. Messrs. Valencia Rodríguez and Inglés pointed out that the Committee's decisions concerning cases in question had been endorsed by a majority of delegations and by successive resolutions of the General Assembly.

20. Several members referred to suggestions made by a number of delegations concerning the present periodicity of reports under article 9 of the Convention. Mr. Partsch stated, in particular, that the Committee should consider whether it would be able, after the increase in the number of States parties, to give consideration to all the reports, or whether triennial reports would not be sufficient. The Committee might wish to make a suggestion on the subject to the Meeting of States parties which had the competence to decide the issue. Mr. Goundiam stated that it might be difficult to maintain the present periodicity of reports, but the fact was that the periodicity was prescribed by article 9 of the Convention. Mr. Bahnev doubted that it would be wise to alter the periodicity of reports, considering that it would probably be necessary to ask the States parties to amend the Convention, which was not advisable. Mr. Devetak thought that the periodicity of reports was a very important question both from the political and legal points of view and should receive careful consideration. He noted that any change in the periodicity of reports would raise, first, a legal problem, for it was not for the Committee to take the initiative in revising the Convention; secondly, it was a political problem, for the struggle against racial discrimination was too important for the Committee to recommend that the results should only be evaluated every three or four years. Mr. Lamptey also considered that it was not necessary to call for the revision of the Convention and observed that even the least developed States were in a position to submit reports biennially. Mr. Partsch suggested that perhaps the periodicity of the reports might be reconsidered in a few years' time in the light of developments.

21. Some members referred to the opinions expressed by certain delegations. Mr. Goundiam pointed out that the Committee was independent and should not receive instructions from the General Assembly, and added that the Committee was composed of experts who were free to interpret the Convention in a manner favourable or unfavourable to individual States parties, provided that their views were shared by the majority of the Committee members. Several members of the Committee were of the opinion that this should not be an obstacle to attaching great importance to the guidance given by the Assembly. This opinion reflected the views expressed by the Assembly.

**B. Comments by members of the Committee on
General Assembly resolution 34/28**

22. Mr. Valencia Rodríguez observed that, as was shown in paragraph 1 of General Assembly resolution 34/28, the Committee's report had been well received. As regards paragraph 3 of the same resolution concerning co-operation between the Committee and UNESCO, he also observed that it showed the general appreciation expressed by the General Assembly. Mr. Valencia Rodríguez noted that the question whether the Committee was competent to ask for information about the bilateral relations between States parties and South Africa had been the subject of much controversy. He observed however that paragraph 7 of the resolution reaffirmed the Committee's competence in the matter. He noted further that the Committee's opinion concerning the cases in which some States parties were unable to implement

the provisions of the Convention in parts of their territories had given rise to a long and interesting discussion. Some speakers in the Third Committee had considered that, by expressing an opinion on the issue, the Committee had exceeded its terms of reference, but most speakers had taken a different view. Paragraph 6 of the resolution reflected the view of the majority in that respect. Finally, as regards the Committee's decision 1 (XX) concerning the holding of some meetings in developing countries, Mr. Valencia Rodríguez observed that that decision had met with a general consensus, which was reflected in paragraph 10 of the resolution. Mrs. Sadiq Ali considered that the General Assembly's commendation of the Committee's work, reflected in paragraph 4 of the resolution, was all the more significant because the struggle against racism was political and that political measures were essential for its success.

C. Conclusions of the Committee

23. The Committee considered that the discussion in the Third Committee reflected the soundness of the dialogue which had been established between the Third Committee and the Committee on the Elimination of Racial Discrimination which should be continued and intensified. All the comments made in the Third Committee should receive careful attention, because they testified to a genuine desire to improve the Committee's work and to ensure the success of the struggle against racial discrimination.

III. IMPLEMENTATION OF ARTICLE 7 OF THE CONVENTION

24. This item, included on the agenda of the twenty-first session of the Committee in accordance with a previous decision, was considered by the Committee at its 475th meeting, held on 9 April 1980. For its consideration of the item, the Committee had before it a document entitled "Preliminary reflections of UNESCO concerning the implementation of the provisions of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination", submitted by UNESCO in response to the Committee's invitation (decision 2 (XIX) of 12 April 1979) to transmit to it suggestions for the preparation of general guidelines with a view to assisting States parties in the implementation of article 7 of the Convention.

25. The document was introduced by the representative of UNESCO, who stated that in preparing its "Preliminary reflections", which constituted UNESCO's first response to Committee decision 2 (XIX), his organization had set out to determine how article 7 had been dealt with by a number of learned authors, to see how States parties applied article 7 of the Convention, and to describe the experience of UNESCO with regard to the implementation of international instruments.

26. In assessing the attitudes of States to the implementation of article 7 of the Convention, UNESCO had deemed it essential to begin by drawing up an inventory of the contents of the reports concerning article 7 submitted by States parties. That inventory was divided into five main categories, namely: teaching and education, culture, information, research in the social sciences, and promotion of knowledge about United Nations human rights instruments.

27. As far as teaching and education were concerned, States parties usually stated, with respect to access to education, that education was accessible to all without discrimination. Some States indicated that education at various levels was free of charge while others reported that they granted scholarships both to their nationals and to foreigners. Some States mentioned textbooks which referred to the problem of racism while others mentioned efforts to expunge from school textbooks passages which might incite or justify racism. In that connexion, some States also referred to the existence of bilateral agreements for the revision of history textbooks. The importance accorded in school curricula to knowledge of other peoples and racial questions varied from State to State. Other information provided about teaching and education related to the teaching of civics, the education of immigrants, teacher training and the UNESCO associated schools project.

28. With regard to culture, the information provided by States parties most frequently referred to the right of minorities to speak their own language. Reference was also made to the existence of cultural associations of national minorities in some States.

29. Under the heading of information, the reports usually confined themselves to a general statement that radio, television and the press were used to a greater or lesser extent to combat any form of racial discrimination, including apartheid. Some reports also mentioned the participation of representatives of ethnic minorities or immigrants in the preparations of programmes concerning them.

30. Social science research designed to combat racism was an area which had been little explored. However, the existence in one country of a Committee on Social Science Teaching was to be noted, together with the fact that it had recommended the development of material on racial and ethnic relations.

31. Promotion of knowledge about United Nations human rights instruments was usually carried out within the teaching programme or on the occasion of the celebration of International Days.

32. It was noticeable that infinitely more was said about teaching and education than about culture, information and social science research. It should be added, moreover, that information on the various categories mentioned was not systematically provided in all the reports. Thus, it would be advisable to provide States parties to the Convention with a general framework containing a certain number of headings on which to base their reports. UNESCO was conducting research into the subject and intended to submit proposals to the Committee at its next session.

33. Finally, the representative of UNESCO referred to his organization's experience regarding the implementation of international instruments and to the problem of questionnaires. In overseeing the implementation of instruments such as the Convention against Discrimination in Education, adopted by the General Conference on 14 December 1960, UNESCO had often used questionnaires. The technique of the questionnaires had been also used for the implementation of the Recommendation concerning the Status of Teachers by an ILO/UNESCO Joint Committee on the Application of that Recommendation. Pursuant to the invitation of the Committee in its decision 2 (XIX) to transmit to it information on UNESCO experience in the fields of teaching, education, culture and information, the representative of UNESCO stated that his organization recommended the use of that technique to the Committee in order to assist States parties in implementing article 7 of the Convention.

34. Members of the Committee commended UNESCO's "Preliminary Reflections" which were considered an important contribution to the co-operation between that organization and the Committee and provided useful information on explanations given by States parties on the implementation of article 7 of the Convention. Mr. Valencia Rodríguez stated that the analysis in the UNESCO document of the main arguments adduced by States parties to explain non-performance of their obligation under article 7 of the Convention should help members of the Committee to better analyse the reports of States parties and to formulate their questions. Despite the fact that very little scientific work had been produced on the implementation of article 7, it could not be claimed that article 7 was less important than other articles of the Convention. Mr. Ténékidès stated that prevention was better than cure and, in his view, article 7 was more important than other obligations concerned with the elimination of racial discrimination where it already existed. Mr. Goundiam considered article 7 the most important element in the Convention because the shaping of future attitudes depended on its implementation. Mr. Valencia Rodríguez pointed out that, as with all international instruments, the Convention depended for its implementation on the good faith of the States parties; but it was for the Committee, as the guardian of the Convention, to do its best to see that it was applied.

35. With regard to the question of access to education, Mr. Valencia Rodríguez stated that a distinction should be made between articles 5 and 7. The right and access to education and training was provided for in article 5 (e) (v) of the Convention, but, in order to implement article 7, the Committee should provide guidelines for the type of education required to combat racist ideas and to encourage tolerance and friendship.

36. Some members of the Committee referred to the importance of UNESCO publications on the culture and history of different countries.

Mr. Valencia Rodríguez expressed his appreciation of the importance accorded in the UNESCO document to the revision of history textbooks and thought that the attention of States should be drawn to the need for such revision. Mr. Goundiam also thought that there was a need to revise textbooks, in particular history books; and Mr. Ténékidès stated that the causes of aggressiveness should be studied because, although many books had been written on racial prejudice, not enough attention had been paid to the feelings of aggression underlying it.

Mrs. Sadiq Ali stated that the UNESCO publications were too expensive to be used to any great extent in developing countries and there was a need for well-produced, inexpensive textbooks. She stressed that such textbooks would be of assistance not only to developing countries, but also to industrialized countries, where people were not familiar with the culture and history of developing nations.

Mr. Dechezelles also stated that, although historical facts could not be changed, many history books contained misinterpretations that should be eliminated. He observed that certain States had maintained that education on racial discrimination would introduce the concept of racial prejudice where none existed, and stated that it might be dangerous to tackle the problem at an early age in the case of children who had no contact with people of other nationalities.

37. Mrs. Sadiq Ali and Mr. Valencia Rodríguez referred to emphasis placed by UNESCO importance of teacher training. Mrs. Sadiq Ali, in particular, pointed out that in developing countries there was a shortage of teachers trained in methods of combating racial discrimination and that UNESCO could assist in establishing appropriate teacher training programmes.

38. Several members of the Committee referred to the implementation of article 7 at the university level. Mr. Valencia Rodríguez favoured the promotion of social science study centres which could lead to the establishment of consultative mechanisms and to the promotion of ideas of tolerance and understanding. Mr. Ténékidès, supported by Mr. Dechezelles, observed that at the university level, student exchanges, summer courses and seminars had all helped the objectives of the Committee to become better known. Mr. Partsch was of the opinion that the implementation of article 7 posed a special problem in that a great deal of work relevant to its provisions was carried out by non-governmental organizations and not by governmental authorities. UNESCO's document did not mention the work done by national commissions, although human rights had been the subject of a recent meeting of such commissions. Furthermore, the literature mentioned in the document was limited to works in English and French, although relevant materials also existed in other languages. The World Federation of United Nations Associations and several national United Nations Associations had prepared school programmes relating to human rights and racial discrimination. The Committee

needed information from non-governmental organizations but did not have access to such materials; UNESCO could therefore assist by transmitting such information to the Committee.

39. Messrs. Valencia Rodríguez and Dechezelles spoke about the question of public information, and stated that in many countries the organs of public information were not under specific government control and often followed their own code of conducts. The Government could not compel them to publish a certain type of information, but should make all kinds of information available to the media. The State had also a role to play in radio and television. Although the question of its relations with the press was more complicated, the State could nevertheless oblige the press to follow a code of ethics and to play a role in the struggle against racial discrimination.

40. The Chairman emphasized, in his concluding statement, that the purpose of the discussion was to ascertain whether a general recommendation to States parties regarding the implementation of article 7 of the Convention could be drafted. He did not think it would be possible to reach a decision on the matter at the current session, since the UNESCO document had only been received in one working language and since, in the light of the discussion, additional information might be required.

41. At the proposal of Mr. Lamptey, the Committee requested the Secretariat to ensure the reproduction of the UNESCO document in all the working languages by August 1980 and agreed to include the item relating to the implementation of article 7 of the Convention on the agenda for its twenty-third session in spring 1981. The Chairman also expressed the hope that UNESCO would be in a position to provide in time for its twenty-third session additional information in the light of the discussion that had taken place.

IV. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED
BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

A. Status of submission of reports by States parties 6/

Reports received by the Committee

42. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its twenty-second session (22 August 1980), a total of 443 reports under article 9, paragraph 1, of the Convention were due from States parties as follows: 104 initial reports, 95 second periodic reports, 84 third periodic reports, 74 fourth periodic reports, 50 fifth periodic reports and 36 sixth periodic reports.
43. By the end of the twenty-second session, a total of 378 reports had been received by the Committee as follows: 98 initial reports, 87 second periodic reports, 73 third periodic reports, 59 fourth periodic reports, 39 fifth periodic reports and 22 sixth periodic reports.
44. In addition, 61 supplementary reports containing additional information were received from the States parties, submitted either at the initiative of the States parties concerned or at the request of the Committee made upon its examination of their respective initial or periodic reports under the Convention.
45. During the year under review (that is, between the closing dates of the Committee's twentieth and twenty-second sessions), 45 reports were received by the Committee consisting of five initial reports, three second periodic reports, four third periodic reports, five fourth periodic reports, six fifth periodic reports and 22 sixth periodic reports. In addition, two supplementary reports were received during the year, which were submitted at the initiative of the States parties concerned.
46. The relevant information concerning all reports received during the year is contained in table 1 below:

6/ The dates on which all reports (initial and periodic reports and supplementary information) were due or submitted during the year under review, and reminders, if any, sent to States parties concerned in accordance with rule 66 of the provisional rules of procedure, may be found in annex II below.

Table 1Reports received during the year under review

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Date on which the report was submitted</u>	<u>Number of reminders sent</u>
Burundi	Initial reports	26 November 1978	19 October 1979	2
Israel	"	2 February 1980	5 February 1980	-
Luxembourg	"	1 June 1979	13 June 1980	1
Nicaragua	"	17 March 1979	16 June 1980	3
Republic of Korea	"	4 January 1980	24 June 1980	1
Ethiopia	Second periodic reports	25 July 1979	24 September 1979	-
Ivory Coast	"	4 February 1976	21 July 1980	8
Zaire	"	21 May 1979	20 March 1980	1
Ivory Coast	Third periodic reports	4 February 1978	21 July 1980	4
Mexico	"	22 March 1980	16 May 1980	1
Trinidad and Tobago	"	4 November 1978	21 August 1979	1
United Republic of Tanzania	"	26 November 1977	29 January 1980	4
German Democratic Republic	Fourth periodic reports	26 April 1980	24 June 1980	-
Ivory Coast	"	4 February 1980	21 July 1980	1
Jamaica	"	5 July 1978	31 July 1979	2
Senegal	"	18 May 1979	26 June 1980	1
United Republic of Tanzania	"	26 November 1979	29 January 1980	-

Table 1 (continued)

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Date on which the report was submitted</u>	<u>Number of reminders sent</u>
	Fifth periodic reports			
Finland	"	16 August 1979	12 November 1979	1
Mongolia	"	4 September 1978	5 November 1979	2
Morocco	"	17 January 1980	23 January 1980	-
Norway	"	6 September 1979	19 December 1979	-
Romania	"	14 October 1979	16 November 1979	-
Venezuela	"	5 January 1978	27 November 1979	3
	Sixth periodic reports			
Argentina	"	5 January 1980	12 December 1979	-
Brazil	"	5 January 1980	17 July 1979	-
Byelorussian Soviet Socialist Republic	"	7 May 1980	12 May 1980	-
Cyprus	"	5 January 1980	17 December 1979	-
Czechoslovakia	"	5 January 1980	22 January 1980	-
Egypt	"	5 January 1980	19 December 1979	-
Hungary	"	5 January 1980	4 February 1980	-
Iceland	"	5 January 1980	4 January 1980	-
Iran	"	5 January 1980	28 December 1979	-
Kuwait	"	5 January 1980	4 July 1980	1
Madagascar	"	8 March 1980	20 June 1980	1
Pakistan	"	5 January 1980	27 February 1980	-
Philippines	"	5 January 1980	21 March 1980 26 May 1980	-
Poland	"	5 January 1980	2 May 1980	1
Spain	"	5 January 1980	2 May 1980	1
Syrian Arab Republic	"	20 May 1980	3 July 1980	-
Tunisia	"	5 January 1980	13 March 1980	-

Table 1 (continued)

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Date on which the report was submitted</u>	<u>Number of reminders sent</u>
Ukrainian Soviet Socialist Republic	Sixth periodic reports	5 April 1980	25 April 1980	-
Union of Soviet Socialist Republics	"	5 March 1980	14 April 1980	-
United Kingdom of Great Britain and Northern Ireland	"	5 April 1980	5 April 1980 4 August 1980	-
Uruguay	"	5 January 1980	13 June 1980	1
Venezuela	"	5 January 1980	27 November 1979	-

47. As the information in table 1 shows, only seven of the 45 reports received during the year were submitted on time or before the deadlines provided for under article 9, paragraph 1, of the Convention. The rest were submitted after some delay, ranging from a few days to four and a half years. In the case of 21 of the reports received during the year, one to eight reminders had been sent to the State party concerned before the report was submitted.

Reports not yet received by the Committee

48. By the closing date of the twenty-second session of the Committee, 68 reports expected from 43 States parties before that date had not yet been received, including 6 initial reports, 8 second periodic reports, 11 third periodic reports, 15 fourth periodic reports, 11 fifth periodic reports, 14 sixth periodic reports and 3 supplementary reports requested by the Committee. Table 2 below provides the relevant information on these reports:

Table 2

Reports which were due before the closing date of the twenty-second session, but had not yet been received

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Togo	Initial report	1 October 1973	11
	Second report	1 October 1975	7
	Third report	1 October 1977	3
	Fourth report	1 October 1979	1

Table 2 (continued)

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Lebanon	Second report	12 December 1974	6
	Third report	12 December 1976	4
	Fourth report	12 December 1978	2
	Supplementary	29 March 1976	-
Zambia	Second report	5 March 1975	9
	Third report	5 March 1977	5
	Fourth report	5 March 1979	3
Costa Rica	Fourth report	5 January 1976	8
	Fifth report	5 January 1978	4
	Sixth report	5 January 1980	1
Sierra Leone	Fourth report	5 January 1976	7
	Fifth report	5 January 1978	3
	Sixth report	5 January 1980	1
	Supplementary	31 March 1975	-
Swaziland	Fourth report	6 May 1976	8
	Fifth report	6 May 1978	4
	Sixth report	6 May 1980	-
Liberia	Initial report	5 December 1977	5
	Second report	5 December 1979	1
Barbados	Third report	10 December 1977	4
	Fourth report	10 December 1979	1
Haiti	Third report	18 January 1978	5
	Fourth report	18 January 1980	1
Nepal	Fourth report	1 March 1978	5
	Fifth report	1 March 1980	1
Guyana	Initial report	17 March 1978	5
	Second report	17 March 1980	1
Central African Republic	Fourth report	14 April 1978	4
	Fifth report	14 April 1980	-
Sudan	Initial report	20 April 1978	4
	Second report	20 April 1980	-
Holy See	Fifth report	1 June 1978	4
	Sixth report	1 June 1980	-
Malta	Fourth report	26 June 1978	4
	Fifth report	26 June 1980	-
Somalia	Second report	27 September 1978	3

Table 2 (continued)

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Tonga	Fourth report	17 March 1979	3
Botswana	Third report	22 March 1979	3
Lao People's Democratic Republic	Third report	24 March 1979	3
Mauritius	Fourth report	29 June 1979	2
Jordan	Third report	30 June 1979	2
Upper Volta	Third report	18 August 1979	1
Bolivia	Fifth report	21 October 1979	1
Canada	Fifth report	12 November 1979	-
New Zealand	Fourth report	22 December 1979	-
Bulgaria	Sixth report	5 January 1980	1
Ecuador	Sixth report	5 January 1980	1
Ghana	Sixth report	5 January 1980	1
India	Sixth report	5 January 1980	1
Libyan Arab Jamahiriya	Sixth report Supplementary	5 January 1980 30 July 1979	1
Niger	Sixth report	5 January 1980	1
Nigeria	Sixth report	5 January 1980	1
Panama	Sixth report	5 January 1980	1
Yugoslavia	Sixth report	5 January 1980	1
Fiji	Fourth report	11 January 1980	1
Gambia	Initial report	28 January 1980	1
Guinea	Second report	13 April 1980	-
Rwanda	Third report	16 May 1980	-
Germany, Federal Republic of	Sixth report	14 June 1980	-
Jamaica	Fifth report	5 July 1980	-
Bangladesh	Initial report	11 July 1980	-
United Republic of Cameroon	Fifth report	24 July 1980	-
Bahamas	Third report	5 August 1980	-

Action taken by the Committee to ensure submission by States parties of reports under article 9 of the Convention

49. In accordance with rule 66, paragraph 1, of its provisional rules of procedure, the Committee at its twenty-first session (March/April 1980) requested the Secretary-General to send appropriate reminders to 47 States parties whose reports were due before the closing date of that session, but had not yet been received, requesting them to submit their reports by 30 June 1980.

50. At its 492nd meeting (twenty-second session), held on 13 August 1980, the Committee - taking into account the number of previous reminders sent to each of the States parties concerned, the reports which were still due and the dates on which their next periodic reports should be submitted - decided that reminders should be sent by the Secretary-General to States parties concerned, in accordance with rule 66, paragraph 1, of the provisional rules of procedure, as follows:

(a) A twelfth reminder to the Government of Togo requesting it to submit its initial report, and its second, third and fourth periodic reports, in one document, by 31 December 1980;

(b) A tenth reminder to the Government of Zambia requesting it to submit its second, third and fourth periodic reports, in one document, by 31 December 1980;

(c) Ninth reminders to the Governments of Costa Rica and Swaziland requesting them to submit their fourth, fifth and sixth periodic reports, in one document, by 31 December 1980;

(d) An eighth reminder to the Government of Sierra Leone requesting it to submit its fourth, fifth and sixth periodic reports, in one document, by 31 December 1980, and to include therein the supplementary information previously requested by the Committee;

(e) A seventh reminder to the Government of Lebanon requesting it to submit its second, third and fourth periodic reports together with its fifth periodic report, which is due on 12 December 1980, in one consolidated document, by that date and to include therein the supplementary information previously requested by the Committee;

(f) Sixth reminders to the Governments of Liberia and Guyana requesting them to submit their initial and second periodic reports, in one document, by 31 December 1980;

(g) A sixth reminder to the Government of Haiti requesting it to submit its third and fourth periodic reports, in one document, by 31 December 1980;

(h) A sixth reminder to the Government of Nepal requesting it to submit its fourth and fifth periodic reports, in one document, by 31 December 1980;

(i) A fifth reminder to the Government of the Sudan requesting it to submit its initial and second periodic reports, in one document, by 31 December 1980;

- (j) A fifth reminder to the Government of Barbados requesting it to submit its third and fourth periodic reports, in one document, by 31 December 1980;
- (k) Fifth reminders to the Governments of the Central African Republic and Malta requesting them to submit their fourth and fifth periodic reports, in one document, by 31 December 1980;
- (l) A fifth reminder to the Government of the Holy See requesting it to submit its fifth and sixth periodic reports, in one document, by 31 December 1980;
- (m) A fourth reminder to the Government of Somalia requesting it to submit its second periodic report together with its third periodic report which is due on 27 September 1980, in one document, by 31 December 1980;
- (n) Fourth reminders to the Governments of Botswana and the Laos People's Republic requesting them to submit their third periodic reports by 31 December 1980;
- (o) A fourth reminder to the Government of Tonga requesting it to submit its fourth periodic report by 31 December 1980;
- (p) A third reminder to the Government of Jordan requesting it to submit its third periodic report by 31 December 1980;
- (q) A third reminder to the Government of Mauritius requesting it to submit its fourth periodic report by 31 December 1980;
- (r) A second reminder to the Government of Gambia requesting it to submit its initial report by 31 December 1980;
- (s) A second reminder to the Government of Upper Volta requesting it to submit its third periodic report by 31 December 1980;
- (t) A second reminder to the Government of Fiji requesting it to submit its fourth periodic report by 31 December 1980;
- (u) A second reminder to the Government of Bolivia requesting it to submit its fifth periodic report by 31 December 1980;
- (v) Second reminders to the Governments of Ecuador, Ghana, India, Niger, Nigeria, Panama and Yugoslavia requesting them to submit their sixth periodic reports by 31 December 1980;
- (w) A second reminder to the Government of the Libyan Arab Jamahiriya requesting it to submit its sixth periodic report by 31 December 1980 and to include therein the supplementary information of direct relevance to the Committee's work, as requested by the Committee at its nineteenth session;
- (x) A first reminder to the Government of Bangladesh requesting it to submit its initial report by 31 December 1980;

(y) A first reminder to the Government of Guinea requesting it to submit its second periodic report by 31 December 1980;

(z) First reminders to the Governments of Rwanda and Bahamas requesting them to submit their third periodic reports by 31 December 1980;

(aa) A first reminder to the Government of New Zealand requesting it to submit its fourth periodic report by 31 December 1980;

(bb) First reminders to the Governments of Canada, Jamaica and the United Republic of Cameroon requesting them to submit their fifth periodic reports by 31 December 1980.

51. The Governments of Bulgaria and the Federal Republic of Germany informed the Committee that their sixth periodic reports, which were due on 5 January 1980 and on 14 June 1980 respectively, were under preparation and would be submitted as soon as possible for consideration at its twenty-third session. The Committee therefore decided that no reminders should be sent to the Governments of Bulgaria and the Federal Republic of Germany.

52. It will be recalled that rule 66 of the provisional rules of procedure of the Committee provides that:

"1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State Party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.

"2. If even after the reminder, referred to in paragraph 1 of this rule, the State Party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly." 7/

In accordance with paragraph 2 of rule 66, the Committee wishes to draw the attention of the General Assembly to the relevant information contained in table 2 above and in the foregoing paragraphs.

53. In this connexion, the Committee wishes to repeat once again a statement which it made at its first session and which it has communicated to all States parties and to the General Assembly:

"The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention." 8/

7/ See Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27 (A/8027), annex II.

8/ Ibid., annex III, sect. A.

B. Consideration of reports 9/

54. At its twenty-first and twenty-second sessions, the Committee examined the reports and additional information submitted by 38 States parties under article 9 of the Convention. At the request of the Government, the Committee agreed to postpone its consideration of the sixth periodic report of Spain to its twenty-third session. A list of States parties whose reports and additional information were examined by the Committee, together with an indication of the meetings at which they were considered, may be found in annex III below.

55. The Committee devoted 30 of the 44 meetings it held in 1980 to the discharge of its obligations under article 9 of the Convention.

56. In accordance with rule 64-A of its provisional rules of procedure, the Committee followed the practice, inaugurated at its sixth session, of requesting the Secretary-General to notify the States parties concerned of the dates on which their respective reports would be considered by the Committee. At its twenty-first and twenty-second sessions, all of the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. The Committee noted with satisfaction that several States had sent qualified experts in order to participate in the work of the Committee and, in particular, to answer questions raised in the Committee in connexion with their reports.

57. The following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee at its twenty-first and twenty-second sessions in its consideration of the reports of States parties, contain a summary of views expressed, observations made and questions asked by the members of the Committee on the reports of States parties concerned, as well as the substantive elements of the replies given by the representatives of each State party present at the meeting.

Italy

58. The second periodic report of Italy (CERD/C/46/Add.1 and Corr.1) was considered by the Committee together with the information provided by the representatives of the reporting State in their introductory statements.

59. The Committee commended the Italian Government on the detailed and exhaustive information provided. Some members considered the report as a model which could be used by States parties that had not yet fulfilled their obligations under article 9 of the Convention. Particular satisfaction was expressed with the establishment in Italy of an Interministerial Committee on Human Rights, the purpose of which was to institutionalize co-operation between ministries in the field of human rights and to prepare reports in accordance with the reporting procedures of the international instruments to which Italy was a party. Members of the Committee were of the view that the establishment of similar bodies by other States parties could lead to an improvement in the quality of their reports.

60. Referring to the ethnic and linguistic minority groups living in Italy, some members expressed the wish to receive more information concerning, in particular, the minorities of Albanian and Greek origin. It was asked whether there were possibilities for minorities in Italy to develop co-operation with

^{9/} At its 483rd meeting, the Committee held a preliminary procedural discussion concerning its consideration of the initial report of Israel, after which it decided to postpone the consideration of the report to its twenty-third session (see chap. IV, sect. B, paras. 330-334).

their "mother nations", and whether any provision existed on such co-operation in bilateral agreements with countries from which the ethnic minorities originally came. With regard to measures taken to ensure the protection of nomad groups in the country, further clarification was requested on the reported difficulties in integrating nomads, partly due to the attitude of the community. Information was also requested on the ethnic composition of the nomadic populations which had come to Italy from the Balkans after the First World War or more recently.

61. With regard to the implementation of article 3 of the Convention, members of the Committee noted with interest the information on Italy's attitude towards apartheid; they observed, however, that no adequate information was contained in the report on the relations between Italy and the racist régimes in southern Africa, despite the invitations regarding the submission of such information made by the Committee in its general recommendation III and decision 2 (XI).

62. In connexion with article 4 of the Convention, it was noted that both the initial and the second report of Italy stressed that Italian legislation relating to racial discrimination was of a preventive nature. It was observed in this connexion that in accordance with article 4 of the Convention, prevention would have to be supported by punitive action and that further information on this subject would have been desirable. It was asked, in particular, whether the provision of financial assistance to a racist organization, as referred to in article 4 (a) of the Convention, was a criminal offence in Italy; it was also observed that Act No. 654 of 13 October 1975, promulgated in connexion with the ratification by Italy of the Convention, did not seem to provide for desired measures in respect of racist propaganda activities.

63. Several questions were raised by members of the Committee with regard to the implementation of article 5 of the Convention. Further information was requested on a recent episode of racial intolerance referred to in part III, section 2, of the report. Referring to the section of the report dealing with nomads, one member noted that the elimination of possible camping bans for them was mentioned in the report and wished to know whether such bans existed and on what legal grounds. In connexion with the legal status and treatment of non-European foreigners in Italy, it was asked whether persons coming from the former Italian colonies had the right to enter the country freely and whether it was possible for them to have dual nationality. More details were requested on Italy's attitude to political asylum: whether political refugees were accepted only on a temporary basis, whether the law provided for programmes to absorb them, particularly if they were stateless, and what was the national origin of the groups of refugees accepted in Italy. In connexion with the legal status of foreign workers, more information was requested on foreigners working illegally in the country and on how they were able to avoid paying social security contributions; what status was granted to legal migrant workers, whether they could join Italian trade unions and whether workers coming from countries belonging to the European Economic Community and workers coming from other countries were treated in the same way. Information was also asked for about the status of foreign students in Italian universities and whether their status was different from that of Italian students. In addition, further information was requested on the progress made in the education of children of migrant workers and children of

the linguistic minority groups referred to in the report with regard, in particular, to the study of their own languages and cultures and on the law guaranteeing the right of access to any place or service intended for use by the general public, as specified in article 5 (f) of the Convention.

64. As regards the implementation of article 6 of the Convention, some members observed that, although the Convention had become an integral part of the Italian legislation, no general law had been promulgated to suppress racism and they wished to receive further information on legislative provisions to which an individual could refer if he wished to appeal to a court against an act of racial discrimination. It was asked, in this connexion, whether any cases related to racial discrimination had been brought before the Italian courts.

65. With regard to the implementation of article 7 of the Convention, more information was asked for on the educational measures taken in accordance with the requirements of that article and, in particular, whether the work of foreign authors, particularly African authors, nationals of States members of the Berne Convention concerning protection of artistic and literary property, were protected under Italian law and, if so, what was the form of that protection.

66. Members of the Committee commended the Italian Government for having made the declaration called for by the provisions of article 14 of the Convention. In this connexion, they asked for a clarification on Italy's reservation concerning the submission to the Committee of communications already considered, or in the process of being considered, by other international investigatory or regulatory bodies. One member wished to know, in particular, whether a person victim of racial discrimination who was not satisfied with the decision taken by another international body could bring his case before the Committee.

67. The representatives of Italy, replying to questions by members of the Committee, provided some additional information concerning ethnic minorities and stated that those minorities which had participated in the development of Italian history and those which had been integrated following peace treaties were all protected, in particular by the statutes of the Italian regions.

68. In connexion with article 3 of the Convention, the representatives explained that, on the matter of relations with the racist régimes of southern Africa, the Italian Government had taken note of the two recommendations adopted by the Committee, but considered that States parties to the Convention were not obliged to provide the Committee with information of the type requested.

69. In reply to questions raised in connexion with article 4 of the Convention, the representatives stated that, although Italian legislation did not contain any general provisions dealing with racial discrimination, there were several provisions of the Criminal Code under which action could be taken, and they provided information on those articles. They stated also that no organization existed in Italy with the stated aim of practising racial discrimination.

70. Referring to questions raised in connexion with article 5 of the Convention, the representatives provided additional information concerning the criminal proceedings brought against the persons recently accused of an episode of racial

intolerance. With reference to the treatment of stateless persons, they stated that children of such persons were of Italian nationality if they were born in Italy. As regards foreigners working illegally in the country, the situation would be clarified after the adoption of the draft legislation on the subject. As regards the legal migrant workers, the only difference between foreign workers from countries of the European Economic Community, or those from other countries and Italian workers was in the way in which work contracts were prepared; once the contracts had been concluded, all had the same rights and privileges with respect to social security, trade union activities, etc. Information was also provided about draft legislation concerning school programmes for children of ethnic or linguistic minorities and about legislation concerning the right of access to public establishments.

71. In reply to questions raised in connexion with article 6 of the Convention, the representatives stated that it would have been difficult to make a compilation of court decisions and pick out those related to racial discrimination; it would, however, be possible to make inquiries by asking a sample group of courts whether there had been cases of racial discrimination among the offences that had come before them and to include information on the subject in the next report.

72. With regard to the reservation made by Italy in connexion with its declaration under article 14, the representative explained that it had its origin in a recommendation of the Council of Europe and referred to matters submitted to the European Commission on Human Rights or to the European Court of Human Rights. They stated that there was no question of asking an individual to refrain from submitting a request to the Committee, but that the Committee itself should refrain from considering a communication that was already being considered by another international body.

73. In his concluding statement, the Chairman said that the Italian Government should reconsider its position concerning General Recommendation III of the Committee.

Iraq

74. The fourth and fifth periodic reports of Iraq, submitted in one document (CERD/C/50/Add.1), were considered together with the introductory statement made by the representative of the reporting State.

75. Members of the Committee commended the report for its comprehensive information especially with regard to the question of ethnic minorities, and noted with interest the considerable efforts made by the Government of Iraq to establish a system in which all people had equal rights and duties in respect of national unity.

76. Particular attention was drawn by the Committee to the question of ethnic minorities. Members of the Committee referred to article 5 of the Interim Constitution of 1970 in which it was stated that "the Iraqi people consist of two main nationalities, namely, the Arabs and the Kurds". In this connexion they wished to know what was the status of the other ethnic groups referred to in the report. Furthermore, reference was made in the report to the granting of autonomy to the area of the country in which the majority of the population were Kurds. Members of the Committee wished to know how the criterion of the majority could be applied in view of the fact that in other parts of the report it was stated

that there were at present no separate statistical data available on the demographic distribution of the minority population in Iraq and that Iraqi laws neither define nor specify who belongs to a specific minority. It was also asked whether the figure of 12 million inhabitants given in the report included only Iraqis or also foreigners and, in this connexion, whether a clarification could be provided on the use of the terms "individuals" and "citizens" which appeared in the legislative texts referred to in the report and what provisions governed the status and rights of foreigners.

77. With reference to article 2, paragraph 1, of the Convention, one member expressed the view that the question of respect for "decency", mentioned in the Constitution and other legislative texts as a prerequisite for freedom of religious beliefs and rites, appeared to mean religious decency since Islam was the State religion. In this connexion, he wished to know whether that notion corresponded to the "aims of the people" of Iraq as defined in the Constitution and, since article 36 of the Constitution prohibited activities contrary to the aims of the people, whether that prohibition was backed up by any penal provisions. Another member wished to know what procedure was followed by the religious courts in trying a case. Members of the Committee were also interested in receiving additional information on the social, economic and cultural measures taken by the Government of Iraq for the implementation of article 2, paragraph 2, of the Convention, with particular reference to the people living in the region of Kurdistan. It was asked whether there was a system of long-term production planning for that region, and if the Iraqi Government was taking economic measures to develop other regions in the same way as Kurdistan; whether the taxes and duties levied in Kurdistan, which according to the report was financially independent, reverted to the region for its own use or whether such an arrangement would be incompatible with "the financial unity of the State". With reference to the information that the Kurdish Academy of Sciences had recently been incorporated into the Iraqi Academy of Sciences, it was asked what form that merger had taken and whether the two Academies were now fully integrated. Clarification was also asked about the "regional languages" which were taught in primary schools of different areas of the country.

78. In connexion with article 4 of the Convention, some members of the Committee noted that the provisions of the Iraqi Penal Code mentioned in the report did not expressly prohibit racial discrimination and wished to know whether there were other provisions of the Penal Code which met the requirements of article 4 of the Convention.

79. With reference to article 5 of the Convention, members of the Committee were of the view that it would be helpful to know what specific measures had been taken to ensure the effective application of that article and, in particular, its subparagraphs (c), (d) and (e). It was noted in this connexion that under article 30 (B) of the Constitution, equality of opportunity in public service was safeguarded by the law and it was asked whether an act had been promulgated to ensure the application of article 30 (B) and whether the provisions concerning access to public service contained in resolution 288 of the Revolutionary Council meant a preference for Kurds over other ethnic groups under certain circumstances.

80. In connexion with article 6 of the Convention, further information was requested on the recourse procedures available to a citizen who had been a victim of an act of racial discrimination.

81. With reference to article 7 of the Convention, information was requested on measures taken by the Iraqi Government for the implementation of that article with particular reference to the teaching of non-Arab cultures and the education of ethnic minorities.

82. Replying to the questions raised by members of the Committee, the representative of Iraq provided further information concerning measures taken by his Government to guarantee the recognition of the rights of the Kurdish population and its autonomy within the context of national unity. He stated, in particular, that, even if no separate statistical data were available on the demographic distribution of minorities, it was a historical fact that the three northern departments of Iraq had a Kurdish majority. With regard to other ethnic minorities not specified in the Constitution, their legitimate rights were also guaranteed by means of other legislative and administrative instruments. He also stated that at least 1 million non-Iraqi Arabs, the majority of whom were Egyptians, lived in Iraq and enjoyed the same rights as Iraqis. In this connexion he clarified that where the Constitution referred to "citizens", the reference was to all Iraqis, and where that specific term was not used, the provision covered any individual.

83. Referring to questions raised in connexion with article 2, paragraph 1, of the Convention, he stated that more than 94 per cent of the Iraqi population was Muslim and that both Iraqi legislation and the general conduct of the people were based on Islam and its concept of morality. Articles 393 to 404 of the Penal Code laid down penalties for offences against public morality. With regard to religious courts, he pointed out that civil status was governed by religious laws and religious courts were necessary in order to guarantee respect for the rules governing each religion. With reference to questions raised in connexion with article 2, paragraph 2, of the Convention, the representative of Iraq provided information on the national economic planning and the role of trade unions and professional organizations. As regards the financial autonomy of Kurdistan, he explained that the region had its own budget within the State's general budget and that its financial resources were specified in article 8 of Act 33 of 1974. He also stated that the Kurdish Academy of Sciences had been incorporated into the Iraqi Academy of Sciences by an Act of 1978 in order to ensure the best possible co-ordination of activities. The term "regional languages", he suggested, should be replaced by the term "local languages"; such languages were taught in regions in which they were spoken by the majority of the population and not in classes where a possible majority of pupils spoke a particular local language.

84. In connexion with article 4 of the Convention, the representative pointed out that article 200 of the Penal Code prescribed various penalties for violation of article 19 of the Constitution which dealt with racial discrimination and that subsequent articles of the Penal Code complemented its provisions with regard to all forms of discrimination.

85. The representative provided the Committee with some details on the implementation of article 30 of the Constitution dealing with equality of access to public service and on the question of remedies available to a citizen who was a victim of discrimination by a person holding public office. He also stated that the literacy programme established in his country was given priority over the teaching of cultures and civilizations of other peoples.

Austria

86. The fourth periodic report of Austria (CERD/C/48/Add.6) was considered by the Committee in the presence of the representative of the reporting State.

87. The Committee commended the Austrian Government for its report. Members of the Committee drew attention to special measures taken by the Austrian Government for the implementation of article 1, paragraph 4, of the Convention and, in particular, to the provisions of the Federal Act of 7 July 1976 (Ethnic Groups Act) on the Legal Status of Ethnic Groups in Austria which provided, inter alia, for the establishment of a number of Ethnic Advisory Councils. In this connexion it was noted that only the Hungarian ethnic group had accepted the establishment of an Ethnic Advisory Council. Members of the Committee wished to know the reasons why it had not been possible to establish Advisory Councils for the Croat, Czech and Slovene ethnic groups; why the members of those Councils were to be appointed by the Federal Government instead of being elected by the ethnic groups concerned; and why, in view of the fact that Croats, Czechs and Slovenes were ethnic, and not religious, minorities, persons nominated by a church or religious community should be included in the Councils. One member was of the opinion that objections raised by other ethnic groups to the establishment of Advisory Councils were due to the fact that, unlike the provisions of the State Treaty of 1955, the Act made the enjoyment of the rights by ethnic groups conditional on the groups' numerical strength and that ethnic groups, therefore, feared that their participation in the Advisory Councils would be interpreted as an endorsement of those restrictions of the Act. Another member pointed out that the objections to the Advisory Councils were perhaps due to the fact that the Act fell short of the goals of autonomy desired by the ethnic groups.

88. In connexion with article 3 of the Convention and General Recommendation III of the Committee, additional information was asked for on the relations between Austria and the racist régime of South Africa.

89. It was noted that no new information concerning the implementation of article 4 (b) of the Convention was provided in the report and one member of the Committee wondered whether Austria's position on the interpretation of that article remained unchanged.

90. Attention was also drawn to the additional information and clarifications provided in the report in connexion with the provision of the new statutory law enacted on 18 May 1977 with a view to implementing article 5 (f) of the Convention, already referred to in the third periodic report of Austria, which provides that: "Anyone, who in public unjustifiably causes disadvantage to a person or prevents his access to any place or service intended for use by the general public, exclusively on grounds of race or colour or national or ethnic origin or religious

confession, commits an offence and shall be punished by the District Administrative Authority with a fine of up to 3000 S." In this connexion, some members of the Committee wondered whether the use of the word "unjustifiedly" suggested that discriminatory acts might in some cases be justified. As regards the word "exclusively", some members observed that the use of this term might lead to the conclusion that acts of racial prejudice involving other factors might not be punished. Some members also wondered why offences committed under the statutory law were dealt with by administrative and not judicial authorities.

91. In connexion with article 6 of the Convention it was stated in the report that damages could be claimed from the State for acts of racial discrimination committed by a public official, and it was asked whether there was also provision to be sought from a private individual who committed such an act. It was also noted that in Austria a public official who committed discriminatory acts in the exercise of his functions, but on his own initiative, did not involve the responsibility of the institution he represented, and it was asked who would pay any damages to the injured party if the public official concerned was without financial resources. Furthermore, the victim of a discriminatory act could seek redress on the grounds that the order or law providing the legal basis for the discriminatory act was in itself unlawful or unconstitutional, and it was asked whether any cases of racial discrimination had been submitted to the Constitutional Court.

92. The representative of Austria, replying to questions raised by members of the Committee, explained that Advisory Councils had not yet been established for the Slovene ethnic groups since they did not recognize the validity of the Ethnic Groups Act; the Croats and the Czechs on the contrary did acknowledge its validity, but could not agree on personalities. The Austrian Government had made contacts with various groups and was attempting to solve the problems; the numerical strength of the ethnic groups was only one aspect of the problem. Furthermore, the method of election for Ethnic Advisory Councils had been considered, but had been rejected because of Austria's adherence to the principle that no one should be forced to declare himself a member of an ethnic group. It should also be noted that the Church played an important role in the Slovene and Croat ethnic groups and it had therefore been considered appropriate that there should be representatives of the Church in the Councils.

93. With reference to questions raised on the text of the statutory law enacted to implement article 5 of the Convention, the representative stated that the word "unjustifiedly" meant that in certain cases, like the exemption of women from military service, unequal treatment was justified: only if the unequal treatment was unjustified was it discriminatory. Similarly, the word "exclusively" meant that any liability for punishment depended on an act having been committed solely for racial reasons. Moreover, the reason for the provision that acts of racial discrimination might be dealt with in the first instance by the administrative authorities was that their procedures were usually more rapid and simple than those of the Courts.

94. In connexion with a question raised regarding article 6 of the Convention, the representative stated that civil proceedings could always be taken against a

private individual who committed an act of discrimination in a claim for compensation.

95. The representative of Austria assured members of the Committee that questions which had remained unanswered would be taken up in his Government's next periodic report.

Peru

96. The fourth periodic report of Peru (CERD/C/18/Add.7) was considered by the Committee together with the introductory statement of the representative of the reporting State who informed the Committee that a new Constitution had been adopted in Peru and would come into force on 28 July 1980, and that its electoral provisions were already applicable to the general elections to be held on 18 May 1980. In this connexion, she provided detailed information on the articles of the new Constitution which contained provisions in compliance with the provisions of the Convention and stated that, according to the new Constitution, the provisions of international instruments in the field of human rights to which Peru was a party, were given the status of constitutional rules. She also informed the Committee that in conformity with its general recommendation III, Peru did not maintain any diplomatic, economic or other relations with the racist régimes of southern Africa.

97. The Committee expressed its satisfaction with the report submitted by the Government of Peru and welcomed the information on the new Constitution provided by its representative.

98. Members of the Committee expressed the hope that information on the legislative action taken and extracts from legislative texts adopted to give effect to the provisions of the new Constitution and of the Convention, in particular those contained in articles 4, 5 and 7 of the Convention, would be included in Peru's next report.

99. In connexion with article 2, paragraph 2, of the Convention, members of the Committee welcomed the action taken by the Peruvian Government to encourage the economic development and to protect the indigenous populations in the Selva and Ceja de Selva regions, and further information was requested about the "priorities, facilities and exemptions" granted to the tribal populations of those forest regions by Legislative Decree No. 22175. It was also asked what might be the effect of the "various benefits and promotional measures", accorded under Legislative Decree No. 22178 to settlers in the Selva, Ceja de Selva, Sierra and Costa regions, on the development of the indigenous populations of those regions and whether tax incentives might involve the risk of encouraging the exploitation of the indigenous population by newcomers.

100. Members of the Committee noted with satisfaction that the articles of the new Peruvian Constitution appeared to be in conformity with the provisions of article 5 of the Convention. In this connexion, clarification was requested as to the meaning of the expression "civic qualifications" in article 65 of the new Constitution, since, according to that article, the ability to read and write was

no longer a required qualification for the exercise of the right to vote. With reference to article 27 of the Constitution, which recognized the right of the Quechua, Aymara and other indigenous communities to receive basic education in their own dialect or language, it was asked how that education was provided in practice, inasmuch as those communities represented the majority of the population and were to a large extent illiterate.

101. In connexion with article 6 of the Convention, further information was requested on the remedy of amparo and of habeas corpus provided for in Peruvian legislation.

102. Members of the Committee were also interested in receiving detailed information on the implementation of article 7 of the Convention.

103. Replying to comments and questions by members of the Committee, the representative of Peru assured them that the text of the new Peruvian Constitution would be made available with the next report and that every effort would be made to include therein information on, and extracts from, the administrative and legislative provisions of interest to the Committee that would have been enacted in pursuance of the Constitution. She also pointed out that the provisions relating to the forest regions referred to in the report concerned not only the indigenous population but also other population groups; efforts were being made to encourage people to migrate to the remote regions and to settle there in order to strengthen the peasant communities.

United Arab Emirates

104. The third periodic report of the United Arab Emirates (CERD/C/47/Add.2) was considered by the Committee in the presence of the representative of the reporting State.

105. Members of the Committee observed that the third periodic report, like the previous ones, expressed general ideas without giving details. The report mentioned the Constitution, but not the provisions enacted for carrying it into effect. Moreover, the questions raised by the Committee in connexion with its consideration of the second periodic report of the United Arab Emirates had remained unanswered. Members of the Committee agreed that specific information should be provided on measures taken to implement the articles of the Convention and they hoped that such information would be given in the next report.

106. In addition, some members wished to receive details on the demographic composition of the population of the country. The Committee also requested further information on the status of the large numbers of aliens, especially Indians and Pakistanis, who were living in the territory of the United Arab Emirates and who contributed to the country's development. Information was requested, in particular, on the conditions governing their contracts of employment.

107. The representative of the United Arab Emirates stated that he would convey to his Government the comments made and the questions raised by members of the Committee with a view to providing supplementary information in conformity with the provisions of the Convention in the next periodic report.

108. The Chairman expressed the hope that the next report, in addition to information on all relevant legislative, administrative and other measures, would contain information about the economic, social and cultural measures to which the Committee attached great importance.

Iceland

109. The sixth periodic report of Iceland (CERD/C/66/Add.7) was considered by the Committee together with the introductory statement of the representative of the reporting State.

110. Members of the Committee commended the Government of Iceland on its satisfactory report which contained replies to all the questions raised when Iceland's fifth periodic report had been examined. The report was considered an excellent illustration of the dialogue between States parties and the Committee.

111. One member, however, was of the opinion that further information should be provided on activities undertaken at all levels, from the Government down to local authorities and public organizations, in order to fully implement the provisions of the Convention. Information was requested, in particular, with regard to the situation of a small group of residents who did not have the same racial origin as the other Icelandic people, and with regard to relations between Iceland and the racist régime of South Africa. Further clarification was also requested on measures taken for the implementation of article 4 (b) and (c) of the Convention.

112. Attention was especially drawn to information on measures which gave effect to the provisions of articles 6 and 7 of the Convention. With regard to article 6 of the Convention, the Committee took note with interest of the newly established position in the Icelandic Ministry of Justice, whose responsibilities would include providing guidance to the public on matters falling within the competence of the judiciary and of the police and prison authorities. This new position was regarded by the Icelandic Government as a first step towards the establishment of an office of the Ombudsman of the Althing (Parliament). In this connexion, it was asked whether the new official was entitled to receive complaints from individuals and was able to obtain information from officers of the executive; what his powers were if he found there had been a violation of the law; what was the reason for the establishment of the new position only on an experimental basis and whether it was possible to include information on the results of the experiment in the next periodic report.

113. With reference to information relating to the implementation of article 7 of the Convention, members of the Committee congratulated the Government of Iceland on its educational programmes for the treatment of racial discrimination and for the propagation of United Nations activities, particularly on programmes prepared for the compulsory educational system. It was stated that the educational measures described in the report were remarkably progressive and might well serve as a model to other States parties to the Convention. In this connexion, members of the Committee expressed the wish to receive school curricula of relevance to article 7, as well as further information on the perspective from which developing countries were studied, on source material used for teaching about developing

countries and how such material was prepared, on the later stages of the educational programme relating to questions of racial discrimination and on the preparation of a special study on the subject referred to in the report. One member asked whether some of the subjects referred to in the educational programmes had yet to be approved or whether they were temporarily part of the curriculum. Another member pointed out that article 7 of the Convention was not concerned exclusively with school programmes and that more information should be provided on any broader cultural and educational activities relating to racial discrimination. With regard to a course on the development of human society dealing, inter alia, with certain primitive societies, one member was of the view that the word "primitive" should be put in inverted commas or replaced by the expression "so-called primitive societies" and that the expression "development of human society" might give the impression that industrialized societies were superior to non-industrialized ones.

114. Replying to questions by members of the Committee, the representative of Iceland explained that the new post of an official under the Ministry of Justice, referred to in the report, had been established for one year on an experimental basis in order to find out what sort of complaints might arise, and 80 requests for advice and guidance had already been received. The lawyer occupying the post gave advice in his personal capacity and was not obliged to obtain clearance from officials of the Ministry; he would subsequently report directly to the Althing, and it was hoped that a clear picture would emerge from this experiment as the form of institution suited to Iceland's needs.

115. With regard to the implementation of article 7 of the Convention, the representative provided further details concerning the educational measures taken in Iceland on the question of racial discrimination and clarified that the term "primitive societies" was not intended to be pejorative. He finally assured members of the Committee that he would transmit their questions to his Government with a view to providing them in the next periodic report with a more detailed account of the Icelandic educational system as it related to the implementation of article 7 of the Convention.

Democratic Yemen

116. The third and fourth periodic reports of Democratic Yemen, submitted in one document (CERD/C/48/Add.7), were considered together with the introductory statement made by the representative of the reporting State.

117. Members of the Committee were of the view that the report reflected a serious effort on the part of the Government of Democratic Yemen to fulfil its obligations under the Convention, especially in the light of the difficulties faced by that country since its independence. It was noted in this connexion that Democratic Yemen had embarked on a programme of major social and economic changes and it was hoped that information on those changes, as well as on administrative and other measures which were of direct relevance to the implementation of the Convention would be provided to the Committee in the next periodic report.

118. With regard to article 4 of the Convention, members of the Committee observed that the legislative provisions mentioned in the report, such as articles 99 and 121 of the Penal Code of Democratic Yemen, were not adequately adapted to the requirements of the Convention and that legislation to combat specifically racial discrimination in all its forms should be enacted by all States parties regardless of the existence or non-existence of racial problems in their territory.

119. In connexion with article 5 of the Convention, members of the Committee drew attention to articles 35 to 43 of the Constitution which guaranteed various civil rights in conformity with the provisions of the Convention, and to article 34 of the Constitution which prescribed the fundamental rights and duties of citizens. It was noted in this respect that stress was laid on economic and social rights, and it was asked whether there was not a certain hierarchy of rights in Democratic Yemen. It was also observed that the second paragraph of article 34 of the Constitution constituted a very serious limitation on citizen's rights. Referring in particular to freedom of movement of aliens, some members noted that apparently problems persisted in some parts of the country and asked whether any action had been taken to improve the situation. Furthermore, it was asked whether the right to leave the country was subject to any conditions and whether, for example, exit visas were required. With reference to the right to marriage and choice of spouse, it was asked whether the size of dowries was regulated, whether prospective spouses of less than a certain age required their parents' consent in order to marry, whether the possible grounds for divorce were based on modern concepts or traditional religious considerations and whether bigamy was regarded as a criminal offence. The opinion was expressed that article 26 of the Constitution did not really guarantee the right to choice of spouse. With reference to property rights, it was noted that article 20 of the Constitution prohibited aliens from owning property and it was asked whether foreign settlers who had remained in Democratic Yemen after independence, but had retained their former citizenship and nationality, had been divested of their property, whether the North Yemenis were also considered aliens and subject to the restrictions provided for by article 20 of the Constitution, and whether such restrictions referred to property in general or merely to landed property. With reference to the right to inherit, it was asked whether that right was based on Islamic law or modern laws and what the situation of women was in this respect. With reference to the right to form and

join trade unions, it was observed that article 63 of the Constitution did not really guarantee that right since trade unions were structured apparently by the State. With reference to the right to education, it was noted that, in conformity with article 40 of the Constitution, the State accorded special attention to the education of persons who had formerly been deprived of education by reason of their social circumstances, and it was asked whether such deprivation still existed and whether any concrete measures had been taken in that connexion under article 2 (2) of the Convention. With reference to the right of access to public places, information was asked for on penalties in cases of violation of that right.

120. In connexion with article 6 of the Convention, members of the Committee wished to receive the text of articles 81 and 83 of the Code of Criminal Procedure containing provisions concerning the legal remedies available to a victim of discriminatory acts as well as information on legal aid available to injured parties. It was also asked whether the remedy of an application to the courts for damages was available only to persons whose rights had been violated by actions of public officials or also against private persons who had committed such violations. Furthermore, additional information was requested on the manner in which the provisions of the Penal Code relevant to those of article 6 of the Convention were applied in court practice and, in this connexion, it was asked whether the courts in Democratic Yemen interpreted article 99, dealing with crimes against humanity, in the light of the Convention. It was also noted that any law which promoted racial discrimination could be challenged in Democratic Yemen, but it was observed that it would be useful to know what procedure had to be followed to challenge such laws and who had the authority to declare them unconstitutional.

121. In connexion with article 7 of the Convention, it was observed that information provided in the report concerned more the social development, the national culture and the Islamic heritage of Democratic Yemen than educational programmes related to other cultures or heritages. With reference to Act No. 26 of 1972, dealing with the education system, it was asked whether the promotion of humanism was concerned with Islamic and Arab humanism or other universal humanism.

122. Replying to questions raised by members of the Committee, the representative of Democratic Yemen referred to the provisions of article 4 of the Convention and stated that he shared the view of the Committee that laws should forestall the possible emergence of racial discrimination and that that point would be borne in mind in the preparation of the next periodic report.

123. With regard to article 5 of the Convention, the representative assured the Committee that the question of individual and political freedoms was not relegated in his country to a subordinate position in comparison with economic and social rights. With regard, in particular, to the right to leave the country, he explained that emigration in Democratic Yemen had to be regulated because the country had to preserve its human resources vis-à-vis neighbouring countries which strongly attracted its manpower. He also stated that the tradition of the dowry was maintained for purely symbolic reasons, that laws had been enacted governing repudiation, which required a decision by a court, and that there were regulations concerning polygamy, which was permitted only in very specific cases. Furthermore, according to the Constitution of Democratic Yemen, there was only one

Yemeni nationality and all Yemenis, whether from the North or from the South, had the same rights and duties. The representative then provided some details concerning the structure of trade unions and the situation with regard to the education of the most disadvantaged groups of the population, and assured members of the Committee that their questions would be taken scrupulously into account in his Government's next report.

Jamaica

124. The fourth periodic report of Jamaica (CERD/C/18/Add.8) was considered by the Committee together with the introductory statement of the representative of the reporting State in which, he pointed out, inter alia, that the legislation enacted to give effect to the Convention in Jamaica might require the amendment of the Constitution, and that the matter was being explored at the highest legal level in his country. Any decision taken in that connexion would be dealt with in the next periodic report.

125. Members of the Committee expressed the view that the report reflected the desire of the Government of Jamaica to fulfil its basic obligations under the Convention and to pursue its dialogue with the Committee; however, they considered the report to be of a somewhat interim nature in view of the fact that the Government of Jamaica was reviewing its position with regard to the need to enact legislation in the field of racial discrimination and they hoped that the next report would contain information on the results of that review. Such initiative, it was stated, would involve reconsidering the reservation entered by Jamaica at the time of its ratification of the Convention. Referring to that reservation, one member asked whether the Jamaican Constitution did not stipulate that treaties or conventions ratified by the Government became an integral part of the law of the land.

126. Members of the Committee also welcomed the initiatives taken by Jamaica in accordance with article 3 of the Convention; it was felt, however, that additional information was needed on measures taken to implement articles 2, 4, 5, 6 and 7 of the Convention and on the demographic composition of the population.

127. The representative of Jamaica assured the Committee that the observations made by members would be taken into account by his Government in the preparation of the next periodic report.

Trinidad and Tobago

128. The third periodic report of Trinidad and Tobago (CERD/C/17/Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State, in which he touched upon recent developments as regards the application of the Convention in his country, provided further details on the legislative, judicial, administrative and other measures that had been adopted to give effect to its provisions and replied to questions raised by members of the Committee during the consideration of the second report of Trinidad and Tobago.

129. Members of the Committee commended the Government of Trinidad and Tobago on the comprehensive and exhaustive information provided in the report and by its representative in his detailed introduction of that document.

130. Some members made reference, in general, to measures for the implementation of the Convention in Trinidad and Tobago and asked whether the Convention was automatically applicable or whether the authorities applied national laws adopted to give effect to its provisions, what was the status of the preamble to the Constitution enunciating principles concerning economic and social rights and whether a Labour Code existed in the country.

131. In connexion with article 2 of the Convention, reference was made to paragraph 3 (A) of the report dealing with constitutional provision to rescind laws which have the effect of creating or perpetuating racial discrimination, and further information was requested as to how a law could in certain circumstances continue to be valid while offending against provisions of the Constitution. Reference was made also to paragraph 3 (B) of the report dealing with measures which prohibit racial discrimination through advertising in the media, and it was asked what legal sanctions would be applied if any of the media violated the standards for advertising and whether any such violations had been referred to the Ombudsman or other judicial authorities. Moreover, additional information was requested on measures to encourage multiracial organizations and movements and on programmes aimed at enabling the Carib Indian population to participate in the country's development.

132. With reference to the implementation of article 3, the Committee noted with satisfaction that the Government of Trinidad and Tobago did not limit itself to condemning apartheid but also adopted economic measures against the racist régime of South Africa.

133. With reference to article 4 of the Convention, the report mentioned the relevant provisions of Trinidad and Tobago's Sedition Ordinance as amended. Members of the Committee expressed the view that there were elements in the provisions of article 4 of the Convention, especially in its paragraphs (a) and (b), which were not covered by the Sedition Ordinance. It was observed, in particular, that there seemed to be some confusion between race and ethnic origin in the wording of that Ordinance and that no reference was made in it to punishment of acts of violence or for financing of racist activities. Information was requested on how the Ordinance was applied. Members of the Committee, nevertheless, noted with satisfaction that the Government of Trinidad and Tobago was reconsidering the need for specific legislation in order to cover all aspects of article 4 (a) and (b). As regards measures for the implementation of paragraph (c) of article 4, the opinion was expressed that it would be useful if the texts of the relevant provisions could be supplied in the next periodic report.

134. With regard to article 6 of the Convention, the Committee took note with interest of the information on the activities of the newly instituted Ombudsman, referred to by the representative of the reporting State. In this connexion, the Committee wished to receive further details concerning the responsibilities of that official and to know whether the visits paid by the Ombudsman to various parts of the country had been made in response to complaints received and, if so, what kind of complaints had been received, since no cases of racial discrimination had yet been brought before the courts. Furthermore, they wished to know what investigations were being undertaken and what was the procedure for

hearing complaints; and whether the Ombudsman could take any action other than reporting to Parliament after investigating complaints. Information was requested on the relevant legislative provisions which guaranteed the rights of victims of racial discrimination to seek just and adequate reparations for damages suffered as a result of such discrimination.

135. In connexion with article 7 of the Convention, members of the Committee requested more detailed information on the educational measures taken by the Government of Trinidad and Tobago and on its activities to give effect to the provisions of that article.

136. The representative of the reporting State replied briefly to some of the questions raised by members of the Committee and assured them that detailed information on their questions would be provided in his Government's next report.

Mali

137. The third periodic report of Mali (CERD/C/47/Add.1) was considered by the Committee together with additional information given by the representative of the reporting State in his introductory statement.

138. The Committee thanked the representative of Mali for his interesting introduction and welcomed his expressed desire to deepen the dialogue between his Government and the Committee.

139. Members of the Committee noted that reference was made in the report to the provisions of the Constitution and to some legislative and judicial measures relevant to the implementation of the provisions of the convention, and expressed the hope that the text of the Constitution and other texts relating, especially, to the implementation of articles 2, 4, 5, 6 and 7, would be submitted to the Committee.

140. In connexion with article 3 of the Convention, it was observed that, while the report showed that Mali vigorously condemned apartheid, it was not clear under which law charges could be brought against a citizen of Mali who, for example, established commercial relations with South Africa.

141. With regard to article 4 of the Convention, some members noted that article 6 of the Constitution provided, inter alia, that "any regionalist propaganda that may be prejudicial to the security of the State ... shall be punished under the law". It was asked what was the exact meaning of that provision and what was the nature of regionalism in Mali. It was hoped, in this connexion, that the Committee would receive precise information on the demographic composition of the population, in accordance with its General Recommendation IV. Referring to article 55 of the Malian Penal Code, members of the Committee wished to receive further information on the penalties prescribed in that article against racial and ethnic discrimination, particularly, with regard to the prohibition of organizations engaging in racial propaganda. In this connexion, it was asked what was the meaning of the penalties "local banishment" listed in that article, and whether an individual belonging to an organization engaged in activities referred to in article 4 (b) of the Convention would be liable to the penalties

provided for in article 55 of the Penal Code, even if he himself had not taken part in such activities. Some members expressed the opinion that article 55 of the Penal Code did not entirely cover all the provisions of article 4 of the Convention; in particular wrongful acts committed by civil servants were not mentioned in that article.

142. In connexion with article 5 of the Convention, members of the Committee noted that electoral rights were accorded in Mali to nationals of other African States, and wished to know how Mali solved problems arising in that respect, in particular whether the right to vote was exercised, for example, by a Tunisian citizen of French origin resident in Mali and what was the meaning of the expression "nationals of African States ... having the status of Malians" referred to in the report. With regard to the status of workers, it was asked whether the labour code, which had been prepared by France in 1952 and from the scope of which customary services had been excluded, was still in force in Mali, and what were the rights accorded to workers, particularly in the trade union sector. Further clarification was also requested in respect of the health sector, particularly with regard to social security benefits.

143. With reference to article 6 of the Convention, information was requested, in particular, on an individual's opportunities for recourse to the civil or criminal courts in the event of harassment by a department or official, and whether, and under what conditions, aliens could apply to the courts in Mali.

144. Members also requested more detailed information concerning the implementation of article 7 of the Convention.

145. In reply to questions raised by members of the Committee, the representative of Mali explained that, while there was no legislation in Mali concerning apartheid, there were administrative regulations prohibiting trade of South African products. He also provided information and explanations on the phenomenon of regionalism as it existed before independence, and on the notion of regions as it was intended after independence. He stressed, in this connexion, that Mali's development was based on a five-year plan, the formulation of which reflected a progressive approach towards a form of regional autonomy, but that in no case did regionalism mean racism in his country. As for ethnic groups living in Mali, there had been cases of friction in the past, but the various groups were beginning more and more to consider themselves as Malians. The representative then provided additional information concerning the status of aliens, trade union rights, labour legislation and educational programmes in his country and assured the Committee members that he would bring to his Government's attention their questions and comments which would be taken into account in the preparation of the next periodic report.

Ethiopia

146. The second periodic report of Ethiopia (CERD/C/46/Add.3) was considered by the Committee together with the information provided by the representative of the reporting State in his introductory statement.

147. Members of the Committee noted with satisfaction the information provided by the report and by the representative of Ethiopia with respect, in particular, to measures which give effect to the provisions of article 5 of the Convention. Referring to the information provided in Ethiopia's initial report, some members asked whether the Ethiopian Government had begun the drafting of the new Constitution which had been announced in 1974. Another member wished to have clarification on the statement included in the report that "all existing laws that do not contravene successive proclamations of the Provisional Military Government remain in effect". Some members renewed a request for information on the demographic composition of the Ethiopian population, already made when Ethiopia's initial report was considered by the Committee.

148. In connexion with article 2 of the Convention, it was asked what progress had been made towards the establishment of regional autonomy in Ethiopia.

149. As regards the implementation of article 3 of the Convention, the fact was especially pointed out that Ethiopia condemned apartheid and rejected any relations with the racist régime of South Africa.

150. With reference to article 4 of the Convention, members of the Committee were of the view that the provisions of that article were only partially implemented by Ethiopian legislation, and noted that the report made no mention of measures taken to implement, in particular, paragraphs (b) and (c) of article 4. They wished to reiterate, therefore, the obligation of States parties to enact legislation to combat, specifically, racial discrimination in accordance with the provisions of the Convention regardless of the existence of racial problems in their territory.

151. Referring to information provided on the implementation of article 5 of the Convention, some members felt that the two provisions of article 12 of the Ethiopian Civil Code concerning the right to freedom of residence in the country were contradictory and wished to have some clarification and further information on how they were applied. It was also asked what procedures were used when peasants and urban dwellers' associations were set up and what role the State played in the matter.

152. With regard to the implementation of article 6 of the Convention, members of the Committee considered that articles 100 and 101 of the Ethiopian Penal Code, cited in the report, did not provide sufficient protection for the victims of racial discrimination, and hoped that, in its next report, the Ethiopian Government would give further attention to that matter. Information was requested, in particular, on the remedies available to victims of racial discrimination to secure just and adequate reparations for damages suffered from acts of racial discrimination.

153. Further details were requested in the next report of Ethiopia with regard to the implementation of article 7 of the Convention, as the question was of particular importance due to the many different nationalities making up the Ethiopian population.

154. In reply to questions raised by members of the Committee, the representative of Ethiopia stated that both the initial and the second reports set out the reasons for suspending the Constitution and gave some information on the procedure to be followed in order to approve a new Constitution. With regard to the request for demographic information, he explained that Ethiopia's present level of development made it difficult to obtain data. As regards regional autonomy in the country, he stated that the matter was closely related to the form which the

proposed new Constitution would take. He also provided some information on the participation in, and the functions of, the popular organizations in Ethiopia, on legislation concerning offences relating to racial discrimination and on educational programmes in conformity with article 7 of the Convention. The representative assured the Committee that full replies to various questions would be given in his Government's next report.

Burundi

155. The initial report of Burundi (CERD/C/15/Add.3) was introduced by the representative of the reporting State, who informed the Committee that several important events had taken place in his country since the submission of the report, namely the first National Congress of the Party of Union for National Progress (UPRONA) and the introduction of a variety of measures to ensure social justice, including in particular the adoption of a new Code for Individuals and the Family which would enter into force on 1 April 1980. The First National Congress of the UPRONA Party had drawn up a National Charter for Economic and Social Development which had replaced the declaration mentioned in the report. The Congress had decided to prepare a constitution based on the principle of a single party system, under which the leader of the party would serve also as the head of State; the legislative, the executive and the control bodies would have separate roles; every citizen of Burundi would be able to take part in the running of the nation's affairs; and the right to own property, to receive education and to work, as well as freedom of worship and personal freedoms within the limits of the law and subject to respect for the rights of others would be guaranteed under the proposed constitution. At the international level, Burundi had ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and provided diplomatic and material support for peoples struggling against colonialism and foreign or racist domination. In conclusion, the representative stated that the initial report should be regarded as a preface to the more detailed report which his Government intended to submit as soon as possible.

156. Members of the Committee thanked the representative of Burundi for his statement which supplemented the written report and noted with satisfaction that the initial report was an interesting and useful document which contained sufficient information to show that Burundi was endeavouring to initiate a fruitful dialogue with the Committee and to adopt measures which would ensure respect for the Convention. They noted that, although this country did not as yet have a constitution, its Civil and Penal Codes appeared to give adequate guarantees that acts of racial discrimination would be prevented.

157. The Committee was pleased to note that Burundi had severed all relations with the racist régime of South Africa and congratulated its Government on making regular financial contributions to the activities of national liberation movements.

158. With regard to article 4 of the Convention, some members of the Committee stated that the text of article 75 bis of the Penal Code did not correspond exactly to the requirements of the Convention which was more comprehensive. More information was also needed concerning the implementation of article 4 (b).

159. The Committee was of the view that information regarding the rights listed in article 5 of the Convention was fragmentary and should be supplemented in the second periodic report, in particular as regards the agrarian reform and its results, the demographic and religious composition of the country and the position and the legal status of refugees and foreigners with respect to the enjoyment of those rights. The Committee would be in a better position to discuss the implementation of this article of the Convention once it had seen the texts of the Charter for Economic and Social Development and the Constitution. Several members asked for more information regarding the type of single-party system Burundi intended to introduce. They asked whether in this system a balance of power would be established; whether the independence of the judiciary would be assured; and whether it would be tolerated if persons critical of the party in power formed an association in order to oppose it.

160. The information concerning implementation of article 6 was also considered incomplete. Members wished to know what penal, administrative and civil procedures were open to individuals who claimed to be the victims of acts of racial discrimination, including acts of discrimination by public officials. Mention was made of the right to appeal against miscarriages of justice, since it was not clear from the report whether victims of discrimination had the right of recourse and the right to reparation.

161. As far as article 7 of the Convention was concerned, it was felt that the report provided ample information concerning the implementation of this article. Members of the Committee, however, wished to know how many students were actually receiving higher education, and what were the details of the campaign launched by the Government to make the public aware of the problems of racial discrimination.

162. In reply to questions raised by members of the Committee, the representative of Burundi stated that in the event of a violation of provisions of the Convention, Burundi citizens had had two remedies prescribed by law: at the first level, they could lodge a complaint against the officials who had abused their powers and, at the second level, they could appeal under the system of dual jurisdiction against an initial judgement. With respect to the minority question, the representative said that Burundi society was multiracial, but it was impossible to obtain statistics on its ethnic components because there was nothing to distinguish the different ethnic groups of which it consisted: those groups did not live in separate areas and they had the same language, religion, culture, customs and physical appearance. He also pointed out that Burundi was a country of asylum and it received many refugees from neighbouring countries who were integrated into Burundi society and enjoyed the same rights as Burundi citizens. Burundi had ratified the 1951 Geneva Convention and the 1967 Protocol relating to the Status of Refugees, as well as the Organization of African Unity Convention on Refugees.

163. Replying to other questions, he stressed that, although Burundi had a single party system, it was a democratic one which allowed criticism and self-criticism. With regard to agrarian reform, the system of métayage had been abolished upon the advent of the Second Republic and the present Government was redistributing to poor peasants the land which had been appropriated by officials of the previous régimes.

164. He assured the Committee that his Government would take into account, in preparing its next report, the very pertinent observations made by members of the Committee and that it would provide the requested additional information.

Brazil

165. The sixth periodic report of Brazil (CERD/C/66/Add.1) was considered by the Committee together with the information given by the representative of the reporting State, in his introductory statement, who touched upon the additional information requested by the Committee at the time of its consideration of the fifth periodic report, especially the legislation and institutions regarding protection of the indigenous population.

166. The members of the Committee noted that the Government of Brazil had made a considerable effort in producing its sixth periodic report, had answered numerous questions which the Committee members had asked during the consideration of the previous report and had also submitted the relevant legislative texts.

167. Much of the discussion revolved around the Government's policy for the indigenous population and the legislative and practical measures designed to ensure the defence and protection of the Indians. Members of the Committee recognized that the chief difficulty in giving effect to the requirements of the Convention in Brazil arose from the country's ethnic composition and its indigenous communities. Although it was recognized that the Government of Brazil had taken some appropriate measures towards a solution of problems for the indigenous population with political, economic, social, cultural and educational objectives, the members of the Committee, nevertheless, pointed out that the information submitted in this connexion was insufficient. It was stated in paragraph 4 of part III of the report that the National Indian Foundation (FUNAI), which had the tutelage over the Indians, guaranteed "ownership" of lands, but the members wished to know whether the lands did not in fact belong to the State, the presence of the Indians on them being simply tolerated. It was also asked by what procedure a person was identified as an Indian; who carried out the identification and what its consequences were. It was necessary to know of what rights the Indians were deprived and how they could be released from tutelage so as to enjoy the full rights of citizenship. Some members asked for the exact meaning of the tutelage to which the Indians and native communities, still not integrated into national society, were subject, and what measures had been taken to settle the Amazon area and to integrate the Indians into Brazilian society. It was also considered important to know what rights could be suspended by virtue of the legal tutelage under which the Indians were placed, whether it was the official policy towards the indigenous population to forcibly concentrate them in certain areas or whether such concentration was simply a possibility offered to them together with the option of leaving those areas; how the integration of the indigenous communities could be achieved if, as the report indicated, "the line of action adopted by FUNAI with relation to isolated indigenous communities was not to contact them unnecessarily". Inquiries were made as to whether FUNAI's policy consisted in keeping those communities in isolation under the pretext of avoiding "undue contacts with whites since such contacts were, in general, harmful to Indians"; and what was meant by the "pacification of the Indians". It was requested that the next Brazilian report should provide more detailed information about the Indian reservations, on FUNAI's objectives and methods and progress that might have been made within the meaning of article 2, paragraph 2, of the Convention since the adoption of the Indian Statute, 1973, and also on the demographic composition of the country, including the indigenous groups.

168. With reference to article 3 of the Convention, members of the Committee hoped that the next report would mention the specific measures Brazil was taking to combat apartheid and would provide a complete account of Brazil's relations with the racist régime of South Africa.

169. It was observed that Laws Nos. 5250, 6015 and 6620, extracts from which were quoted in the report, were important but did not fully meet the demands of article 4 of the Convention. Article 4 (a) of the Convention did not provide that there had to be "subversion of the political and social order" for there to be punishment on grounds of racist propaganda; the dissemination of racist ideas sufficed, according to the Convention, to attract penalties of that kind. A member of the Committee asked what happened if a society, whose declared objectives were legitimate, subsequently engaged in activities of another kind, particularly activities which incited to racial discrimination; it was necessary to know whether such an association could then be prohibited, at the instance of an authority or of individuals. Article 4 (b) of the Convention made "participation" in organizations which incited to racial discrimination a punishable offence, but Law No. 6015 did not provide for punishment of such participation. It was desirable to know how an association which, after it had been registered, gave evidence of intention to commit unlawful acts, could then be dissolved; and whether assistance to and the financing of such activities were punishable. Information on the recent activities of the Council for the Defence of Human Rights as well as a selection of cases decided by the courts were also requested.

170. As regards article 5 of the Convention, it was noted that the report contained more complete information on the implementation of its provisions. However, some members of the Committee pointed out that the relevant provisions of the Federal Constitution, which the report claimed to give "complete coverage" to civil, economic, social and cultural rights referred to in paragraphs (d) and (e) of article 5 of the Convention, did not cover the rights listed in subparagraphs (i), (iii), (iv), (vi) and (ix) of paragraph (d) or in subparagraphs (iii), (iv), (v) and (vi) of paragraph (e); and the right to freedom of movement, in particular, was not mentioned in the Constitution. Regarding paragraph (f) of article 5, it was asked whether there existed other legislative provisions guaranteeing access to private establishments open to the public, such as hotels, restaurants, cafés, etc. With reference to paragraph (c) of this article, information concerning the right to vote was also required: whether, for example, the ability to read and write were necessary. A member wished to know what was to be understood by the phrase "lack of conflict of interests", as used in article 3 of the electoral law of Brazil in connexion with conditions of eligibility of candidates for elective office.

171. In connexion with the implementation of article 6 of the Convention, reference was made to article 159 of the Brazilian Civil Code imposing obligatory reparation for the practice of illicit acts, and it was asked whether legal aid existed in Brazil and how exactly it was granted; and, whether the reparation available to victims of acts of racial discrimination was material or moral in nature. A member of the Committee stated that in many cases new laws were needed to assure effective protection and remedies against acts of racial discrimination.

172. Most members of the Committee expressed general satisfaction with measures taken by the Brazilian Government to implement article 7 of the Convention. More detailed information was requested on measures taken in the area of education, particularly the content of school curricula and measures to eliminate prejudice of racial origin.

173. In replying to members' questions and comments, the representative of Brazil stated that the aim of the policy of limitation of contacts with the Indian population was not to prevent contacts but to limit them to what was absolutely necessary, because they could be harmful to the populations concerned. As to regrouping of Indians in special zones or national parks, the purpose was not to keep them out of the mainstream of national life but to enable them to lead a life in accordance with their traditions and to preserve their identity. The Indians had the right to move freely. Concerning the term "pacification", he explained that this referred to the activities through which FUNAI tried to enter into contact with the Indians by peaceful means. Even if a group of Indians resorted to acts of violence, it did not follow that there would be reprisals against them. The Brazilian Government would reply in its next report to questions raised regarding the tutelage system.

174. He also explained that the concept of complicity did exist in Brazilian law. As to the possibility of recourse against acts of the Government which might not be in conformity with the law, he said that any act by an authority could be challenged and, if the circumstances warranted, be nullified by a court decision. However, all possibilities for settling a dispute through administrative channels had to be exhausted before the matter was brought before the courts. As to the phrase "lack of conflict of interests" in article 3 of the electoral law, the representative explained that it referred to cases in which an individual could not be a candidate for elective office because of personal interests involved. The law provided all the necessary clarification in that regard.

175. In reply to the question concerning remedies available to persons who considered that there had been an encroachment on their rights, he stated that there was indeed a recourse procedure since a complaint could be lodged with the Courts through the administration. Law No. 6015 concerned any type of society organized in accordance with Brazilian law. He assured the Committee that the Brazilian Government would make every effort to give full and complete answers to the points raised by the Committee in its next periodic report.

Mongolia

176. The fifth periodic report of Mongolia (CERD/C/20/Add.37) was considered by the Committee together with the introductory statement made by the representative of the reporting State.

177. Members of the Committee noted with satisfaction that the report had been carefully prepared in accordance with the guidelines laid down by the Committee and provided a very complete picture of the implementation of the Convention by Mongolia as well as representing a serious effort to reply to questions raised in connexion with Mongolia's fourth periodic report.

178. Some members drew attention to a reference made in the report regarding the implementation of article 2, paragraph 1 (d) of the Convention. While noting that incitement to racial hostility was an offence under the Code of Criminal Procedure, they nevertheless requested an explanation of the meaning of the word "nationalism" in article 83 of the Constitution of Mongolia where it seemed to be equated with chauvinism. Prohibition of the advocacy of chauvinism or nationalism appeared to them to be in contradiction to the UNESCO Declaration on Race and Racial Prejudice which referred to the right to retain one's separate identity.

179. In accordance with article 3 of the Convention, some members expressed satisfaction with the attitude of the Government of Mongolia towards the racist régime of South Africa and welcomed the fact that Mongolia was fulfilling all its obligations under international agreements relating to the struggle against racism and apartheid.

180. With respect to the implementation of article 4 of the Convention, members of the Committee stressed that article 83 of the Constitution of Mongolia allowed no organized propaganda promoting or inciting racial hostility, and that article 53 of the Mongolian Code of Criminal Procedure provided for the punishment of various infringements of the provisions of that article. It was pointed out, however, that there were other activities which did not appear to be covered, such as incitement to racial discrimination, as well as all acts of violence or incitement to such acts and the provision of any assistance to racist activities, including the financing thereof. Some members wondered if there was any legislation to that effect in Mongolia and asked for the text of articles 69 to 96 of the Code of Criminal Procedure which referred to crimes against the life, health, freedom and dignity of the individual as well as for additional information on measures taken to implement article 4 (b) of the Convention.

181. As regards article 5 of the Convention, it was noted that the report contained more complete information on the implementation of its provisions. Members of the Committee, asked, however, for clarification on the right to enter or leave Mongolia, the right to freedom of movement, the right to choose a place of residence, the right to marry and, in particular, the status of stateless persons. Information was requested on the conditions, if any, which the authorities placed on the exercise of these rights and on the grounds which were cited as justifying denial of these rights to an individual. Some members wondered what was the position of citizens of countries that had not signed legal aid agreements with Mongolia, who found themselves involved in civil, family or criminal cases.

182. A member of the Committee, noting that the report dealt with the right to work, enquired whether there was freedom of choice of work in Mongolia or whether assignment to occupations was largely decided by organs of the State. He was also interested to know whether the workers had the possibility of belonging to more than one trade union.

183. Referring to the passage concerning article 76 of Mongolia's Constitution, some members asked how the freedom of anti-religious propaganda in that country could be reconciled with the freedom of conscience guaranteed in the Universal Declaration of Human Rights, in which it was stated that no State, group or person had any right to engage in any activity, or to perform any act aimed at the destruction of any of the rights and freedoms set forth therein; and whether it was possible to proselytize freely. Other members referred to the fact that certain freedoms were guaranteed exclusively in order to strengthen the socialist State system and asked whose responsibility it was to decide whether that condition had been fulfilled. It was also asked what limitations to certain rights could be based on the need to maintain public security and morality.

184. As regards the minority problem, some members requested the representative of Mongolia to give more information about the Kazakhs, their educational system and whether they were concentrated in certain regions of the country. The Committee was interested to learn to what extent the Kazakhs participated in the administration of the country and in the local and central representative bodies.

185. In connexion with the implementation of article 6 of the Convention, some members noted the very comprehensive description in the report of the powers of the Procurator which seemed to provide the effective protection called for in the first part of that article; however, they stated that they had seen no reference to any legislative provisions which would ensure the right of a victim of discrimination to seek adequate reparation for damage. It was asked, whether an injured party, who had been the victim of an irregularity committed by the public administration, could initiate legal proceedings himself or refer the matter to civil courts. A member of the Committee wished to know how the independence of judges provided for in article 71 of the Constitution was guaranteed and how judges were appointed.

186. The Committee was satisfied that the report made it clear that measures were being taken to implement article 7 of the Convention. It was stated, however, that the information on the subject should be amplified in the next report and more specific information should be provided.

187. The representative of Mongolia, replying to questions of the Committee members, said that in Mongolia chauvinism was considered an extreme form of nationalism and both were regarded as reactionary phenomena aimed at the domination of one country by another.

188. With reference to the question of minorities the representative stated that Mongolia was divided into 28 regions and that the Kazakhs lived in one of those regions; that they occupied posts in many State bodies; that their children received schooling in their own language; and that they had their own radio

programmes and newspapers. Concerning the right to enter or leave the country, the representative stated that this right was not subject to any restriction. Within the country itself, the right to freedom of movement and the right to choose a place of residence were not subject to any restrictions whatsoever. The legal status of aliens residing permanently or temporarily in Mongolia was based on the same rights and obligations as citizens, although they could not vote in elections to organs of State power or serve as judges and were not liable for military service. On the question of the freedom of expression and assembly, freedom of the press and religious freedom, the representative reaffirmed that all those freedoms were guaranteed by the Constitution and that no discrimination existed. With regard to religious propaganda, nothing in Mongolian law prohibited either religious or anti-religious propaganda. With regard to remedies available to victims of discrimination, he pointed out that any citizen considering his rights to have been violated was entitled to lodge a complaint with the judicial, arbitral or public bodies. The officials presented with such complaints were obliged to respond within a week. If an investigation proved necessary, that investigation must be completed within one month. If the officials in question failed to fulfil their obligations the complaint could then be brought to the court or the Procurator.

189. The representative finally stated that the comments made by the members would be taken into account in the preparation of his Government's next periodic report.

Finland

190. The fifth periodic report of Finland (CERD/C/50/Add.3) was considered by the Committee together with the information given by the representative of the reporting State in his introductory statement and the texts of the two court decisions given in cases of racial discrimination in 1975 in response to the request of the Committee.

191. Members of the Committee expressed satisfaction at the report which was considered to be very comprehensive reflecting the intentions of the Government of Finland to implement all aspects of the Convention and taking into account its willingness to maintain a constructive dialogue with the Committee.

192. The Committee focused attention in particular on the question of the Lapp and the Gipsy ethnic minorities. It noted that considerable progress had been made in the social status of these groups and considered that the Government of Finland had acted in an exemplary fashion in consulting those directly concerned. Members of the Committee, however, asked for further statistical information on the subject, the school programmes and objectives of the University of Lapland in the light of the needs of the Lapp community and also on the influence of the environment on the university programmes. A member inquired whether the Lapps had customary law and, if so, whether the faculty of law offered courses in Lapp law, as happened in some American universities which offered courses in Indian law. With regard to the efforts made to raise the social status of the Lapps and the Gipsies, other members asked whether the Lapps, having been given access to higher education, could aspire to appointments outside Lapland and be gradually integrated into national life.

193. Some members pointed out that the Sailors' Act of 1978 was to be welcomed since it reflected a measure to implement article 2 of the Convention. A member, however, expressed the opinion that, if it had been found necessary to enact a law against racial discrimination in that specific occupation, it might be inferred that similar discrimination might exist also in other occupations. With regard to the question of refugees, the members asked for clarification of the social and political rights of refugees, their living conditions, as well as statistical and other available information showing the number of students from South Africa in Finland and how many students from southern Africa had been awarded scholarships by the Finnish Government.

194. With regard to the implementation of article 3 of the Convention, the Committee welcomed measures which were adopted by Finland in accordance with resolution 418 (1977) of the Security Council concerning the mandatory arms embargo against South Africa, and the fact that Finland was contributing to the United Nations funds set up to support the struggle against apartheid. Some members of the Committee asked for further information concerning relations with South Africa and, in particular, whether Finland was still represented by a chargé d'affaires in Pretoria.

195. With respect to article 5 of the Convention, it was emphasized that the report of Finland did not contain sufficient information on the implementation

of the provisions of this article which was of capital importance, particularly as regards the enactment of legislation to implement paragraphs (d) (ii) to (d) (vi) and paragraph (e) of that article. Further information in this connexion was requested in the next periodic report.

196. With reference to cases of racial discrimination referred to in annex 4 of the report, the Committee was pleased to note that the relevant penal provisions had been applied and that the persons guilty of discriminatory acts had been punished. A member noted, however, that in the two cases mentioned in the present report as well as in the cases mentioned in the fourth report of Finland, the offenders had been ordered to pay fines. He wondered whether there was a tendency to avoid the sentence of imprisonment provided for in the Penal Code, and inquired, furthermore, what would happen if a person ordered to pay a fine was unable to pay and whether the victims of the acts of racial discrimination had received compensation.

197. The Committee noted with satisfaction that the Government of Finland was taking appropriate measures to implement the provisions of article 7 of the Convention, particularly in the planning of the curricula of comprehensive schools. The Handbook for International Education, appended to the report, was one that could serve as an example to other States. A member pointed out that the emphasis in Finland seemed to be on promoting understanding, tolerance and friendship among nations rather than on combating prejudices which might lead to racial discrimination; in his opinion, prejudice should be fought in the schools, and it would be desirable to modify action against racial discrimination at the educational level accordingly.

198. The representative of Finland, commenting on questions concerning ethnic minorities, said that the Lapps were more anxious to preserve their traditions than were the Gipsies, since they lived in a homogenous region which provided ecological support for their culture, whereas the Gipsies were more integrated in society and were scattered over different regions of the country. The University of Lapland was designed to meet the needs of the whole territory of Lapland, not only the needs of the Lapp population.

199. Answering a question concerning relations with South Africa, the representative said that trade with South Africa represented only a very small percentage of Finland's total trade and the Government could not forbid private companies from trading with South Africa, for the companies were free to choose their trading partners. He also pointed out that at a meeting held in Helsinki, the Ministers for Foreign Affairs of the Nordic countries had reaffirmed their condemnation of the régime of apartheid and had undertaken to pursue their programme of action against South Africa. Finland was firmly opposed to the régime of apartheid in South Africa and the fact that it maintained a chargé d'affaires at Pretoria in no way signified approval of the régime.

200. With regard to the question concerning penalties for acts of racial discrimination, he stated that they depended on the gravity of the offence. As yet, there had been no claim for compensation in such cases.

201. Regarding the new Sailors' Act of 1978, he said that the recruitment of crews for service on Finnish ships was very international and therefore raised problems of possible discriminatory treatment which had to be prevented.

202. The representative declared that in its next report his Government would reply to all the questions that had been asked and would also provide the information requested by members of the Committee on the implementation of the rights set forth in article 5 of the Convention.

Venezuela

203. The sixth periodic report of Venezuela (CERD/C/66/Add.2) was considered by the Committee in the presence of the representative of the reporting State.

204. Members of the Committee noted with interest the historical information given in the report which traced the ethnic and sociological origins of the Venezuelan people, analysed the evolution of the principle of equality in the country since 1811 and explained the difficulties that Venezuela, like other Latin American countries, had to face with regard to social differences, mostly based on economic disparities. The Committee, however, regretted that the report did not describe in sufficient detail measures taken for the implementation of the provisions contained in articles 2 to 7 of the Convention, and hoped that further information about the implementation of those provisions would be included in Venezuela's next periodic report.

205. With reference to legislative provisions relating to the indigenous peoples, members of the Committee observed that it was not clear from the report whether or not such peoples enjoyed the same civil rights as the rest of the population of Venezuela. They noted, in particular, that under Decree No. 250 of 27 July 1951, a permit issued by the Ministry of Justice was required for journeys to the indigenous regions and they felt that such requirement appeared to be a measure of segregation of the indigenous peoples. Besides, the report did not specify the measures taken, if any, in accordance with article 2 of the Convention, to integrate indigenous groups into modern society, protect their interests and encourage their economic and cultural development. In this connexion, one member wished to know what was the ethnic composition of the indigenous population groups and if and how such groups were organized. Another member expressed the opinion that it would be useful for the Committee to receive information on the role of private bodies concerned with the problems of indigenous groups, their major activities and the regulation governing such activities.

206. In connexion with article 3 of the Convention, the Committee wished to receive information on Venezuela's attitude towards South Africa and specific measures taken against apartheid.

207. The Committee noted with regret that the report did not give any precise information on legislative measures for preventing or punishing racial discrimination in conformity with the requirements of article 4 of the Convention, in spite of the repeated requests on the subject made by the Committee in connexion with its consideration of Venezuela's previous periodic reports, and again invited Venezuela to fulfil its obligations under that article, recalling that legislation to combat specifically racial discrimination should be enacted by all States parties regardless of the existence or non-existence of racial problems in their territory. Referring to article 70 of the Venezuelan Constitution dealing with the right of association, one member asked, in particular, whether an association with racist objectives would be liable to penalties prescribed by law and whether racial demonstrations could be prohibited. With reference to article 5 of the Convention, some members of the Committee noted with satisfaction the provisions of the

Venezuelan Constitution of 1961 and the information provided in the report concerning the implementation of some of the provisions of that article. However, they wished to receive specific information about electoral legislation and the position of the blacks and mulattos as compared with that of persons of Spanish origin and Creoles, in official appointments and in participation in the decision-making process. In addition, one member requested information on the operation of articles 1 and 35 of the Civil Service Careers Act and on the penalties applicable for non-observance of articles 7, 109 and 114 of the Labour Act. With reference to the right of education, he noted that there was no mention in the report of any programme to combat illiteracy.

208. Members of the Committee were of the view that the constitutional and penal provisions cited in the report did not guarantee the implementation of article 6 of the Convention and information was requested on what compensation was awarded to victims of racial discrimination.

209. Replying to questions by members of the Committee, the representative of Venezuela stated that Decree No. 250 of 27 July 1951 imposed no restriction on the indigenous groups and that its sole object was to regulate visits to their communities in order to respect their wish to preserve their traditions and to protect them against harmful contacts. He also explained that the bodies working among the indigenous groups were religious or educational non-profit-making bodies. Referring to questions raised in connexion with article 5 of the Convention, the representative stated that inasmuch as the majority of the population was of mixed race, it was difficult to say exactly how many blacks or mulattos held official appointments. He finally assured the Committee that his Government would endeavour to provide it with the details asked for.

Romania

210. The fifth periodic report of Romania (CERD/C/50/Add.4) was introduced by the representative of the reporting State who limited his remarks to the question of the legislation, relevant to the Convention, enacted during the period under review and to the rights of the national minorities.

211. Members of the Committee noted with satisfaction that the report of Romania was serious and methodical and that the information provided therein was of an exceptionally high standard. They commended the measures taken to promote the social and cultural development of the national minorities in Romania and their equitable representation in political and cultural bodies. Some members of the Committee wished to know the extent to which national minorities could develop ties with their mother countries, particularly in the fields of education, culture and publishing. Information was requested on the economic and cultural activity of Gipsies, whether it had proved possible to settle Gipsies and to provide them with agricultural employment and to encourage their participation in local bodies. In view of Greece's earlier connexions with Romania, a member was interested to learn whether there was still a Greek minority in that country.

212. With regard to article 4 of the Convention, some members pointed out that the

information provided in the report concerning the scope of the Criminal Code showed that Romania was fulfilling its obligations under this article. Other members believed that the Romanian Criminal Code did not sufficiently reflect the provisions of article 4 of the Convention and asked to be provided, in the next periodic report, with the texts of articles 247 and 317 of the Code as well as other relevant provisions. Reference was also made to the Press Act of 24 March 1974, and it was stated that, while the Act prohibited various offensive activities, it did not make it clear on whose authority the prohibition was made or prescribed no penalty. Moreover, the concept of incitement to racial discrimination and hatred by no means covered all the manifestations of racial discrimination referred to in article 4 of the Convention. It was doubted, therefore, whether the Press Act could be said to comply fully with the provisions of that article.

213. With respect to article 5 of the Convention, it was emphasized that the relevant provisions of the Constitution and other laws seemed to be consonant with the requirements of this article. However, members wished to be informed of the system of proportional representation at the Grand National Assembly and the People's Councils; whether the criteria used for that system were fixed by an electoral law or another instrument and how the system worked in practice. In connexion with articles 105 to 110 of Act No. 28 which provided for the organization of teaching units, members wished to know also whether the schools used only the national language concerned, whether they were bilingual or whether they used mainly the Romanian language but taught the national language concerned. Further information was sought on Romania's position with regard to the protection of intellectual property and, in particular, to copyright. With reference to article 2 of Act No. 52/1945 which recognized the right of persons working in the same occupation to form trade unions without the need for any prior authorization, some members wished to know whether that meant that trade unions could be formed outside the framework of the General Union of Romanian Trade Unions. Additional information was requested on the position of foreigners in Romania.

214. In connexion with article 6 of the Convention, members of the Committee were pleased to note that victims of racial discrimination could institute civil proceedings to obtain damages and wished to know if an aggrieved person could apply for redress in an individual capacity; if compensation could be obtained for moral as well as material damage; whether an injured person was entitled to legal aid to safeguard his rights under the Convention; and if the texts of the laws in question could be transmitted to the Committee in order to enable it to assess the scope of the relevant provisions.

215. As far as article 7 of the Convention was concerned, it was felt that the report provided ample information concerning the implementation of this article. Members of the Committee felt that it would be useful if the next report gave details of the steps taken to disseminate information on the cultures of other peoples, the principles set out in the Universal Declaration of Human Rights and measures being taken to combat racial discrimination. They especially welcomed the emphasis placed in the report on the cultural aspects of the prevention of racial discrimination. Although legislation was important, it was even more important to eliminate the root causes of discrimination and the way to do so was through emphasis on cultural and educational means.

216. Answering the question on the integration of the Gipsies into the social and economic life of the country and their living conditions, the representative of Romania pointed out that they had been given an opportunity to participate in economic life and had been provided with assistance in building houses. Gipsies had been accorded civil status so that they could enjoy educational, health and welfare advantages.

217. With regard to the way in which Romania implemented the provisions of articles 4 and 6 of the Convention, he stressed that the Criminal Code took into account the second paragraph of article 29 of the Constitution, which prohibited any fascist or anti-democratic association, propaganda and the organization of any activities involving national or racial discrimination. It also laid down punishment for the dissemination or promotion of ideas based on the notion of the superiority of one nation or race, as well as for incitement to hatred of any nationality or racial group.

218. Article 247 of the Criminal Code stipulated that any official guilty of restricting any citizen's exercise of his rights or of placing him in a situation of inferiority for reasons of nationality, race, sex or religion, was liable to a prison sentence ranging from six months to five years. Romanian legislation made provision for reparation for any damage suffered and a system of legal aid also existed. The injured party could also institute civil proceedings in order to obtain damages. He stated that the text of the relevant provisions of the Criminal Code would be submitted in conjunction with the next periodic report.

219. Concerning the application of some provisions of article 5 of the Convention, the representative pointed out, in particular, that trade unions existed in the economic sectors and in institutions and were all represented in the General Union of Romanian Trade Unions. They had different activities aimed at improving the working and living conditions of their members and participated actively in the economic and social life of the country. As far as the information on the percentages of different nationalities in the Grand National Assembly was concerned, he said that he was not able to give up-to-date figures as Romania had only recently held elections. However, all citizens had the right to vote and the number of representatives was calculated according to the number of co-inhabitants. As regards the legislation relating to intellectual property, he replied that Romania had such legislation and it was also party to international conventions on the subject. In accordance with article 1 of Act No. 25 of 1979, aliens in Romania enjoyed the same rights as Romanian citizens, except political rights. Accordingly, they enjoyed all the civil rights provided for in the legislation and in the international agreements to which Romania was a party.

220. With regard to the implementation of article 7, the representative stated that in Romania's educational system useful and progressive elements of other cultures were taught, and books, plays and other means were also used to impart such knowledge. Romania took part in cultural, scientific and technical exchanges and it had signed a number of international agreements in those fields. As far as the provision of education in the languages of the respective nationalities was concerned, he said that it depended upon the percentage of persons of that nationality living in a particular area. Article 22 of the Constitution guaranteed to the co-inhabiting nationalities the right to free use of their mother tongue, as well as the right to have books, newspapers, magazines, theatres and education at all levels in their own language.

Norway

221. The fifth periodic report of Norway (CERD/C/50/Add.5) was considered by the Committee together with the introductory statement of the representative of the reporting State, who provided the Committee with information on measures introduced during the period under review and highlighted the replies given by his Government to questions previously raised by the Committee relating to the implementation of some articles of the Convention.

222. Members of the Committee expressed satisfaction with the report, which supplied ample information on various measures taken for the implementation of the Convention and was considered noteworthy both in form and substance.

223. In connexion with article 2 of the Convention, the Committee drew special attention to questions concerning the Sami people and Gipsies. More details were requested on the specific results of the four years of activity of the Sami People's Education Council established in 1976. Some members wondered whether the educational measures adopted on behalf of that population group had been followed up by action to improve their economic status, in particular by the offer of employment; what was the membership of the board of directors of the Sami-language newspaper; what were the principal provisions of the new Act relating to reindeer husbandry, its effects, the membership of the committees set up under the Act, their competence and the representation therein of the Sami people. It was stated that Norway's efforts to develop a written form of the Romany language were highly commendable. A member of the Committee suggested that perhaps a pan-European initiative might be launched to develop a written form of Romany (a term preferable to "Gipsies"), which would be in keeping with the spirit of the Helsinki Declaration.

224. The Committee also drew attention to the question of immigrants and other foreign population groups. It was noted that immigrant organizations were represented on the Council for Immigration Questions, which dealt with family reunification and the education of young immigrants. In this connexion, the Committee asked further information about the terms of reference of the Council and what action the authorities were planning to take on behalf of immigrants, as a follow-up to the work of the Council after the expiry of its term of office. It was also asked what categories of immigrants were still being admitted to Norway and why the Government Council for Aliens had not been in operation in recent years. In addition, a member wanted to know whether the immigrant workers, and their children, in Norway, were given an opportunity to study their own culture and traditions.

225. The Committee noted with satisfaction that the position expressed by Norway in connexion with article 3 of the Convention was quite consistent and the unilateral measures taken were commendable. Nevertheless, the members were interested to know what changes had taken place in Norway's trade relations with South Africa; what further measures had been undertaken by the authorities against the racist régime of this country, including the question of visas, prevention of the Norwegian companies from selling oil to South Africa, and the realization of the joint programme of the Nordic countries.

226. With reference to article 4 of the Convention, attention was drawn by members of the Committee to the Supreme Court judgement No. 137 B/1978, cited in annex III to the report, which was of great interest in that it weighed up the claims of freedom of expression against what was involved in the implementation of article 4 (a) of the Convention. Some members noted that the two points of view set forth in this judgement, the majority view and the minority view, were significant. It was noteworthy that whichever of the two views they had espoused, all the Justices of the Supreme Court of Norway had referred not only to article 135 (a) of the Penal Code of Norway, but also to the Convention itself. Whether agreeing or disagreeing with the judgement of the Supreme Court, the Committee noted that the Norwegians when they referred to such judgements would know what basic texts they could rely on in cases of racial discrimination, cases which were in any event isolated and exceptional because there were no acute racial problems in that country. A member said that the judgement was evidence of disagreement between the lower court and the Supreme Court and, in addition, of a division of opinion among the Justices of the Supreme Court itself. The double disagreement was explained by the fact that a judge based his ruling not only on national law but also on his conscience and innermost conviction. He asked whether the judgement of the Supreme Court would be binding on the lower courts and hoped that the Norwegian Government would consider revising its position on the interpretation of the right to freedom of expression in the light of the provisions of the Convention. Another member added that the judgement contrasted sharply with the Supreme Court's earlier rulings, as described in previous periodic reports of the Norwegian Government. In this connexion, he would be very anxious to know to what courts, administrative or other, the victims of defamatory publications of that kind could apply in future. Nevertheless, most members of the Committee agreed that the Supreme Court of Norway had never stated that it applied the Convention directly; it had cited the Convention inasmuch as article 135 (a) of the Penal Code was based on it. The question was raised, but not fully discussed, as to whether the Committee was competent to express an opinion on a judgement of the Supreme Court of a State party.

227. The existence of a Press Council which dealt with complaints concerning the methods and the Code of Ethics for the Norwegian press was evidence of the Government's wish to forestall abuses of freedom of the press by setting limits to freedom of opinion and freedom of expression, which were precious benefits that should not, however, be abused. With regard to the composition of the Norwegian Press Council, a member asked whether the two members of the Council who represented the public were also appointed by the Executive Committee of the Norwegian Press Association.

228. With reference to article 5 of the Convention, it was noted that the rights set forth in this article were guaranteed, either by the Constitution, or by positive law, or by way of the principle of legality. The only exception concerned the private sector: there was no penal provision covering discriminatory acts committed in the recruitment of staff by private enterprises. Some members asked for additional information concerning the implementation of economic and social rights and also whether the refugees enjoyed the rights set forth in this article of the Convention.

229. In connexion with article 7 of the Convention, some members of the Committee considered that respect for human rights which was taught as part of the vocational training programme for the police was noteworthy. Further information was requested on the action taken in the fields of education, training, culture and information, particularly as regards the steps taken to encourage the public to show a friendly attitude towards foreigners.

230. The representatives of Norway replied to a number of questions raised by members of the Committee and provided detailed information concerning the provisions of the new Act relating to Reindeer Husbandry, the composition and functions of the committees established under the Act, the activities of the Sami Peoples Education Council, and the provisions of the Aliens Act of 27 July 1956 which governed the entry and sojourn of foreigners in Norway. The Council for Immigration Questions had recently considered various problems relating to family unification, marriage to a minor and the situation of persons having more than one spouse. In connexion with the immigration of young people seeking education, the Council had made proposals for the granting of financial and other assistance to foreign students.

231. With regard to apartheid and Norway's policy towards South Africa, the representatives stated that visa requirements had been introduced and that Norway followed a restrictive policy in that regard. It was the policy of the Government not to sell oil to South Africa; trade relations in general were not very extensive; a Norwegian Consulate General still existed in Cape Town, but the question of its maintenance was under review.

232. The representatives also made comments concerning the judgement of the Supreme Court mentioned in the report and stressed that it was a firmly established principle of Norwegian law that the judiciary was totally independent and it would not therefore be appropriate to adopt a position on the judgement. Nevertheless, the Norwegian authorities would continue to follow developments closely. They also clarified the provisions relating to the Press Council and the institutions of court proceedings. The Committee was assured that the Norwegian Government would make every effort to give full and complete answers to the points raised by the members in the next periodic report.

Cyprus

233. The sixth periodic report of Cyprus (CERD/C/66/Add.3) was considered by the Committee together with the introductory statement made by the representative of the reporting State, which supplemented the information given in the report.

234. The report consisted of five sections, the first four of which dealt, inter alia, with the implementation of articles 5, 6 and 7 of the Conventions; the fifth section dealt with the current situation in Cyprus which prevented the Government of that State party from exercising its responsibilities under the Convention on a part of its national territory not under its effective control.

235. Some members stressed that the report gave the demographic composition of the country as 82 per cent Greek Cypriots and 18 per cent Turkish Cypriots. They

wondered why there was no reference in the report to the other minorities which had been mentioned in the introductory statement by the representative of Cyprus, such as Armenians and other minority groups.

236. Referring to the question of just and favourable remuneration under article 5 of the Convention, members of the Committee noted that Cypriot legislation contained provisions regulating the wages of shop assistants and clerks, and wished to know why there were no similar provisions for other groups and whether there were any plans to enact such provisions. With reference, in particular, to article 5 (f) of the Convention, it was asked whether the Government had in fact decided to enact relevant legislation. The Convention, it was pointed out, imposed an obligation on States parties to introduce legislation and to penalize infringements; it was not sufficient that the Constitution should contain a general guarantee of the enjoyment of rights and liberties: legal provisions allowing for recourse in case of violation should be enacted.

237. With regard to the implementation of article 6 of the Convention, some members of the Committee, noting from section A of the report that impartial access to employment was guaranteed, pointed out that no information was given about the penalties to be applied if that principle was violated. Attention was drawn to section B, subparagraph (d) of the report, which indicated that no case of racial discrimination had even been brought before the Cypriot tribunals. It was stated, in that connexion, that in view of the long history of friction between the two main racial groups in Cyprus, that statement was somewhat surprising. If legislation had been introduced in implementation of article 6 of the Convention and the legal machinery did in fact work, cases of racial discrimination should normally have been brought before the competent tribunals. The members wondered whether the legislation enacted was inadequate or the administration of justice ineffective.

238. With reference to article 7 of the Convention, members of the Committee noted with appreciation the information provided in the report about the educational programme, and asked how much Greek Cypriot children learned about the culture of other nations and, in particular, about the people of Turkish origin who dwelt with them on their island.

239. In considering the information given in the report and supplemented by the introductory statement of the representative of the reporting State concerning the present situation in Cyprus, members of the Committee expressed concern that racial discrimination continued to be practised in Cyprus on a large scale and that a party to the Convention was unable to fulfil its obligations under the Convention throughout its territory. A member of the Committee stated that Cyprus had never enjoyed the right to self-determination. As a result of the Turkish invasion, certain basic rights provided for in the Convention had been systematically violated. With regard to the Committee's response to such violations, the member stated that it had been argued in the past that no decision could be taken because the Turkish version of events had not been heard by the Committee. However, that was due to the regrettable fact that Turkey had not ratified the Convention. In any case, the member stressed that it had been established by the International Court of Justice that cases could be heard even if one side was absent and it

should be noted that Turkey had been heard many times in United Nations bodies. Other members pointed out that although the Committee was not competent to deal with political problems, it appeared that certain measures were being taken in the occupied territories which constituted violations of the Convention. The Committee therefore should restate its concern to the General Assembly. One member stated that the General Assembly and the Committee itself had repeatedly urged States to ratify the Convention, and it was to be hoped that Turkey would respond to that appeal so that the population in the occupied territory would be protected by the provisions of the Convention.

240. Replying to questions concerning the demographic composition of Cyprus, the representative of Cyprus stated that such small communities as the Maronites, the Armenians and the Latins had unanimously applied in writing to adhere to the Greek Cypriot group and had been accepted. These minorities formed part of the 82 per cent of the country's population.

241. Concerning the legislative provision of wages for shop assistants and clerks, the representative said that in general wages and salaries were determined through free collective bargaining. Shop assistants and clerks - many of them young women, however, were not well unionized. On the suggestion of the trade unions themselves a special law had been enacted to protect and to promote the interest of these employees.

242. He reiterated his Government's view that there was no need for legislation to implement article 5 (f) of the Convention, because no complaint had ever been received regarding refusal of access to any place or service intended for use by the general public. Nevertheless, he would suggest to his Government that consideration should be given to enacting further legislation guaranteeing the rights and freedoms provided for in the Constitution.

243. He again confirmed that no cases of racial discrimination had been brought before the courts in Cyprus. However, there had been cases involving the practice of discrimination in employment against individual civil servants, who had been able to take their cases to the Supreme Court of Appeal and in many instances had been vindicated and awarded compensation. In the interest of brevity, however, details of court cases had not been given in the report.

244. At its 473rd meeting, held on 8 April 1980, the Committee considered a draft decision, prepared by its Rapporteur, concerning information supplied by Cyprus relating to conditions in Cyprus, and adopted it, with some amendments, by consensus.

245. The text of the decision as adopted by the Committee appears below in chapter VIII, decision 1 (XXI).

Greece

246. The fifth periodic report of Greece (CERD/C/50/Add.2) was considered by the Committee together with the information given by the representative of the reporting State in his introductory statement. The report contained the text of Act 927 on

the punishment of acts or activities giving rise to racial discrimination, adopted on 28 June 1979.

247. The Committee noted with satisfaction that the Government of Greece, following the Committee's suggestion, had taken steps to punish acts of racial discrimination and commended it for having adopted the above-mentioned Act in conformity with the Convention. It was pointed out that though the new Act was in line with articles 4 (a) and (b) of the Convention, it merely stated that acts of racial discrimination should be declared offences "punishable by law" without specifying whether such offences should be prosecuted as a matter of course or on a complaint lodged by a victim of racial discrimination. Members of the Committee wondered why the Act referred to "racial or national origin" rather than to "colour or ethnic origin", as did article 4 (a) of the Convention and whether the word "publicly" in articles 1 and 2 of the Act meant "in the presence of others". It was also noted that in article 1 (2) of the Act, racist organizations were not declared illegal and prohibited, as was required by article 4 (b) of the Convention. In connexion with article 4 of the Act, some members wondered whether the public prosecutor could lodge a complaint in the event of an offence against the Act or whether that right could be exercised only by private persons who had been victims of such offences. A member of the Committee wondered also whether an individual informed of the existence of racist organizations could lodge a complaint against persons unknown or whether he would have to lodge it against a named person. Another member requested clarification as to why the word "solely" in articles 1 (1) and 3 of the Act did not appear in article 2 of the Act and how that discrepancy was to be interpreted.

248. The Committee regretted that lack of time had prevented the Government of Greece from replying to all the questions put to it during the consideration of its fourth report. It was recalled that the Committee had requested particulars of information concerning the implementation of articles 3 and 7 of the Convention. A member of the Committee stated that he was unable to find in any of the reports submitted by the Government of Greece any specific information on the application of the provisions of article 5 of the Convention, in particular of its paragraph (e) and asked for more detailed information on the Government's political, economic, cultural, sporting and other relations with South Africa.

249. The hope was expressed that, in its next report, the Government of Greece would indicate whether it had adopted measures for the benefit of seamen, as the Greek marine had many foreigners among its crews.

250. The representative of Greece replied to a number of questions raised by members of the Committee. In connexion with Act No. 927, he stated that the expression "national origin" in article 3 also referred to ethnic origin; the original text of the Act contained the Greek word which was the root of the word "ethnic". Article 1 (1) covered activities involving racial discrimination and article 1 (2) dealt with penalties for organizations conducting racist activities. With regard to requests for reparation in cases of violation of the Convention and the 1979 Act, he said that violations, whether committed by an individual or by the State, could give rise to the payment of compensation. Acts of violence involving racial discrimination were punished under the Act of 1979 as well as under criminal law.

As to whether illegal associations could be prohibited independently of the Act of 1979, he said that their activities could be stopped immediately by decision of Parliament. Article 192 of the Penal Code provided for up to two years' imprisonment for activities causing disturbances or discord, unless other laws imposed heavier penalties. In reply to another question he said that complaints against unknown persons could be lodged under the 1979 Act.

251. The representative also clarified that there were 28,000 foreign seamen on ships flying the Greek flag; they were subject to the same conventions as Greek seamen.

252. He finally assured the Committee that complete answers to other questions raised by its members would be given in the next periodic report of his Government.

Iran

253. The sixth periodic report of Iran (CERD/C/66/Add.5) was considered by the Committee together with the text of the new Constitution of the Islamic Republic, adopted by the people in the referendum of 2 to 3 December 1979 and furnished to the Committee by the representative of the reporting State who introduced the report. He elaborated briefly upon the relevant principles of the new Constitution and stated that, according to a decision of the provisional Government, all the existing legislations relating to racial discrimination referred to in earlier reports remained in force until a decision is taken on them by the National Assembly.

254. The members of the Committee welcomed the desire of the new Iranian Government to re-establish a dialogue with the Committee in the spirit outlined by its representative and noted that, according to the Iranian Government, Islam, which was the foundation of its policy, recognized that all human beings were equal and excluded all forms of discrimination. The Government had also shown its strong commitment to the principles of the Convention.

255. The Committee stressed that it would be preferable to await the enactment of the laws that would give effect to the principles of the new Constitution; in the meantime, the new Parliament should be requested to take account of the provisions of the Convention when drawing up that legislation. Some members of the Committee added that it would be useful if the next periodic report of Iran contained detailed information on the implementation of the principles of the new Constitution, particularly those relating to articles 2, 4, 6 and 7 of the Convention. A member of the Committee asked for information on the status of the general principles of international law, and particularly, international agreements in the constitutional framework of Iran.

256. With regard to article 2 (2) of the Convention, members of the Committee said that the Committee should be informed of measures which the Iranian Parliament and Government intended to take on behalf of the Kurdish national minority and be provided with up-to-date information on the ethnic composition of the Iranian population. Some members wished to know whether the enjoyment of equal rights by

all the people of Iran without distinction on grounds of race, colour, language, etc., as laid down in principle 19 of the new Constitution, was also extended to foreigners and what was the legal status of persons who did not practise the Islamic religion. It was also requested that a section of Iran's next periodic report should be devoted to the situation of foreign workers.

257. With reference to article 3 of the Convention, the Committee pointed out that the clear stand taken by the Iranian Government in breaking off of relations with South Africa and in cutting off of all oil supplies to South Africa, which had certainly involved sacrifices, was praiseworthy.

258. Information was requested by some members on measures taken to implement article 7 of the Convention, in particular with a view to providing teaching about the evils of racism and apartheid.

259. Replying to the questions concerning the position of minorities, the representative of Iran said that the population of his country was homogenous from the point of view of race and colour. The minorities were mainly religious and were well integrated with the rest of the population. Social relations in Iran were governed by the principles of Islam, which prescribed respect for other religions. Principle 14 of the new Constitution affirmed the respect due to religious minorities and principle 64 guaranteed parliamentary representation for non-Muslim religious minorities. The law of 22 July 1932 ensured that the cultural identity of non-Shiite minorities was respected. The representative stated that the Government of Iran hoped soon to achieve a negotiated solution to the Kurdish question. He assured the Committee that all its suggestions would be conveyed to the Government of Iran so that it could take them into account in preparing its next report.

Egypt

260. The sixth periodic report of Egypt (CERD/C/66/Add.4), which focused primarily on answering questions raised by the Committee during its consideration of the fifth report, was supplemented by the introductory statement made by the representative of the reporting State, who referred in particular to Act No. 36 of 1979, amending the Political Parties Act of 1977 which prohibited organizations having a racist bias.

261. Some members of the Committee wished to know what was the present demographic composition of the country, what were the statistics concerning foreign nationals, in particular nations of neighbouring countries with which Egypt had concluded co-operation treaties, what was the status of such groups and to what extent the provisions of articles 2 and 5 of the Convention were applied to them.

262. Referring to Act No. 32 of 1964 concerning regulation of private societies and associations, Committee members asked what would happen if an unlawful organization were set up without authorization; whether the provisions of that Act would be applicable to extremist religious organizations and whether, if necessary, measures would be taken to prohibit such organizations. A member of the Committee wondered what law could be invoked if an organization which, although established for a lawful purpose, was subsequently found to be practising racial discrimination. In

connexion with political parties, it was asked whether there was any political party other than the party in power which did not come under the provisions of article 4 (3) of Act No. 36 and who decided that those provisions applied to a particular political party.

263. With regard to Act No. 37 of 1972, under which the President of the Republic could, in certain cases, declare a state of emergency entailing restrictions of freedom of assembly, movement, residence and transit, it was asked whether those restrictions would be applied to all the inhabitants of the country. A member of the Committee said that, although article 56 of the Egyptian Constitution recognized in principle the right to form trade unions, in accordance with article 5 of the Convention, such a principle should be given effect by a decree or law. He also asked for the organic text setting out the functions of the procurator responsible for punishing public servants who broke the law.

264. A member of the Committee stressed that because of the very varied character of its population, Egypt was well placed to give full effect to article 7 - which might be described as the buttress of the Convention - and it would be desirable to have some information on the subject. In connexion with the Presidential Decision No. 157 inviting the people to express their opinion on the adoption of a Declaration on Human Rights for the Egyptian people, it was asked whether the Declaration had been drawn up and published.

265. Replying to some of the questions raised by members of the Committee, the representative of Egypt said that freedom of belief was a right, but if an organization advocated racial hatred it would fall within the category of illegal organizations referred to under Act No. 32 of 1964 and would therefore be prohibited; in addition to the party in power, there were four other political parties in Egypt and there was an officially recognized leader of the opposition in Parliament; a Committee composed of representatives of the executive, the judiciary and the administration studied all requests to form new political parties in order to ensure that those requests were consistent with legislative provisions on the subject.

266. Replying to the question concerning Act No. 37 of 1972, the representative said that, under article 40 of the Constitution, all citizens were equal before the law and therefore any restriction on freedom would be universally applicable. As regards article 56 of the Constitution, there were acts guaranteeing trade union rights and governing the formation of trade unions.

267. In conclusion, the representative of Egypt assured the Committee that, in its next periodic report, his Government would endeavour to reply to all the questions asked by members of the Committee.

Argentina

268. The sixth periodic report of Argentina (CERD/C/66/Add.6) was introduced by the representative of the reporting State, who pointed out that the report mainly dealt with three matters that had previously attracted the attention of the Committee: special measures taken by the Argentinian Government with regard to the indigenous population living in the country; recent developments with respect to the implementation of article 4 of the Convention with particular reference to the reform of the Argentinian Penal Code, and measures concerning the problem of seasonal or migrant workers.

269. The Committee commended the Government of Argentina for its report, which showed that the Government continued to seek to co-operate with the Committee, and took note with particular interest of the information provided therein on many practical measures and programmes dealing with the actual situation and rights of the various ethnic groups in the country. Some members of the Committee, however, felt that a summary providing an over-all picture of the results of the various measures taken by the Government was lacking in the report and, in this connexion, expressed the wish to receive a general view of the effect of such governmental measures as well as a description of all indigenous groups giving details of their size and location, and referring to them by their ethnic name. It was asked, in particular, whether more factual information, such as the average per capita income, the literacy rate, the mortality rate and the average life expectancy of the indigenous peoples in the various regions, could be made available to enable the Committee to evaluate the progress that the Government had made in assisting such peoples. It was also noted that although there were provisions in various provincial constitutions dealing with the situation and rights of the various ethnic groups, there was no information in the report on similar provisions which applied at the national level, and it was asked in this connexion whether representatives of the ethnic groups were able to participate at the national or local levels in the formulation of policy affecting their life and work, and whether there was some degree of autonomy or self-government or other machinery for dealing locally with internal problems. Citing article 71 of the Constitution of Chubut Province dealing with special legislation to be enacted for the defence of aborigines, one member asked whether such legislation had, in fact, been enacted.

270. Referring in particular to the information provided by the Argentine Government on its implementation of article 2, paragraph 2 of the Convention, members of the Committee noted that in the activities relating to area co-ordination for community development priority was given to aboriginal communities and communities established in frontier areas, and asked whether there were rules and regulations to guide the authorities in the assignment of priority or if the matter was left to the discretion of the authorities concerned; whether there was any kind of participation of the people directly concerned in the area co-ordination work; and whether the projects of the Indigenous Affairs Sector handled during 1979 were to be considered isolated projects. Noting that one of the goals in creating primary sources of labour was to prevent an exodus of population in search of better labour opportunities, it was asked whether there was any law to prevent an individual or group of individuals from leaving an area if they so wished. Members of the Committee referred also to the information provided in the report concerning the legislation regulating the system of land tenure and the disposition of different provinces. It was noted in this regard that an

attempt had been made to secure for indigenous populations in Argentina possession of the land they occupied, and it was asked whether that attempt had been successful. In addition, it was noted that differences existed in the laws of the various provinces concerning land ownership, and clarification was requested with regard to the criteria at the basis of such legislative differences, with regard to the possibility for aborigines to be entitled to the royalties derived from the exploitation of third-category minerals found in areas covered by reservations, and on the Government's policy concerning the amount of land granted per person. In this connexion, information was requested on the number of reservations existing in Argentina and the global amount of their populations. Members of the Committee also stressed the importance of protecting the cultures and languages of the ethnic groups living in Argentina and asked whether there were any cultural or other organizations for different ethnic groups.

271. With reference to article 3 of the Convention, information was requested about relations between Argentina and the racist régime of South Africa.

272. The Committee was of the view that the provisions of the Civil and Penal Codes of Argentina referred to in the report did not meet the requirements of article 4 of the Convention, especially paragraph (b) of that article, and expressed the hope that the Commission established to reform the Penal Code would take the requirements of the Convention fully into account before completing its work. Some members asked, in particular, whether there were any provisions in the Penal Code protecting ethnic groups, and what was the meaning of "unlawful association", referred to in article 210 of the existing Penal Code, or whether the new Penal Code would provide a new definition.

273. In connexion with article 5 of the Convention, members of the Committee asked for more information on the working conditions of seasonal workers and unskilled migrant labour, in particular statistical data showing the progress made in raising their wages to the national standard, with a breakdown for the various areas and regions. The question was raised whether there was any law to prevent individuals from leaving an area in search of better labour opportunities. Members also asked whether there were in Argentina any legal provisions relating to prosecution of violations of Act No. 22105 of 15 November 1979 on trade unions, in particular its article 7 dealing with discrimination in their formation, and what was the meaning and purpose of that article which provided that "trade unions shall not be constituted on the basis of political ideologies". Moreover, information was requested on the responsibilities and actual performance of both the Government and employers in ensuring the availability of proper living conditions, basic amenities and welfare for migrant workers, on the observation in Argentina of the ILO Convention on migratory workers and on the guarantees relating to the right of access to public places and services in accordance with article 5, paragraph (f) of the Convention.

274. With regard to article 6 of the Convention, members of the Committee asked whether any machinery or recourse procedure had been set up for possible victims of racial discrimination. It was also noted that, at the administrative level, it appeared that in Argentina a victim of discrimination by an official body had no means of readily safeguarding his rights.

275. The Committee noted with interest the information by the Argentine Government on measures taken for the implementation of article 7 of the Convention; however, it requested more details concerning in particular the school curricula, the measures to disseminate information in schools about the evils of apartheid, and the measures to impart tolerance and to increase awareness and appreciation of other religions in an effort to liberalize attitudes to non-Christians.

276. The representative of Argentina, replying to questions raised by members of the Committee, referred to the information already provided in her Government's reports and explained that the population of her country included a great many individuals of mixed parentage and that her Government was unable to provide exact figures for the number of indigenous people. She also explained that the projects aimed at promoting the integrated development of the indigenous communities differed considerably from province to province according to the needs of the various indigenous groups and provided details on the criteria governing the distribution of land. The representative stated, in addition, that even though each province had its own policy, there was nevertheless co-ordination at the national level to ensure that certain standards were met in the results obtained.

277. On the subject of relations with South Africa, the representative underlined the international commitments of Argentina against the policy of apartheid; and as regards measures for the implementation of article 4 of the Convention she provided more information on the application of the existing penal provisions and on the relevant work of the Commission established to reform the Argentine Penal Code which, she stated, would deal with acts of violence motivated by racial hatred.

278. Referring to some of the questions raised in connexion with article 5 of the Convention, the representative explained that the aim of article 7 of the Act No. 22105 on trade unions was to ensure that no individual would be prevented from joining a trade union on the grounds of his membership in a political party or his political beliefs and to ban the establishment of trade unions whose membership was open exclusively to those subscribing to the same political ideology. She stated that the right of access to places or services intended for use by the general public was fully protected in Argentina.

279. With regard to the remedies available to the victims of racial discrimination, the representative stated that those victims, like the victims of any crime, could bring suit in courts, but that no special legal machinery had been set up in connexion with article 6 of the Convention. The fact that no cases involving racial discrimination had so far been brought before the courts could perhaps be explained by the effectiveness of social mechanisms in her country in checking racial prejudice and inhibiting racial violence.

280. With reference to article 7, the representative provided some details concerning the teaching of religious and racial tolerance in primary schools and assured members of the Committee that her Government would endeavour to provide the information requested by them in the next periodic report. Regarding the situation of migrant workers, she pointed out that detailed information was provided at the request of the Committee in the annexes to the Argentine report which, however, had not been translated.

Qatar

281. The second periodic report of Qatar (CERD/C/46/Add.2) was introduced by the representative of the reporting State, who repeated the assurance of the report that racial discrimination was forbidden by the Law of God in an Islamic society and therefore no further legal provisions were considered necessary.

282. Although it was recognized that Islam was doubtless a major factor inhibiting racial discrimination, it was observed by several members that no religious philosophy could solve all the problems of modern life; that it was difficult to accept that racial discrimination was unlikely to exist in a country run according to the tenets of Islam, and that such country had no need of legislation in this matter. It was stated, in this connexion, that human beings with their imperfections needed legislation drafted by other human beings to guide them in their actions.

283. In examining the report, the Committee felt, therefore, that there was in Qatar a certain lack of provisions for combating racial discrimination and that little information was provided in the report, especially with regard to the questions that the Committee had raised at the time of its consideration of the initial report. In this connexion, the Committee reiterated its request for information on the composition of Qatar's population, and noting that the constitution in force in the country was still provisional, it expressed the hope that it would be informed of any changes in the constitutional situation as well as of the replacement of the Amended Provisional Constitution by a definitive one. One member pointed out that, while he agreed that differential treatment of nationals and non-nationals was not ruled out by article 1 of the Convention, it would be useful for the Committee to receive more specific information concerning the nature of such differential treatment as practised in Qatar.

284. The Committee noted that there was no explicit mention of racial discrimination in the legislative provisions referred to in the report, except in article 9 of the Amended Provisional Constitution, and recalled that Qatar, as all States parties to the Convention, was clearly obliged, in accordance with article 2, paragraph 1 (d) and article 4 of the Convention to enact further legislation prohibiting racial discrimination, whether such discrimination existed or not in the country. In this connexion, members of the Committee felt that there was a contradiction in the report between the statement that the Government was endeavouring to combat the concept of racial discrimination both abroad and at home and the assertion that racial discrimination was unknown in Qatar; they asked therefore what methods the Government actually used to combat racial discrimination, and which were the laws prohibiting in particular the establishment of clubs, associations or any organization based on racial criteria.

285. The Committee also hoped that the next periodic report would contain more detailed information concerning measures adopted to guarantee the rights referred to in article 5 of the Convention with regard, in particular, to the exercise of the right to participate in elections and to the guarantee of other civil, economic, social and cultural rights such as the right to equal pay for equal work, the right to form and join trade unions, and the right to equal participation in cultural

activities. Members of the Committee were of the view that the Government's policy of providing public services, education and medical care for citizens and non-citizens alike was commendable; they wished, however, to receive detailed information on the legal provisions governing relations between employers and employees recruited from abroad and, in this connexion, the complete text of Labour Law No. 3 of 1962. Information was also requested on whether the children of immigrant workers were educated in their own languages.

286. With reference to article 6 of the Convention, members of the Committee noted that the report contained no information concerning the protection and remedies available to victims of racial discrimination, and asked whether such victims could bring suit in the courts and whether acts of racial discrimination were prosecuted officially. They also asked whether the criminal courts in Qatar were set up in accordance with Islamic law and whether they played any role in preventing racial discrimination; if Islamic courts existed, members wished to know whether they had jurisdiction over migrant workers and aliens in the country.

287. The Committee was finally of the view that further information should be provided by the Government of Qatar on measures it has taken to implement article 7 of the Convention.

288. Replying to questions and comments of the members of the Committee, the representative of Qatar stated that his Government faced serious difficulties concerning census data and demographic information, but that it was establishing institutions to administer the census and other economic data and in this connexion, he provided the Committee with some details about the composition of the student population in his country. As regards the Provisional Constitution, he stated that the Committee would be informed of legislative developments as and when they took place. Referring to the remarks made by the Committee in connexion with article 2, paragraph 1 (d) and article 4 of the Convention, the representative stated that the Committee's requests for appropriate legislation for the implementation of those articles would be conveyed to his Government. He also assured the members of the Committee that their questions would be answered in detail in the next periodic report.

Czechoslovakia

289. The sixth periodic report of Czechoslovakia (CERD/C/66/Add.8) was considered by the Committee together with the introductory statement of the representative of the reporting State, who highlighted the status of some ethnic groups of the population and the situation of foreign workers in his country.

290. Members of the Committee expressed satisfaction with the report, which contained ample information on various measures taken for the implementation of the Convention, giving due regard to questions raised by members of the Committee on the occasion of the examination of the fifth periodic report, and provided a clear idea of the state of race relations in Czechoslovakia.

291. With regard to the implementation of article 2 of the Convention, the Committee drew attention especially to questions concerning the rights granted to minority

nationalities and the steps taken by the Czechoslovak Government in respect of the social integration of the Gipsy population. Some members of the Committee requested further detailed information on the law guaranteeing the protection of nationalities and their members against non-observance of their rights by individuals. It was particularly asked if a nationality required a certain minimum number of members to be represented in the Federal Assembly and in the Czech and Slovak National Councils; if elections were freely held and how could anyone ensure that candidates from a particular minority group would be elected. Details of the representation of the minority nationalities among other elected officials, such as the people's judges, were also requested. A member of the Committee inquired what legislation governed the national councils and committees on minorities and how were they constituted. He also wished to know whether members of national minority groups had contacts with the cultural, linguistic and similar institutions of the countries of their ethnic origin and if there were any bilateral agreements providing for exchanges of information between members of minority groups and institutions in the countries of their ethnic origin.

292. The Committee noted that the Czechoslovak Government had taken positive measures to integrate the Gipsy population into the mainstream of national life. Further information was requested on the names of the bodies which dealt with Gipsy affairs, how they were constituted, what machinery existed for effecting socio-economic changes among the Gipsy population, and whether that population was represented on bodies dealing with matters of concern to it. As to their participation in national government, it was asked what material or financial incentives were provided; what measures had been taken by the Government to integrate Gipsies into the society without depriving them of their special characteristics; whether compulsion was used in order to realize their integration; and what provision was made for the Gipsy population to form its own cultural organizations.

293. The Committee took note of the information on foreign workers given in the introductory statement of the representative. A breakdown was requested of the figure of 13,000 foreign workers by nationality, and information was asked for as to the kind of work in which they were engaged.

294. With respect to the implementation of article 3 of the Convention, the Committee noted that the position taken by Czechoslovakia at the national level was quite consistent with its international obligations, and that the unilateral measures taken against racial discrimination and apartheid as well as the racist régime in South Africa were commendable.

295. With reference to article 4 of the Convention, members of the Committee shared the concern of the Czechoslovak Government that all States should become parties to the Convention as jus cogens, and that a State's domestic laws should not be an obstacle to compliance with the obligations imposed on States parties under article 4 of the Convention. One member of the Committee noted, nevertheless, that at the United Nations Conference on the Law of Treaties some eminent lawyers had disputed that the concept of jus cogens existed in international law. Whether that opinion was accepted or not, it should at least be borne in mind that some international authorities might consider that the concept was not admissible. Other members of the Committee observed, however, that the International Court of Justice had held that the prohibition of racial discrimination and slavery was jus cogens, and that

the majority of the participants in the United Nations Conference on the Law of Treaties had agreed that the concept of jus cogens formed part of international law. It was also noted by several members that the statement in the Czechoslovak report, supporting "the position of the Committee which rejected reservations made by some States to the Convention, particularly to the mentioned article 4" was incorrect because the Committee had not acted in the way implied in the report. In this connexion, the members pointed out that it was beyond the competence of the Committee to reject reservations; that the Convention provided for such rejection by two thirds of States parties, in which case the ratifying State could not become party to the Convention; and that if a State had substantive reservations with regard to article 4 of the Convention, it was hard to see how that State could become party to the Convention in view of the extreme importance of that article. Referring to the provisions of sections 196 and 198 of the Czechoslovak Penal Code, a member of the Committee expressed his doubt that those provisions met all requirements of article 4 of the Convention, because they seemed to be limited to racial hatred and to the defamation of a collectivity.

296. In considering the information on measures taken with respect to article 6 of the Convention, members of the Committee requested clarification of how an appeal was made against administrative decisions; whether an appellant had legal representation; and whether there was an independent administrative court to hear such cases. With regard to appeals which could only be made by the Prosecutor-General, it was asked what would happen if he was unwilling to act; and if he refused to take action, whether there was any obligation upon him to explain his decision to the parties involved. Referring to a section of the report on disciplinary measures applied to public servants, a member of the Committee noted that it was surprising to find judges included with other civil servants, which suggested that judges were not, perhaps, completely independent, and he found it difficult to see how judges could be disciplined for applying the law.

297. With respect to the implementation of article 7 of the Convention, it was noted that a broad range of measures and programmes existed in the educational and cultural fields in Czechoslovakia. The Committee hoped that more details of the programmes to educate the people with a view to combating racial discrimination would be provided in the next report.

298. The representative of Czechoslovakia replied to some of the questions raised by members of the Committee. With regard to articles 2 and 7 of the Convention, he stated that the government policy was guided mainly by the Constitutional Act No. 144/1968 on the status of ethnic groups, which created a reliable basis for the embodiment of the rights of nationalities in legal regulations as well as for the direct application of the provisions of the Act. He listed a number of statistical figures on efforts to provide schooling for children belonging to ethnic minorities in their own language. With reference to the representation of the ethnic minorities in various national and regional bodies, the representative said that, in accordance with article 2 of the Constitutional Act No. 144/1968, election to the representative bodies was by universal, equal and direct suffrage and by secret ballot. The list of candidates was prepared by the National Front and took account of the numerical strength of national minorities. No separate electoral constituency for the national minorities was formed and the elections were based on general democratic principles. Representation of the national minorities in the various representative bodies, including the judiciary, was adequate.

299. Referring to the integration of Gipsies into society, the representative stated that the government measures were taken under the guidance of the national commissions or committees in regions inhabited by Gipsies, with the participation of Gipsies at all levels. These commissions sought to promote voluntary integration of the Gipsies into society, and those who had chosen a civilized way of life were given assistance in obtaining housing and in placing pre-school children in day-care centres. Young people were given vocational training and low-income families received coupons to purchase low-cost staples. There were, however, some individuals whose life-style ran counter to the principles of socialist society.

300. Concerning the 13,000 foreign workers in Czechoslovakia, the representative said that nearly half of them were from Poland, the rest mainly from Viet Nam and Cuba, with small contingents from Mongolia, Bulgaria, Hungary and Cyprus. Most workers came on the basis of bilateral intergovernmental agreements and in conformity with the principles of economic co-operation between socialist States. The foreign workers were employed in all sectors of industry and agriculture.

301. The representative assured the Committee that his Government would provide in its seventh periodic report detailed replies to questions raised by members of the Committee.

Morocco

302. The fifth periodic report of Morocco (CERD/C/65/Add.1) was considered by the Committee together with the introductory statement made by the representative of the reporting State.

303. Members of the Committee expressed satisfaction at the report which was considered to be very comprehensive reflecting the efforts of the Government of Morocco to implement all aspects of the Convention and taking into account its willingness to continue a constructive dialogue with the Committee.

304. In connexion with articles 1 (4) and 2 (2) of the Convention, members of the Committee requested more detailed information on the refugees and their status; how they could qualify for Moroccan nationality; and what sort of civil restrictions applied to foreigners. It was also asked how many Moroccan Jews who had left the country had in fact responded to the King's invitation to return to Morocco; what measures would be taken on the revision of laws affecting Jewish communities; how regional development had been proceeding, especially in the more backward areas where the nomads and Berbers lived; how many Berbers there were in Morocco; and what measures had been taken to protect their culture.

305. The Committee pointed out that although the Convention had been incorporated in Moroccan public domestic law and no cases of violations of its provisions had been reported, Morocco was nevertheless obliged, under the Convention, in particular article 4, to adopt domestic legislation to give effect to its provisions, because the Convention itself did not provide for any punishment for its violations, a matter which was left to States parties. The question was asked as to whether the legal basis provided in the preamble to the Moroccan Constitution would be sufficient to enable a judge to apply the provisions of the Convention, should there

be an inconsistency between them. Detailed information was requested as to the penalties imposed for violations of the Convention in Morocco and the laws on the basis of which courts could determine such penalties.

306. As regards articles 5 and 7 of the Convention, it was noted that the report specified that Christians and Jews were given religious freedom but no mention was made of any other religions.

307. The hope was expressed that in the next periodic report information would be given concerning the procedural aspects of political trials, in particular the right to defence, the detention and trial procedures and on the status and role of the associations for human rights and their relationship with the Government.

308. The Committee also expressed the hope that the next periodic report of Morocco would contain more information on measures taken to implement all the provisions of the Convention and would be prepared in accordance with the revised guidelines which the Committee had drawn up to assist States parties to the Convention in the preparation of their reports.

309. The representative of Morocco assured the Committee that all the questions asked by members of the Committee would be transmitted to his Government.

United Republic of Tanzania

310. The third and fourth periodic reports of the United Republic of Tanzania, submitted in one document (CERD/C/48/Add.8), were considered together with the introductory statement made by the representative of the reporting State.

311. Members of the Committee were of the view that the report lacked the kind of detailed information which the Committee required and expressed the hope that, in preparing its next report, the Government of the United Republic of Tanzania would follow the revised guidelines laid down by the Committee for the preparation of reports. In this connexion, members of the Committee expressed the wish to be informed of the relevant provisions of the new Constitution which had been recently adopted in Zanzibar in order to know how it consolidated the union between Zanzibar and the mainland, and to what extent the new constitutional provisions were consistent with the obligations undertaken by the Government of Tanzania under the Convention. They wished to be informed also of the demographic composition of the population and of how the Government managed to ensure harmony among the various racial groups and nationalities, including many Indians who lived in the country. It was hoped, in addition, that the next periodic report would list administrative measures which had been adopted to give effect to the provisions of the Convention and which had partially been reported in the second periodic report.

312. With reference to article 1, paragraph 4, of the Convention, further information was requested on measures to secure the adequate advancement of individuals and groups who might be economically disadvantaged, such as the formation of co-operatives under the Ujamaa system and the introduction of a programme by which 50 per cent of the young people were sent to work in agriculture as soon as they reached a certain age.

313. Referring to article 3 of the Convention, members of the Committee were of the view that information should be provided in the next report on the important role played by the United Republic of Tanzania in combating racism, racial discrimination and apartheid in southern Africa.

314. The Committee noted with appreciation the principles embodied in the Arusha Declaration concerning the social development of the United Republic of Tanzania; however, the Committee believed that it was necessary to know whether such principles had been translated into laws and whether specific measures including penal sanctions had been adopted to give effect to the provisions of article 4 of the Convention. It was recalled, in this connexion, that the enactment of legislation for the implementation of article 4 is an obligation for each State party whether or not the phenomenon of racial discrimination existed in its country.

315. The Committee also wished to know how the rights laid down in article 5 of the Convention were guaranteed by the legislation of the United Republic of Tanzania, with particular reference to measures designed to protect refugees and their status at national and international level. It was noted in this regard that the Government of the United Republic of Tanzania had adopted a liberal policy vis-à-vis refugees, especially those from southern Africa, and the wish was expressed that more information would be provided about any problems that arose as a result of that policy. One member wished to receive information on the guarantee of political rights in the country. Other members asked what regulations or agreements existed governing the migration of Tanzanian workers to the Gulf States, or governing the working conditions of expatriates, and in which manner trade unions were organized in the country.

316. As regards article 6 of the Convention, it was noted that in the United Republic of Tanzania the Permanent Commission of Enquiry had a mandate to receive complaints concerning any official except the President and the Vice-President, and it was asked in this connexion whether the Commission was empowered to consider complaints against persons who were not officials and, if not, where could such complaints be submitted and also what recourse was available to expatriates if they become victims of racial discrimination. Members of the Committee were of the view that it would be of interest to the Committee to receive more information concerning the Commission's functions, including information about its ability to impose sanctions, and to know how the Commission operated, especially in remote areas. For this purpose, it would also be helpful if the Committee could be provided with annual reports of the Commission.

317. Further information was also requested by the Committee on measures taken by the Tanzanian Government in compliance with article 7 of the Convention.

318. Replying to questions put by members of the Committee, the representative of the United Republic of Tanzania stated that although there were many tribes living in her country, no major differences in customs existed among them and that the Swahili language, in particular, was a unifying factor. She also gave some explanations concerning the employment of young people in agriculture and the electoral system of the country. As regards the functions of the Permanent

Commission of Enquiry, the representative stated that the Commission carried out the functions of an ombudsman, and that it was competent to deal with complaints by nationals and aliens alike in any area of the country including remote rural areas. It tried to settle conflicts between individuals through mediation, referred complaints involving criminal offences to the police for further investigation or prosecution and submitted its findings to the President, whose decision was final. The representative finally assured the Committee that all its comments and questions would be transmitted to her Government.

Hungary

319. The sixth periodic report of Hungary (CERD/C/66/Add.9) was considered by the Committee together with the information given by the representative of the reporting State in his introductory statement, who touched upon, particularly, the provisions of the new article of the Criminal Code, which made it a crime to commit an act prohibited by international law with intent to ensure that one racial group would gain or maintain domination over, or systematically repress, another racial group.

320. The Committee expressed appreciation of the report which it considered a valuable effort to maintain and enhance a constructive dialogue between the reporting State and the Committee.

321. Concerning the implementation of article 2 of the Convention, members of the Committee commended the steps taken by the Hungarian Government to protect the interests of ethnic groups and other nationalities living in the country, particularly the Gipsy population which did not form a focus of discontent in Hungary as it did elsewhere. The steps taken to promote and develop Gipsy culture were laudable. Referring to the report, some members of the Committee drew attention to the impressive percentage of Gipsies who had Hungarian as their mother tongue. Regarding the efforts to eliminate the residential segregation of Gipsies, it was asked whether it might be possible to do more, through education, to convince those people still living in the traditional way and in their own ethnic environment to give up their way of life in favour of integration. Such attempts, another member observed, should always be based on persuasion and voluntary acceptance by the people concerned. A member of the Committee enquired how the associations mentioned in paragraph 9 (b) of the report defined the words "collective interests"; what were the political implications and legal significance of those words; and whether the Government was obliged to take such collective interests into account.

322. With reference to article 3 of the Convention, satisfaction was expressed, with the attitude of the Hungarian Government towards the racist régime of South Africa and its constant opposition to racism and apartheid.

323. With regard to the implementation of article 4 of the Convention, reference was made to the new article 175 of the Criminal Code, and an explanation was requested of the phrase "an act prohibited by international law" as used in that article. It was also noted that all the legislation brought to the attention of the Committee in respect of incitement to racial hatred concerned offences involving large numbers of people rather than individual acts of discrimination, and it was asked what legal sanctions could be applied against an organization that had not been legally registered, or to persons constituting such an organization.

324. Turning to article 6 of the Convention, the Committee commended the report for providing information on the legal remedies available in the case of discrimination committed by a public official. It was asked what action could be taken by the victim of an act of discrimination when that act was committed by a private individual and not a public official. Some members of the Committee noted that, according to article 349, paragraph 2, of the Hungarian Civil Code, claims for

damages resulting from discrimination by a public official must be submitted within one year, and it was asked, therefore, whether the Hungarian public was aware of its rights in that respect. The report did not indicate what remedies were available if a public official committing an act of discrimination was not operating within the authority of his office or if the offences were due to irresponsibility or misconduct. Additional information on that matter was requested by the Committee.

325. The Committee was satisfied with measures taken in compliance with article 7 of the Convention. The members of the Committee noted that works by many foreign authors were published in Hungary and that the Hungarian Copyright Act No. III of 1969 provided copyright protection for folklore under article 15 (3). Additional information was requested on any formal agreements that had been concluded by the Hungarian Government with neighbouring States in the field of instruction and education.

326. Replying to questions raised by the members of the Committee concerning the situation of the Gipsy population, the representative of Hungary stated that it was important to realize that it would take time to bring such long-standing conditions up to the level of those enjoyed by other population groups in Hungary. With respect to the question of "collective interests" represented by associations, he explained that such associations could approach the Hungarian authorities, for example, to request help in obtaining better living conditions or in mounting ethnic cultural exhibitions in new areas.

327. With respect to legal remedy against acts of discrimination, he stated that it was not possible, under the Hungarian concept of criminal law, to punish an institution or organizations; only the individual concerned could be considered to be a criminal and thus could be punished. He also explained that associations which were not legally registered could not actually be considered to be associations and thus were not entitled to the rights enjoyed by true associations. The by-laws of associations must also be consistent with the provisions of the Hungarian Constitution.

328. With regard to agreements with neighbouring countries in the field of education, the representative stated, although he was unable to cite specific examples, such agreements did in fact exist.

329. He assured members of the Committee that their comments and questions would be forwarded to the Hungarian Government.

Israel

330. Before starting the consideration of the initial report of Israel (CERD/C/61/Add.1), a preliminary procedural discussion took place in the Committee on the basis of the intervention of one of its members who, speaking on a point of order, requested a Committee ruling on whether those parts of the occupied Arab territories, namely the West Bank, Gaza, Sinai, Golan and East Jerusalem, were parts of territories comprising the State of Israel as implied by the report. The member added that the consideration of the Israeli report by the Committee should not imply recognition of the illegal occupation of Arab lands and that it would be necessary for the representative of Israel to accept such consensus of the Committee.

331. During the discussion several members expressed the opinion that the Committee should proceed with its task of considering the report, and should hear the representative of the reporting State, and that the Committee's views on the matter would become apparent during the ensuing debate. Some members, however, felt that Israel's denial of the rights of the Palestinian people constituted a breach of the principles laid down in the Convention and that the Committee should therefore reject the report, and state its reasons for doing so in the form of a decision addressed to the General Assembly. One member suggested that the representative of Israel should indicate to the Committee what geographical area the report purported to cover. Other members agreed that it was not for the Committee to consider the question of Israel's occupation of certain Arab lands and that the Committee's consideration of the report should be based on the understanding that the territory of the State of Israel was limited to its 1967 borders, as they were internationally recognized.

332. The Committee agreed by consensus that its consideration of the report of Israel should not be interpreted as implying the recognition of any title by Israel to the occupied territories.

333. The representative of Israel, who was invited by the Chairman on this basis to participate in the examination of his Government's report in accordance with rule 64-A of the provisional rules of procedure of the Committee, stated that he regretted that some members of the Committee had made highly political remarks and that he could not therefore introduce the report or participate further in the Committee's proceedings.

334. After a brief suspension of the meeting, requested by a member in accordance with the provisional rules of procedure, the Chairman announced that the Committee had decided by consensus to postpone consideration of the initial report of Israel until its twenty-third session.

Pakistan

335. The sixth periodic report of Pakistan (CERD/C/66/Add.10) was introduced by the representative of the reporting State who pointed out that the report included information in response to questions raised during the discussion by the Committee of Pakistan's previous periodic report, the constitutional provisions prohibiting racial discrimination in the field of political, civil, economic, social and cultural rights and measures taken in the implementation of the provisions of the Convention, with particular reference to amendments to certain provisions of the Penal Code.

336. Members of the Committee praised the thoroughness of the report which showed the continued efforts of the Government of Pakistan to maintain a fruitful dialogue with the Committee. One member however, noted that the legislation mentioned in the report had been drafted at least two years previously and in view of the magnitude of the changes that had taken place in the country since then, he wished to know to what extent the report reflected the current situation with respect to constitutional measures and the implementation of the various rights mentioned therein.

337. With reference to the demographic structure of the population, members of the Committee noted that information had been provided only on the languages spoken and religions practised in Pakistan, and expressed the hope that the information on the ethnic composition of the population requested previously would be supplied in the future. Referring to the information provided, one member requested clarification on the statement that Urdu was the national language of Pakistan and inquired about the official language policy pursued, the relationship between Urdu and the regional languages within the educational system and the level at which Urdu was introduced. The member also asked whether public service examinations were given in the regional languages as well as in Urdu and whether scripts other than Arabic were recognized. Furthermore the member asked whether figures on the Moslem sects living in Pakistan could be provided, what percentage of the population were Shiites, and whether the Sikhs had been included among the caste Hindus or in the "others" category. Another member wished to receive information on the Ahmadi minority on the measures for the implementation of the right of minorities to preserve their culture, script and language and on the work of the Ministry of Minority Affairs and other public institutions, referred to in previous periodic reports of Pakistan.

338. The Committee drew particular attention to the penal provisions which gave effect in Pakistan to the provisions of article 4 of the Convention, in particular the amended section 505 of the Penal Code, which made punishable by law circulation of any information or rumour or news likely to create enmity or hatred between different races or castes, and which contained an exception relating to cases which did not constitute an offence. Members of the Committee asked, in this connexion, what authority judged cases involving the exception and what criteria were used in such decisions, whether the amended provisions of section 505 had ever been applied and, if so, how the courts had interpreted the words "reasonable grounds" and "without any such intent", as used in the exception to those provisions. One member expressed the opinion that the question of good faith and intent did not enter into consideration in the implementation of article 4 of the Convention, and recalled in this connexion that, in the sixth preambular paragraph of the Convention, States parties declared that they were convinced that there was no justification for racial discrimination, in theory or in practice, anywhere. Another member, noting that ordinary courts had the discretion to inflict higher penalties than those provided under sections 505 (2) and 153 (a) of the Penal Code, asked what was the legal ground for such discretion. In connexion with the review of national legislations referred to in the report, it was asked whether the provisions in question applied only to Moslems or whether they had an impact on other religious communities; what was the relationship between the Government and religious law; whether Islamic or modern law was applied to repress crimes; whether all laws came within the purview of the Permanent Law Reform Commission; and whether there was incompatibility between the functions of the Council of Islamic Ideology and those of the Permanent Law Reform Commission. With reference to the clarification provided in the report concerning the Security of Pakistan Act of 1952, some members noted that the Act did not contain any definition of security, and expressed doubt that it could be interpreted as covering threats that included acts of racial discrimination. The members were of the view that it would be of interest to the Committee to have details of any court decision which provided an instance of the use of the Act in a case involving discrimination.

339. The Committee requested further information concerning measures and legislative provisions adopted in Pakistan for the effective implementation of the various rights mentioned in article 5 of the Convention, with particular reference to political rights, the participation of the various religious or linguistic groups in public affairs, the right to freedom of thought, conscience and religion, the right to equal access to employment and the right to form and join trade unions. In this connexion, clarification was requested about the restrictions to the enjoyment of certain rights mentioned in articles 17 and 28 of the Constitution of Pakistan.

340. As regards article 6 of the Convention, members of the Committee asked for clarification on what remedy was available to an individual victim of a discriminatory act, in particular to redress a wrong and, where appropriate, to obtain damages. It was noted in this connexion that the provisions of article 24 (4) of the Constitution, quoted in the report, were not in conformity with article 6 of the Convention, because no provision was made to enable an individual to seek redress if he did not consider the compensation to be adequate. Furthermore, the penal sanctions referred to in the report appeared to apply only in the case of incitement against groups, but not to any defamation or slander of an individual on the basis of racial or ethnic origin.

341. With regard to measures taken to implement article 7 of the Convention, additional information was requested on teaching and religious education, on measures taken in particular to disseminate information about the objectives of the Convention and the work of the Committee among all groups of the population. It was also asked whether there were any provisions for exchanges of information among the various religious groups in order to familiarize them with each other.

342. Replying to questions raised by members of the Committee, the representative of Pakistan stated that the changes in Pakistan in the last two years had been mainly political and in no way affected the extent or availability of constitutional guarantees of the fundamental rights of the citizens. He also explained that the national language of Pakistan was Urdu and that the regional languages were, however, spoken and maintained; local languages were used as the medium of instruction in schools, but Urdu was a compulsory subject. The Sikh population was included under "others" in the population breakdown given in the report and the members of the Shiah sect, who were Moslems, were included under such heading. The status of minority groups continued to be defined by legislative measures and remained under the supervision and protection of the Ministry of Minorities Affairs; new information as to the size of the minorities would be available when the next census was completed.

343. With reference to questions raised in connexion with article 4 of the Convention, the representative stated that exceptions to the Penal Code were to be determined by the courts. Further information would be provided about the role and functions of the Council of Islamic Ideology, but there was no conflict between that Council and the Permanent Law Reform Commission. As for the Security of Pakistan Act, the representative agreed that it did not contain a specific definition of the term "security"; he assured the Committee, however, that the Act was applied in a way that was fully consistent with the aims of the Convention.

344. The representative stated that the rights referred to in article 5 of the Convention were guaranteed under the Constitution with certain justifiable limits or restrictions which were not motivated by factors relating to racial discrimination.

345. Furthermore, the right to redress referred to in article 6 of the Convention was inherent in the judicial system of Pakistan, with no substantive differences from the systems prevailing in most other countries.

346. Referring to questions raised in connexion with article 7 of the Convention, the representative informed the Committee that Islamic studies were compulsory for all Moslem students, and stated that the teaching of Islam itself embodied respect for other religions. He finally mentioned some initiatives taken in Pakistan for the dissemination of information on the purposes and objectives of the Convention, and assured the Committee that his Government would provide more specific replies and further information in response to the Committee's requests in the next periodic report.

Tunisia

347. The sixth periodic report of Tunisia (CERD/C/66/Add.11) was introduced by the representative of the reporting State, who pointed out that his country's tradition of tolerance was reflected clearly in Tunisia's ratification of all conventions dealing with the elimination of racial discrimination, and that international instruments ratified by Tunisia automatically took precedence over its domestic legislation. He also informed the Committee that Tunisia had instituted a full-time administrative tribunal, as the chief organ of the State Council, to deal with all disputes between individuals and the State and that a League of Human Rights had been established in 1977 which would act on behalf of anyone who applied to it for help. Furthermore, he stated that there was no consistent pattern of racial discrimination of any kind within his country and that the small number, about 2 per cent of the population, of foreigners living in the country was, perhaps, more a reflection of economic constraints than any sign of intolerance.

348. The Committee took note of the fact that international instruments took precedence in Tunisia over domestic law and that Tunisia, as an Islamic country, prohibited any kind of racial discrimination. It observed, however, that the Committee had always maintained that States parties must enact legislation, even if they had no racial problem, in order to meet the requirements of the Convention, in particular the provisions of article 4; and it regretted that the questions raised by the Committee during its consideration of previous reports, except one concerning Act No. 75-32 promulgating the Press Code, had received no answers from the Government of Tunisia.

349. The Committee took note also of the fact that the mixture of races in Tunisia may be an effective impediment to racism. One member, however, wished to receive information on the Government's policy towards the Berbers, minority Muslim sects, and the small Jewish population living in the country; another member wondered whether some small racial groups might not have escaped the mixing process of races and retained their individual identity. He also asked for details of the composition of the Tunisian League of Human Rights, the areas in which it was involved and the activities in which it engaged.

350. With reference to article 5 of the Convention, information was requested on the changing political rights of Tunisian citizens as the country evolved; it was asked whether Tunisia had received any significant number of refugees and, if so, what the Government's policy was in this regard. Furthermore, in view of the number of Tunisians who emigrated to Europe, the members wished to receive the texts of the regulations governing freedom of movement in the country. Information was also requested about the freedoms enjoyed by students, such as their right, if any, to set up their own autonomous bodies.

351. Replying to comments and questions raised by members of the Committee, the representative of Tunisia stated that his Government's approach to the preparation of its periodic reports was to strive for concision; he nevertheless agreed that a concise report should be accompanied by such supporting documents as were necessary to enable the Committee to evaluate the information presented in it. He assured the Committee, in this connexion, that even before the entry into force of the Convention, Tunisian legislation had been up to date with regard to protection of rights and liberties, that there had been little reason for amending the existing laws or enacting new ones for the purpose of preventing racial discrimination, and that information on such legislation would be provided in future periodic reports.

352. The representative also stated that approximately 90 per cent of the Tunisian population were Moslems, but Christian and Jewish faiths were also represented in the country and that religious affairs were the responsibility of the Department of Worship in the Office of the Prime Minister. The Shiah sect was virtually non-existent. The Jewish minority numbered fewer than 50,000 according to 1975 census figures; there was no legislation restricting the practice of the Jewish religion and Jewish places of worship were protected. As to the Catholic Church, the Government did not take part in the management of church affairs and church property was regulated by an agreement concluded between the Holy See and Tunisia.

353. The representative informed the Committee that the Tunisian League of Human Rights was an independent non-governmental organization which had opened regional offices throughout the country and was active in the field of human rights.

354. Referring to questions raised in connexion with article 5 of the Convention, the representative mentioned some important innovations regarding the status of women which were introduced in Tunisia since the promulgation of the Personal Status Code in 1956, and informed the Committee that the Tunisian Electoral Code had been amended prior to the last legislative elections in November 1979. The major change introduced in electoral procedure was that organizations were required to present twice as many candidates as there were seats to be filled. As regards the problem of refugees, the representative referred to article 17 of the Tunisian Constitution which provided that political refugees could not be extradited, and stated that the Government had never compromised on that principle and that it recognized the validity of international travel documents for refugees and stateless persons. He also added that freedom of movement was guaranteed by the Constitution and that the only restriction in issuing passports was for men under the age of 30 who had to present a certificate proving that they had military deferment or had completed their compulsory military service. The representative then provided some

information concerning the problem of the democratic representation of students in Tunisia and stated that the functions of the General Union of Tunisian Students, which for 20 years had represented the students of the country, had been taken over by councils elected by each faculty of the university. Furthermore, the ruling party of Tunisia had recently decided to disband its National Bureau of Students and to set up a committee to make preparation for a congress to settle the question of student representation.

Philippines

355. The sixth periodic report of the Philippines consisted of two documents: one mainly concerned with the policy followed by the Government of the Philippines with respect to the implementation of the provisions of articles 6 and 7 of the Convention (CERD/C/66/Add.12), and the other introducing the composition of the Philippine population in accordance with mother tongue (CERD/C/66/Add.19). Before the consideration of the Philippine report by the Committee the representative of the Philippines made available to members of the Committee a booklet on regional autonomy in the southern Philippines, intended to supplement the information furnished in the report.

356. The members of the Committee noted with appreciation the frankness of the report which drew attention to major problems facing the Philippine Government and to steps which had been taken with respect to all strata of society. It was also stressed that the report had answered most of the questions raised at the previous session of the Committee and reflected a positive dialogue between the reporting State and the Committee.

357. Much of discussion revolved around the Government's policy and practical measures on the implementation of articles 1 (4), 2 (2), 4 and 5 of the Convention concerning the minorities and other ethnic groups of the population. Some members of the Committee noted that the granting of autonomy to the southern Philippines, the creation of the Office of the Presidential Assistant on National Minorities and the founding of the Agency for the Development and Welfare of Muslims were steps forward in the protection of the rights of minorities. Nevertheless, they pointed out that the precise nature of the powers of the regional autonomous assemblies was not clear from the report, nor their relationship with the central Government. With reference to information that national laws were superior to regional laws and that the President of the Philippines had powers of control over the autonomous regions, it was remarked that the relationship between the central Government and the regions should be spelled out more clearly, particularly how that relationship affected the political and civil rights of the inhabitants in the region. It was asked whether the granting of autonomy worked against the interests of any groups; and whether there was any institution which dealt exclusively with promoting regional harmony among the different groups in order to help the minorities become an integral part of the country.

358. It was recognized that Presidential Decree No. 1083 of 4 February 1977 was praiseworthy, in that it established the rights of citizens in keeping with the Convention. Further details of the Decree, its precise effect on Muslims, the position of a Grand Mufti and certain religious tribunals were required.

359. Noting the statement in the report that more funds were now invested in the southern Philippines for infrastructure projects than in the other regions, specific information was requested illustrating that statement. More details were also requested on similar programmes and on the steps taken in Mindanao and other southern islands to promote the economic and social welfare of the inhabitants and to improve their standard of living.

360. As concerns the linguistic composition table, a member of the Committee observed that the figures it contained did not agree with those in the fourth periodic report. It was asked what was the basis for the later figures and how ethnic groups had been defined by the Government. For example, if a group was considered as linguistic, would it enjoy political rights? Turning to languages spoken by minority ethnic groups, other members of the Committee inquired whether Negrito had a written form. If it did not, it was quite possible that the indigenous culture was doomed to extinction.

361. Concerning the implementation of article 4 of the Convention, more clarification was asked for on whether the Philippine President's power to issue presidential decrees binding on the legislature was absolute or subject to any form of checks and controls; whether any cases of racial discrimination had been brought to the courts following the enactment of the Presidential Decree No. 1350-A of 1978, which declared as unlawful any violations of the Convention. The Committee should also be told whether the autonomous regions could enact legislation that was not liable to revision or revocation by the President for, if they could not, their autonomy seemed questionable.

362. Referring to article XVII, section 3 (2), of the 1973 Constitution, it was asked whether martial law was still in effect in the Philippines and, if so, what constitutional provisions had been suspended. That was important for the implementation of article 5 of the Convention, which guaranteed the right of everyone to vote and to stand for election. It was also asked whether all Philippine citizens were entitled in fact to participate in the Government and in public affairs.

363. Concerning article XIII, section 5, of the Constitution, a member of the Committee observed that the Interim National Assembly was to establish a special court to deal with cases of corruption on the part of public officials as well as other abuses which might have their roots in racial discrimination or prejudice, while under section 6 of the same article, the Assembly was to establish an ombudsman's office to investigate complaints against public officials. He wondered whether the court and the office had been established; whether the court had heard any criminal or civil cases relating to racial discrimination; and whether the ombudsman had received any complaints about racial discrimination on the part of a person in public office.

364. With regard to article 6 of the Convention, the members of the Committee noted that the Philippines had a legal system condemning all racial discrimination to which citizens might be subject. As the three cases of racial discrimination cited in the report were concerned with transnational corporations, it was asked whether there was any case on record in which the defendant had been a Filipino.

365. So far as the implementation of article 7 of the Convention was concerned, the Committee was pleased to note the measures being taken in the fields of teaching, culture and information with a view to combating prejudice which led to racial discrimination. The Committee requested more details on programmes concerning the promotion of understanding and tolerance, particularly with regard to ethnic cultures, and on programmes of cultural exchanges within the country.

366. The representative of the reporting State answered some of the questions raised by members of the Committee. As to questions concerning the regional autonomy, he stated that it had been the constant policy of the Philippine Government to promote regional autonomy, based on geographical rather than ethnic divisions, throughout the country. The State was divided into 12 regions, with the majority of Muslims concentrated in regions 9 and 12 in the south. Each region had its own executive council and a regional legislative assembly, but he was unable to say what position they occupied vis-à-vis the central Government. As for the referendum held in April 1977 on the autonomy issue, he could not say whether it had been so organized as to deny participation to many Muslims - but the vast majority of the electorate in regions 9 and 12 had opted for autonomy in any case.

367. Turning to questions asked concerning martial law he stated that the belief that the Philippines was under martial law was mistaken. The country was being ruled under a state of crisis Government proclaimed by the President in 1971 under the terms of the 1935 Constitution then in force. Military tribunals had been set up to deal with certain offences against peace and the State, but the Penal Code had not been suspended, and civilian authority was still recognized to take precedence over military authority. The President had suspended the legislature and assumed both executive and legislative powers; but four years later, the country had acquired a new legislative body in the form of the Interim National Assembly, elected, for the most part, by popular vote. Meanwhile, the drafting of a new constitution had been completed and the new Constitution, having been submitted to the populace for approval by referendum, had taken effect in January 1973. The freedom of the individual was nothing foreign to the Philippines; nor were civil and political rights.

368. In reply to questions raised in connexion with Presidential Decree No. 1350-A, the representative explained that under this Decree violations of the Convention were unlawful and penalties were provided for infringements. Concerning the status of that Decree, he drew attention to article XVII, section 3 (2) of the 1973 Constitution under which Presidential Decree would continue to hold good even after the abolition of crisis Government, until amended or repealed.

369. Touching upon the special court and the office of the ombudsman, he said that both of them had been set up to deal with abuses by public officials. As the system worked in practice, the ombudsman could bring complaints concerning racial discrimination practised by public officials to the attention of the court. He was not in a position to say whether the court had actually heard such cases: the information would be provided in the seventh periodic report. He also stated that the seventh periodic report of the Philippines would contain the texts of the relevant provisions of the 1973 Constitution, and the presidential decrees relating especially to the Muslim population, such as those on Muslim personal laws and the provision of amnesty for secessionists.

Zaire

370. The second periodic report of Zaire (CERD/C/46/Add.4) was considered by the Committee together with the supplementary information given by the representatives of the reporting State in their introductory statements. Both the report and the statements responded to the inquiries and requests for additional information made by the Committee during its consideration of the initial report of Zaire at the seventeenth session. 10/

371. Members of the Committee noted with satisfaction that the second periodic report of Zaire was more comprehensive than its initial report, that it was organized on the basis of the guidelines laid down by the Committee, and that it took account of the observations, and responded to requests, made by the Committee during its consideration of Zaire's initial report.

372. In connexion with the implementation of article 2, paragraph 2, of the Convention, members of the Committee welcomed the policy of the Zairian Government with respect to the granting of asylum to refugees and noted that the settlement of refugees, including the Lumpa sect, away from the frontiers of their countries of origin was in line with the implementation of the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa. Some members of the Committee, nevertheless, drew attention to the need to have more information on Zaire's policy regarding the resettlement and repatriation of refugees, on the laws of extradition and on the recent tripartite agreement concluded between Zaire, Angola and Zambia dealing, inter alia, with political exiles. A member of the Committee inquired whether there have been a recent census of refugees; and whether foreigners enjoyed the same rights as nationals with regard to education. Further information was also requested concerning the questions of naturalization, the procedure under which some foreigners were obliged to pay the "cautio judicatum solvi", the amounts involved, how long such payment was retained and when it was returned. The view was expressed that special steps should be taken to ensure the adequate development of the least-favoured ethnic groups and least-developed regions of the country and that appropriate legislative, administrative or other measures would be taken in that regard.

373. Attention was drawn to the Constitution of Zaire, which had been revised in 1978. Members of the Committee stated that the Committee would be in a better position to ascertain whether the provisions of the Convention were properly reflected in it if the full text of the Constitution and other laws were made available, especially where they placed limitations on the exercise of certain rights. As regards the Ordinance-Law No. 66/342, under which the President of the Republic could dissolve certain clubs, associations and groups, some members indicated that its provisions were not entirely in line with the wording of article 4 (b) of the Convention. More information was requested on the cases of prosecution under article 75 bis of the Penal Code referred to in the report.

10/ A/33/18, paras. 154-162.

374. As regards the provisions of article 5 of the Convention, some members of the Committee wished to know what legal guarantees existed for the implementation of the rights mentioned in sub-paragraphs (c); (d) (ii); and (e) (i), (ii) and (iv) of that article, and further details were asked for on the disqualification from certain rights that applied to naturalized Zairians as well as on the interpretation of the term "restrictions which were essential for the maintenance of public order and security". With reference to article 5 (e) (ii) of the Convention, it was particularly asked how the trade unions exercised control over their members and what their relation was to employers and the State. It was also mentioned that the report did not state how long a period of integration was, whether persons of foreign race who had acquired Zairian nationality enjoyed the same rights as persons of Zairian origin in education and access to public office. It could be seen from the report that Zaire had adopted an innovative approach under which the President of the Judicial Council could monitor the manner in which judicial decisions were rendered. In this connexion it was noted that such a measure could, perhaps, be a double-edged sword allowing that President of the Council, presumably appointed by the Head of Government, to interfere in the court's actions in order to ensure that the courts' decisions were in line with the concepts and interests of the Government. With regard to the judicial system, one member of the Committee wished to know whether a legal aid programme in Zaire extended to the Supreme Court in the cases mentioned in the report. Further information would also be welcome on the reviewing of the constitutionality of laws and the criteria for the independence of judges.

375. Noting that Zaire had a single political party and attached great importance to the doctrine of "authenticity", it was requested whether such a doctrine implied rejection of religious beliefs imported during the colonial period; what data was available on the size and activities of the various religious groups; and why the Government had felt compelled to check its activities concerning Simon Kimbangu and his sect and why the sect seemed so popular.

376. Referring to article 6 of the Convention inquiries were made as to how the compensation referred to in that article was decided upon; how the term "exceptional damage" should be interpreted, by whom and what sort of measures were envisaged under that article. With reference to the discussion of article 95 of the Code of Procedures of the Supreme Court, a member of the Committee asked what provisions protected a person's right to legal remedies if the act in question had been committed by an individual and not by the authorities of the Republic.

377. Concerning the implementation of article 7 of the Convention members of the Committee noted that in general satisfactory replies had been given to the questions raised by members of the Committee in the course of the consideration of the initial report. Nevertheless, some members pointed out that measures which would combat prejudices leading to racial discrimination and promote understanding, tolerance and friendship among nations and racial or ethnic groups had not met the requirements of this article. It was also mentioned that there was a lack of information on various cases in connexion with the principle of individual freedom guaranteed by article 15 of the Constitution.

378. The representative of the reporting State answered some of the questions raised by members of the Committee and said that his Government would make every effort to provide the additional information requested in subsequent reports. As to questions concerning the refugees, he stated that refugees enjoyed a special status in Zaire. They were not required to have an entry visa and were provided necessary material assistance. Lest the granting of asylum should become a source of tension between States, Zaire had become a party to the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa and had concluded bilateral agreements with a number of neighbouring States. Those agreements provided that the refugees should be settled at some distance from the border with their country of origin, and that they should be prohibited from engaging in political activities directed against their country of origin. He also stated that there were no "minorities" in Zaire; however, there were many ethnic groups, each with its own culture and language. The Government was conscious of the disadvantaged situation of some of its nationals, and was attempting to provide all its citizens with an equal opportunity of working for the State. There was a commission on legal reform, which was reviewing legal practices among the various ethnic groups, with the aim of selecting the better procedures and moulding them into a national system. Replying to the question of naturalization, he stated that Zaire did not recognize dual nationality. Any foreigner acquiring Zairian nationality had to relinquish his original nationality, and vice versa. The wives of Zairian nationals could choose to adopt Zairian nationality, but had to elect to do so within six months of marriage, failing which they were deemed to have retained their original nationality. Otherwise naturalized citizens enjoyed all the civil rights guaranteed by the Constitution.

379. Concerning the question of restrictions on guaranteed rights, the representative stated that there were certain restrictions in Zaire, but there was nothing unusual about them. The Constitution prohibited slavery and forced labour. Nevertheless, under certain circumstances courts could sentence criminals to periods of forced labour. Since education was free in Zaire, it was felt that graduates had a debt to repay to their country. If circumstances demanded, the Government could oblige them to work as teachers to train their successors.

380. Turning to the question concerning the prerogative of the President of the Judicial Council, he stated that the office of the President of the Judicial Council had been abolished, although the prerogative had been maintained and was currently exercised by the Minister of Justice. The aim of the prerogative was better to guarantee individual rights. There was a need for such a procedure for, as in other young countries, many people in Zaire were not well informed about legal procedure or their rights under the law. It was in that light that the power given to the Minister of Justice should be viewed. Whenever a judicial decision was deemed improper, the statute of limitations notwithstanding, the Minister of Justice could apply to the Supreme Court for a review of the judgement as to both fact and law.

381. As to questions concerning the religion, the representative stated that religious sects have been established in the form of non-profit-making associations. Since they have been granted juridical personality by presidential order, they could be abolished in the same way if they carried out activities that have been

contrary to public policy or morality. As to the sect founded by Simon Kimbangu, it had been banned not by the Government of independent Zaire, but by the former colonial Power, on the ground that it had been a threat to the authority of the traditional Catholic Church.

382. Replying to questions concerning trade unions, he said that only one trade union existed in Zaire: the National Union of Workers of Zaire. Prior to its establishment there had been three trade unions, all affiliated with Belgian unions which had agitated and paralysed the country's economy. As a result they had been banned and the National Union had been set up as the country's sole trade union. The National Union covered all workers without distinction as to nationality and played an educational role by making workers aware of their duties as well as their rights. The Union's leadership was elected by the members without interference from the Government.

383. With reference to article 6 of the Convention he said that the term "exceptional damage" used in article 95 of the Code of Procedure of the Supreme Court was a notion of administrative law in Zaire, the aim of which was to provide for compensation of individuals for damage not covered by other legal provisions. As to the amount of compensation, in general, it was for the plaintiff to state the magnitude of the damage suffered and for the judge to assign a monetary value to it.

384. Concerning measures in the field of teaching, education, culture and information with a view to combating prejudices, he stated that the cultures of the various ethnic groups were shared by others. A network of radio transmitters had been built, for the purpose of disseminating information and programmes of cultural interest in various languages throughout the country. At the international level, the Government sought to implement such measures by inviting foreign authorities to disseminate information about their countries, in an effort to promote international understanding. Zairians were thus provided with an opportunity to learn foreign languages, to experience foreign culture and to become aware of events in other countries. African culture, in particular, was stressed in the Zairian system of education, beginning at the secondary level. Zairians were thus exposed to other African cultures and languages from an early age.

United Kingdom of Great Britain and Northern Ireland

385. The sixth periodic report of the United Kingdom (CERD/C/66/Add.13 and Add.24) was introduced by the representative of the reporting State who pointed out that in the Race Relations Act 1976, which was referred to in the report as the chief instrument for the implementation of the Convention, the centrepiece was the Commission for Racial Equality, whose main duties were to work towards the elimination of discrimination, to promote equal opportunity and good relations between persons of different racial groups, to keep under review the working of the 1976 Act and, when required by the Government, to draw up and submit to the Government proposals for amending the Act.

386. The Committee commended the Government of the United Kingdom for its well-organized report, which contained answers to many of the questions raised during the consideration of the previous report, and welcomed, in particular, the frankness of the report which showed that the United Kingdom was perhaps unique in the open and serious way in which it attempted to discuss and explain all aspects of the problem of racial discrimination and that it had made serious efforts in taking action to reduce the number and gravity of instances of racial discrimination in the country.

387. The Committee drew particular attention to the provisions of the Race Relations Act 1976. Some members were of the view that the exceptions to the principle of non-discrimination set out in the Act were very vague, permitted certain kinds of racial discrimination to exist and did not meet the requirements of the Convention, especially its article 1, paragraph 4, and its article 2. With reference to the exceptions to protect personal and intimate relationships, it was asked what precisely was meant by transactions between one individual and another and whether section 21 (3) of the Act, which exempted a person from the requirement not to discriminate in the disposal of premises if he neither advertised nor employed an estate agent, meant that a seller could refuse to sell his property to someone of a different race. With reference to the exceptions to prevent manifest anomalies and absurdities, it was observed that section 26 of the Act tended to create the impression that the exceptions laid down could be exploited to protect the majority group vis-à-vis racial or ethnic minority groups, and that section 25, which exempted small clubs of fewer than 25 members from the provisions of the Act on grounds that such associations were domestic in character, seemed to be the most inadmissible; it was important in this regard to take specific measures to prevent formalized organizations, whatever their size, from practising racial discrimination. With reference to the exceptions for acts done under statutory authority, it was observed that such exceptions appeared vague and it would be interesting to know the criteria governing acts by a Minister of the Crown under section 41 (2) of the Act and whether such criteria ensured adequate protection to ethnic minorities, what type of cases might be involved and which Minister was concerned. It was noted in this connexion that the Government, in accordance with section 2 (1) of the European Communities Act of 1972, was obliged to give nationals of European Community States preferential treatment in certain respects and it was observed that such provision was not consistent with the spirit of the Convention; it was also asked whether nationals of the African, Caribbean and Pacific States associated with the European Community enjoyed the same privileges as citizens of the nations of the European Community. With reference to the employment exceptions, it was asked whether section 5 (2) of the Act, which covered work where the job-holder provided persons of a racial group with personal services promoting their welfare, could be extended to include the police force, particularly in areas where ethnic minorities were predominant. Information was also requested on the percentage of ethnic minorities recruited to the police force. Some members were of the view that some of the exceptions of the Race Relations Act 1976 were legally unassailable and that the Committee should also bear in mind the legislature's declared willingness to review and revise any exceptions that appeared in practice to foster racial discrimination. Furthermore, one member noted that reference was made in the report to the review by the Government of the United Kingdom of the operation of section 11 of the

Local Government Act 1966, and asked for further information about programmes and activities organized by local authorities to meet the needs of ethnic groups in their areas and about any changes in attitude of the local authorities which, according to the previous report, were reluctant to pay attention to the problems of ethnic minorities.

388. In connexion with article 3 of the Convention, some members of the Committee regretted that the Government of the United Kingdom had reiterated its position that it was not obliged to report on its relations with South Africa or other countries, and hoped that information in this regard would be provided in the next periodic report. One member wished to know, in particular, whether British firms in South Africa complied with the United Kingdom Labour Code with respect to the wages and working conditions of workers employed by them and what measures were taken by the Government to persuade those firms to model their practices on the Code. Another member stressed that members of the Committee were not unanimous in their interpretation of the obligations of States parties under article 3 of the Convention.

389. With regard to measures for the implementation of article 4 of the Convention, it was observed that there seemed to be in the United Kingdom no legal guarantees in conformity with the provisions of that article and that it was not possible to establish, for instance, whether the existing legislation specifically prohibited verbal propaganda for racist ideas or financial assistance to racist organizations. The hope was expressed that the reservation made by the United Kingdom on signing the Convention would be revised so that adequate legislative guarantees could be enacted in conformity with article 4 of the Convention. Furthermore, it was noted that the Race Relations Act 1976 did not extend to Northern Ireland; that there was no detailed presentation in the report of the legislation in force in that part of the country; and therefore it was not possible to determine whether legislation valid in Northern Ireland fulfilled the requirements of the Convention. In this connexion, the wish was expressed that the text of such legislation, in particular, the text of the Prevention of Incitement to Hatred Act (Northern Ireland) 1970, would be made available to the Committee. Some members welcomed the information that the British Government was conducting the review of the Public Order Act 1936 and related legislation, taking into account the questions previously raised by the Committee, with a view to striking a balance between the individual's freedom of expression and the provisions of article 4 of the Convention. Referring to the role of the Commission for Racial Equality which, in accordance with the Race Relations Act 1976, was given powers to conduct formal investigations for any purpose connected with its statutory duties of working towards the elimination of discrimination and promoting equal opportunities, one member noted with satisfaction that some 48 per cent of the incidents to racial discrimination pursued by the Commission in 1978 had been settled by conciliation; another member, noting that the Commission had the power to influence public opinion, asked what was being done to improve attitudes towards migrant workers.

390. With reference to article 5 of the Convention, one member asked whether the Government of the United Kingdom, as a signatory to the European Convention for the Protection of Human Rights and Fundamental Freedoms, had agreed to let the provisions of that Convention extend to the dependent territories under its

jurisdiction. He also noted that the country had taken a large number of refugees from Viet Nam, but wondered how refugees from other parts of the world, such as southern Africa, were treated. Another member observed that there seemed to be nothing in the report dealing with the actual guarantees of the rights of the non-white population. Some members drew particular attention to the legal provisions concerning immigration and nationality in the United Kingdom. As regards the White Paper outlining the Government's proposals on the revision of nationality legislation, specific information was requested on how the changes would affect British overseas citizens and on a demographic breakdown of the estimated 1.5 million persons affected by those changes; it would also be useful for the Committee to receive information on the notion of the patrial criteria for full citizenship in order to understand the different categories of citizenship and the rights they conferred. It was noted in this connexion that there had been considerable unease in the country, especially in the immigrant communities, since the publication of the White Paper and it was stated that assurances by the Government that the concerns of the immigrant communities would be taken into account in the final legislation were comforting, but the Government must be prevailed upon to ensure that the effect, as well as the intention, of the new legislation would not be in any sense discriminatory. As regards the revised Immigration Rules which came into force on 1 March 1980, it was noted that they had ended the automatic right of some women settled in the United Kingdom to be joined by their husbands and fiancés and it was observed that that provision seemed incompatible with the guarantee of the right to marriage and choice of spouse. It was also asked whether the progressively stricter immigration rules which had been introduced in the United Kingdom since 1971 had, in fact, resulted in an improvement of race relations and whether they had actually had the effect of guaranteeing human rights to ethnic minorities. Furthermore, it appeared from the information provided that there was an acute problem of unemployment in the United Kingdom among ethnic minority groups, that unemployment among the immigrants had increased and that there was discrimination in the field of employment against young people; information was requested on measures the Government planned to introduce to tackle those problems and what short and long-term solutions it proposed. With reference to the provisions of the Immigration Act and the new Immigration Rules, it was asked how an illegal immigrant was defined under the law, how many illegal immigrants had been apprehended, how many had been deported, what was the breakdown of their nationality and whether there was any administrative discretion as to whether or not to deport a so-called illegal immigrant.

391. Reference to the new Immigration Rules was also made in connexion with article 6 of the Convention: it appeared that under United Kingdom law individuals, when applications for entry into the country were refused, could exercise their right to appeal only outside the United Kingdom, and it was asked how, if the appeal was successful, compensation would be paid for financial damages incurred as a result of the original refusal of permission to enter. Some members referred to the provisions of the Race Relations Act 1976, under which discrimination had been defined as a full civil wrong, and it was observed in this connexion that civil suits could drag on for long periods and that, in order to provide effective protection, discrimination should be designated at least a criminal offence. It was noted that the Commission for Racial Equality had the sole right to bring legal proceedings against various infractions of the Act and it was asked whether the

injured party or a civil rights organization was therefore disbarred from instituting proceedings independently of the Commission and how the independence of the Commission was ensured. Clarification was requested on the information that legal aid was not available for proceedings before an industrial tribunal; it was noted, in addition, that a person wishing to pursue a complaint in industrial tribunals could seek professional help from his trade union, and it was asked what help was available to those workers who did not belong to a union and what means, beyond a further prosecution and fine, were used to ensure compliance with the ruling of an industrial tribunal. Some members were not entirely satisfied with the explanations provided in the report in response to the questions previously raised by the Committee with regard to the possibility of a conflict between the requirement for the Attorney-General to give his consent to a prosecution and the principle of individual access to the courts, and one member expressed the opinion that such requirement might deny individuals the right to seek redress in the courts.

392. With reference to article 7 of the Convention, it was noted that most of the publications dealing with the race relations situation in the United Kingdom, listed in the 1978 annual report of the Commission for Racial Equality, seemed to be aimed at ethnic minority groups in the country and not at the non-minority population, and information was requested on what efforts had been undertaken to educate the population as a whole about the cultures and traditions of the immigrant communities and ethnic minorities in the United Kingdom, to develop the knowledge and understanding of foreign cultures, and to disseminate information about the Convention through the mass media. It was also asked whether there were any other organizations in the United Kingdom, besides the local community relations councils, that sought to promote understanding, particularly among young people.

393. Replying to questions raised by members of the Committee, the representative of the United Kingdom explained that the exceptions to the Race Relations Act 1976 appeared to be very broad, but in many cases they involved only a few individuals and that many of the exceptions were designed to protect members of minority communities. He pointed out that, if racial discrimination did occur in connexion with exceptions to protect personal and intimate relationships, the law would have to be reviewed; the pressure of public opinion was a powerful force in this regard and the Commission for Racial Equality also had the power to bring incidents to the attention of the Government. As regards the exceptions to prevent manifest anomalies and absurdities, he pointed out that the provisions allowing the formation of clubs or associations based on nationality were intended to protect minority groups and that the law made it clear that colour could not be the basis for the formation of a club. As regards the exceptions for acts done under statutory authority, he stated that exceptions for Ministers of the Crown, under section 41 of the Race Relations Act, had to be seen in relation to section 75 of the Act, and that there was no evidence of abuse of those provisions which would have been, otherwise, publicized by the Commission for Racial Equality and the mass media. In this connexion, his Government felt that preferential treatment for nationals of the European Economic Community was consistent with the Convention. As regards the employment exceptions, he stated that there was no question of discrimination in the recruitment of staff for government departments and informed the Committee about recruitment campaigns by the various police forces specifically

to recruit officers who were immigrants or of immigrant descent and about the increased contacts and activities in the police force to improve relations with immigrant communities. Racist conduct on the part of a police officer would not be tolerated and, when a case was reported, it was dealt with extremely severely. As regards the attitude of local authorities towards the needs of ethnic minorities, he stated that there was no widespread evidence of lack of attention by local authorities on the subject.

394. Referring to questions regarding the implementation of article 3 of the Convention, the representative stated that, as far as relations with South Africa were concerned, there had been no change in his Government's position: the matter did not fall within the purview of the Convention and there were other forums in which his Government could more appropriately state its abhorrence of apartheid.

395. With reference to article 4 of the Convention, the representative stated that incitement to racial discrimination was already a criminal offence. The balance between freedom from racial discrimination and other freedoms was a delicate one and, while his Government would take account of the comments of the Committee, the Committee too had to take account of his country's traditions. He referred to the practical and constitutional reasons why the Race Relations Act 1976 did not extend to Northern Ireland already explained in the report and assured the Committee that the texts of the legislation relevant to that part of the country would be provided. He also wished to clarify that the Act did apply to Scotland and to Wales.

396. With reference to article 5 of the Convention, the representative informed the Committee that the European Convention for the Protection of Human Rights and Fundamental Freedoms had been extended to the few remaining dependent territories with limited exceptions such as territories with no permanent population like Antarctica, territories in the Indian Ocean and Hong Kong which had a special status, and that cases of alleged racial discrimination had been taken to the European Commission of Human Rights. As for the non-white population, it had precisely the same rights as all other elements of the population. People who had left South Africa for political reasons had in many cases chosen to go to the United Kingdom because of its liberal policy about refugees. The representative provided some figures on immigration to the United Kingdom and on cases of refusal of entry into the country, and stated that the imposition of immigration controls had created an atmosphere of confidence and reassurance for the majority of the population. He explained in this connexion that there had been too many cases of women forced to marry a particular man in order for him to gain entry to the United Kingdom, and that his Government did not feel obliged to permit primary immigration through marriages arranged for that purpose. It was his Government's view that the new immigration rules did not discriminate on the grounds of race or sex and, as regards recent provisions and proposals on nationality, an assurance had already been given that there would be no question of altering the status of those already lawfully settled in Britain.

397. With reference to article 6 of the Convention, the representative emphasized that incitement to racial hatred was already a criminal offence, but that in its approach to racial discrimination, the United Kingdom preferred reconciliation

to draconian penalties. He referred, in this connexion, to information provided on civil cases which had been settled without delay and sometimes with the award of substantial damages. He also explained that in the United Kingdom legal aid meant financial assistance for legal representation and that in employment cases, an individual could bring someone to represent or assist him but no financial assistance was provided in order to maintain an informal atmosphere which was thought to be conducive to settling such cases. As regards the right of individual access to the courts, he stated that under the Race Relations Act 1976, there was no need for an individual with a grievance to have recourse to the Attorney-General who was concerned with cases of incitement to racial hatred as a general phenomenon and not with injustice against individuals. The individual, however, could enlist the help of the Commission for Racial Equality in order to redress his grievance.

398. With reference to article 7 of the Convention, the representative drew the attention of the Committee to the information provided in the annual report of the Commission for Racial Equality concerning school curricula and efforts made by local authorities and various organizations, especially in areas with large immigrant populations, to promote understanding in the local community.

399. He finally assured the Committee that the next periodic report would provide information with regard to those questions which had remained unanswered.

Union of Soviet Socialist Republics

400. The sixth periodic report of the Union of Soviet Socialist Republics (CERD/C/66/Add.14) was considered by the Committee together with the additional information provided by the representative of the reporting State, who informed the Committee of the new legislation and development in the Soviet Union since the submission of the previous report, the most significant of which were: the new Constitutions (Fundamental Laws) of 15 Union Republics and 20 Autonomous Republics (1978), the new Act on Citizenship of the USSR (1979), the Act on Elections to the Supreme Soviet of the USSR (1978), the Act on the status of people's deputies in the USSR (1979), the Decision on standing commissions of the Soviet of the Union and the Soviet of Nationalities of the Supreme Soviet of the USSR (1979), the Act on the Council of Ministers of the USSR (1978), the Act on the Supreme Court of the USSR, the Act on the Procurator's Office of the USSR and the Act on the Legal Profession in the USSR (1979). Since the submission of the sixth periodic report further legislation had been enacted by the Presidium of the Supreme Soviet of the USSR with a view to ensuring national and racial equality, including a revised decree on the procedure for considering proposals, statements and complaints made by citizens.

401. The representative also replied to questions previously raised by the Committee in connexion with its consideration of the fifth periodic report of the USSR. Concerning the question of legislation to implement article 4 of the Convention he stated that, according to article 36 of the Constitution, any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness were punishable by law. Under the Penal Codes of the Union Republics, such crimes were punishable by six months to three years imprisonment, or exile for the period of two to five years. Article 51 of the Constitution stated that Soviet citizens had the right to associate in public organizations whose aims were consistent with the building of communism. Organizations that incited racial discrimination were contrary to that purpose and therefore could not be set up. In order to have legal standing, organizations must register and, in so doing, state their purposes, which must be in accordance with the Constitution. Article 64 of the Constitution referred to the duty of every citizen to respect the national dignity of other citizens, and to strengthen friendship among the nations and nationalities of the Soviet State.

402. Concerning the questions of implementation of article 6 of the Convention, the representative stated that following the radical political, economic, social and other changes in the USSR, racial and national discrimination had been brought to an end; thus the question of protecting victims of racial discrimination did not arise. None the less, Soviet laws contained provisions relating to the protection of citizens against racial discrimination. Article 5 of the Fundamental Principles of Civil Procedure of the USSR and the Union Republics provided that any individual was entitled to go to court if any of his rights or interests were infringed, and article 6 of the Act on the Fundamental Principles of Civil Law of the USSR and the Union Republics provided protection through an administrative recourse, as well as through the Comrades' Courts and Trade Unions and other public organizations. According to article 58 of the Constitution citizens had the right to lodge complaints against the actions of

officials of State bodies and public bodies, and their complaints would be examined according to the procedure and within the established time-limit. Actions by officials which controvert the law or exceed their powers and infringe the rights of citizens could be appealed in a court and citizens were entitled to compensation for damage resulting from unlawful actions by State and public organizations or by officials in the performance of their duties. Unlawful actions committed by officials were punishable according to the Penal Codes of the Union Republics.

403. Referring to the request for information regarding the position of aliens and stateless persons before the law, he stated that under article 37 of the Constitution citizens of other countries and stateless persons were guaranteed the rights and freedoms provided by law, including the right to apply to a court and other State bodies for the protection of their personal property, family and other rights. Persons who did not speak the language in which proceedings were being held were entitled by law to address the court in their own language and had the right to interpretation. In accordance with the article 15 of the 1978 Act of Citizenship aliens and stateless persons may be naturalized as citizens of the USSR at their request. The civil and other rights enjoyed by aliens and stateless persons included the right to protection of the law and protection of property as well as the right to choose one's work and place of residence. There were exceptions to the general rule. For example, a foreigner could not be a member of a ship's crew or that of an aircraft.

404. Replying to a question concerning the Soviet contribution to the funds established by the United Nations to bolster the struggle against the racist régimes in southern Africa, he stated that Soviet material assistance to the national liberation movements was often greater than contributions of many States to different funds. It contributed to the International Defence and Aid Fund, the most recent contribution amounting to \$10,000 having been made in March 1980.

405. Members of the Committee commended the clear indications of the praiseworthy efforts made by the Soviet Union to meet its obligations under the Convention. It was remarked that the extensive additional information provided by the Soviet representative and legal provisions described in the report were of great interest and had helped the members of the Committee better to understand the Soviet reality. An opinion was expressed that the October Revolution inspired peoples in their struggle for independence and that Lenin had anticipated the Convention in calling for special measures to resolve the problem of the nationalities. It was recalled that the Soviet Union had played an essential role in the struggle against a particular form of racism, namely nazism. It was also underlined that internationalism, democratic ideals and humanism formed the basis of the Soviet Union's laws.

406. Members of the Committee noted that in 1978 and 1979 legislation had been enacted to implement the new Soviet Constitution (1977), including a law on nationality and a law on elections to the Supreme Soviet. In this connexion, some members assumed that the process of revising domestic law to bring it into line with the new Constitution was under way and that further information on that question would be provided in the next report, as well as fuller extracts of the texts of laws, civil and penal procedures, so that the Committee could judge

whether the laws in question actually met the provisions of the Convention. It was important to understand how a country's legal procedures were implemented. A member of the Committee requested to know how the new Constitution affected the existing system of other laws.

407. The Committee noted with satisfaction the information provided on the breakdown by nationality of the population of the Union of Soviet Socialist Republics. The results of the 1979 census demonstrated that the Soviet Union was a multinational State. In this connexion, several members of the Committee concentrated their interest on the status of the nationalities, small minorities and ethnic groups and their relationship with the central Government, as well as on the status of foreigners and stateless persons. They noted that the Constitutions of the constituent republics of the Soviet Union have proclaimed equal treatment of all ethnic groups and minorities. Nevertheless, they asked whether the minorities not organized in autonomous republics, regions and areas were in a less favourable legal position, for instance during procedures before the courts. More details were requested on the relationship between the autonomous regions and the central Government in terms of powers delegated to them, and whether such powers extended to matters such as education and socio-economic development, on measures taken to overcome backwardness in the comparatively backward regions, and on any special policies adopted with respect to their development. Some members noted that the percentage of some nationalities naming the language of their nationality as their native tongue was not so high. It was asked what criteria governed a person's choice to have Russian as his or her mother tongue; how the adoption of Russian affected the status of native languages, whether languages other than Russian continued to be safeguarded even if they were spoken only by small minorities and what language policy in general was applied in education. A member of the Committee noted that according to data from the 1979 census the number of German population naming German as their mother tongue had decreased. He requested an explanation of such a decline and welcomed information on the arrangement for the education of the German minority in the Soviet Union. Another member asked for clarification concerning the decline in the Jewish population and wondered whether the birth-rate had dropped or whether the decline was due to freedom to migrate to other countries. Information was also requested on whether foreigners and stateless persons in the Soviet Union enjoyed the full range of rights, particularly the right of asylum; what the laws were governing marriage between Russian and foreigners; and whether people who took refuge in the Soviet Union for political reasons enjoyed the same rights as Soviet citizens. It was also asked whether a newly naturalized citizen would enjoy all political rights in the Soviet Union, or was subject to any restrictions.

408. Some members reiterated the request made earlier that the texts of the legislative, regulatory and, in particular, penal and procedural provisions implementing article 4, paragraphs (a), (b) and (c) of the Convention, should be submitted in writing.

409. With regard to the implementation of article 5 of the Convention, members of the Committee noted that the efforts made by the Soviet Union in all areas, covered by this article of the Convention, have been commendable. One member doubted whether the right to freedom of movement and the right to leave the country were respected. Explanations about mobility in the field of employment,

the free choice of work and the legal basis of expulsions were requested. Another member of the Committee requested further information on paragraph (d) (ii) of that article, in particular, how many persons had applied to leave the Soviet Union, either as tourists or as emigrants, during the period under review, how many of those applications had been granted, and how many denied, as well as a breakdown of figures by race and nationality. He asked also whether non-party members could stand for election to the Supreme Soviet or to the Soviets of the various Republics, and how many slates of candidates were presented in any given election. He also requested a breakdown by nationality, race and ethnic origin of the Party membership as well as of the membership of the Supreme Soviet and the Soviets of the constituent Republics. Information on the degree of recognition of the various religions was also requested; whether, notwithstanding the special concept of religious freedom, religious institutions received assistance from the State and whether the State recognized sacramental ceremonies in the case of marriages, in addition to civil registration.

410. In connexion with the implementation of article 6 of the Convention, a member of the Committee asked how a victim of racial discrimination could proceed to seek reparation or satisfaction for damage suffered. Was recourse possible if an individual suffered discrimination at the hands of another individual? Were interpreters in court proceedings paid by the court or by the individual when a member of a linguistic minority was involved?

411. Concerning the article 7 of the Convention, it was noted that the right of citizens to education in their mother tongue was guaranteed in the Constitutions of the various Republics and the question was asked whether specific legislation had been enacted at the federal level to implement that right. It was wondered whether article 4 of the Fundamental Principles of Legislation of the USSR and the Union Republics on Public Education actually served to provide education for all citizens in their mother tongue and to what extent the schools were being used to acquaint children with the great cultural diversity of their country. The regulation adopted by the Supreme Soviet of the USSR requiring the translation of all laws, decisions and other acts into the languages of the Union Republics was highly commendable. One member asked whether there was a similar provision for the translation of international agreements into those languages.

412. The representative of the reporting State, replying to questions raised by members of the Committee, stated that much attention was paid in his country to the status of native languages and to the development of cultural traditions of all ethnic groups of the population. After the revolution written languages were created for many nationalities which had only spoken languages. Some of the schools in each Republic used Russian as the language of instruction, while others used the national language; however, in all schools the national language is learned by all children. The choice of schools was left to the parents and children. The governing bodies of the autonomous Republic took part in preparing and approving the State plan and budget affecting industry, agriculture, enterprises and other institutions.

413. On the subject of the role of the Russian language, he said that the fact that an increasing number of persons had stated during the census that they considered Russian to be their native language reflected the prominent role played by the Russian language in the unification of the nationalities and in communications. In any case, the choice of language was voluntary and expressed merely personal preference. The movement of people from one Republic to another led to the gradual loss of the native language and its replacement by Russian, which reflected the increasing cultural, political, economic and social unity of the Soviet Union.

414. With regard to schools in the German language, the representative said that there were many schools offering courses in that language; in some schools all subjects were taught in German, especially in regions where Germans had settled. With regard to the census and the category of Jewish nationality, he said that those who indicated that they wished to be registered as Jews were so registered. Some practised Judaism, while others did not.

415. In reply to questions concerning the right of asylum, the representative stated that article 38 of the Constitution granted the right of asylum to foreigners persecuted for defending the interests of the working people and the cause of peace, or for participating in the revolutionary and national liberation movements, or for their progressive social, political, scientific or other creative activity.

416. With regard to the situation of foreigners and stateless persons, he stated that those persons had all the rights and freedoms provided for nationals in the Constitution except for certain political rights. The exercise of rights and freedoms were subject to the limitations spelt out in the Constitution, i.e. they must not be used to jeopardize the interest of State security, public order and so forth. Furthermore, foreigners had the obligation not to interfere in the internal affairs of the Soviet Union, to respect national customs and traditions and to observe the laws and social order. Marriages between Soviet citizens and foreigners were recognized in the Soviet Union. After the Second World War, by 1978, approximately 10,500 Soviet citizens had concluded marriages with non-Soviet citizens and in many cases had left the country to live in other countries.

417. Turning to questions concerning the need to change legislation in order to implement the new Constitution, the representative stated that according to the plan announced by the Presidium of the Supreme Soviet, a number of major pieces of legislation required revision. Many Soviet laws had been already revised.

418. With regard to questions concerning the possibilities for Soviet citizens to emigrate, he said that most of the Soviet nationals exercising their right to emigrate had left the country to rejoin their families abroad. The Soviet Red Cross co-operated with the International Red Cross in efforts to find members of separated families. More than 2 million applications for searches had been filed and in more than 400,000 cases relatives had been found. Hundreds of thousands of the people concerned had entered the Soviet Union to join their families and had obtained Soviet citizenship. Others had left without any difficulties to rejoin their families abroad. Between the end of the Second World War and September 1978, 168,000 persons of Jewish nationality and 50,000 of German origin had left the country. The authorities gave careful consideration to all applications. The rejections amounting to 1.6 per cent were only temporary. In some cases an individual was involved in court proceedings or families needed time to arrange their affairs. If an individual was involved in the work of a national security nature, some time must elapse until that individual could go abroad.

419. With regard to the questions concerning elections to the Soviets, the representative stated that in the most recent elections (February 1980) more than 176 million voters had elected 2,285,000 deputies to the Supreme Soviets of the Union and Autonomous Republics and to the local Soviets. 56.8 per cent of the deputies were non-party members, nearly one half were women and 68.6 per cent were factory or farm workers.

420. As regards the status of religion and registration of marriages, the representative said that there was full freedom under the Constitution to practise any religion or none at all. The Church and the State were entirely separate and it was the responsibility of the Church to provide a salary for its priests. Some church buildings were supported by the State as national monuments. Marriages had to be contracted at the Bureau of Civil Status Records (ZAGS). Nothing prevented individuals from having religious ceremony; religious marriages contracted prior to the Revolution had the same legal status as those contracted at ZAGS.

421. Replying to the question about the payment of interpreters in court cases, he said that under the Code of Civil Procedure witnesses, experts and interpreters were paid by the Court.

422. The representative assured the Committee that other questions would be transmitted to the competent authorities of his Government, who would take them into account in preparing the next periodic report.

Ukrainian Soviet Socialist Republic

423. The sixth periodic report of the Ukrainian Soviet Socialist Republic (GERD/C/66/Add.15) was considered by the Committee, together with the introductory statement made by the representative of the reporting State.

424. Some members of the Committee noted that a major part of the report was devoted to answering questions raised during the discussion of the fifth periodic report, proving that the Ukrainian SSR attached importance to the work of the Committee and the dialogue established between Committee and the Government.

425. With regard to national composition of the Ukrainian SSR, it was asked what possibilities there were for the Jews, Poles, Bulgarian and other nationalities living in the country to develop cultural, linguistic and other ties with their "mother" nation, whether there were, for instance, exchanges of textbooks, cultural delegations, whether the teachers who provided instruction in the mother tongue of such nationalities received training in the "mother" nation, and if so, whether such exchanges were governed by international or any other type of agreements. It was also requested that the actual provisions granting the rights of aliens be made available to the Committee.

426. With respect to the implementation of article 4 of the Convention, some members noted that the requirements of this article were not fully covered by the country's legislation. Article 66 of the Criminal Code was unsatisfactory for the purposes of the Convention, since it made punishment of discrimination subject

to the intentions or objectives of the offender, and did not deal with the organizations prohibited under article 4 (b) of the Convention. Also while 4 (c) was not covered, the text of the Criminal Code would be needed.

427. With regard to the implementation of article 5 of the Convention, some members of the Committee remarked that all the rights covered under this article seemed to be implemented. Other members pointed out, however, that they had problems with regard to social and economic rights exemplified by the right to housing under article 42 of the Constitution. In their view, that article established an obligation for the State rather than an entitlement for the individual and afforded no protection to anyone who, on applying for accommodation, might be refused on the false pretext that none was available. In connexion with political rights, the Committee requested the actual text of the Election Acts, additional information on the ethnic composition of the various Soviets, on the manner of selection of the candidates and whether there were non-party members in the Soviets. With regard to the right to leave the country, it was asked whether its enforcement fell within the jurisdiction of the USSR or of the Ukrainian SSR, and whether a person denied the right to leave could apply to the courts or to administrative officials, and if decisions of administrative officials could be appealed to the courts.

428. In connexion with article 6 of the Convention, it was noted that while the report dealt with acts of discrimination committed by public officials, the Committee needed to see the actual legal provisions giving effect to that right. No mention had been made of such acts by a private individual against another individual.

429. Replying to questions raised by the members of the Committee the representative of the reporting State observed that the information contained in the report reflected the broad ethnic composition of the Supreme Soviet and of the local Soviets in the Ukrainian SSR. Specific figures on that subject would be annexed to his country's next report. As to the question of how cultural and other ties were maintained by the nationalities and their "mother" nations, he stressed the importance of the activities of the Ukrainian Society for Friendship and Cultural Relations with Foreign Countries and its various branches, sections and commissions. He stated that the Ukrainian SSR radio programmes were broadcast in some national languages, that books were exchanged with foreign countries and that many young representatives of the different nationalities all over the world did in fact study in the various higher establishments in the Ukraine. An important role in expanding cultural exchange was played by town twinning.

430. As to the rights of foreigners in the territory of the Ukrainian SSR, there were specific laws governing foreigners who did not have Ukrainian citizenship. Article 35 of the Constitution, described in his country's report, concerned the rights of aliens. The right to asylum was guaranteed under article 36 of the Constitution. He stated that foreigners could obtain Ukrainian citizenship, regardless of their race or national origin, in accordance with article 15 of the Citizenship Act. He also observed that, under article 565 of the Ukrainian Civil Code, foreigners living in the Ukrainian SSR enjoyed the same civil rights as Soviet citizens, with some exceptions.

431. Replying to the question concerning implementation of article 4 of the Convention he said that the report encompassed the prohibition of all activities of individuals, as well as groups and associations, which violate the principle of

equal rights of citizens of different races and nationalities. The Constitution of the Ukrainian SSR and the Criminal Code of the Republic provided sufficient penalties for activities violating the rights of citizens. There was no need to add to those provisions, especially since, thus far, no such violation had occurred. The provisions of article 66 of the Criminal Code already fulfilled all the requirements of article 4 of the Convention. He pointed out that citizens had the right to join only those organizations that were established in accordance with the purpose of the building of communism. Therefore, no association based on racial discrimination could be established. Moreover, all organizations were required to be registered and to obtain permission in order to carry out their activities and to conduct such activities in keeping with the Constitution.

432. Replying to the question concerning the right to housing, the representative drew attention to the fact that in 1978 alone 1.6 million persons in the Ukraine had their housing conditions improved. If a citizen wished to obtain housing or to obtain better housing, he filed a request with the local authorities, and their requests were filled in the order in which they had been received.

433. With regard to the rights of individuals subjected to racial discrimination to apply to court organs, he noted that Ukrainian legislation contained provisions to protect such rights.

434. In conclusion, he assured the members of the Committee that their comments and questions would be reported to the relevant organizations in his country and would be taken into account in the preparation of its next periodic report.

Poland

435. The sixth periodic report of Poland (CERD/C/66/Add.17) was considered by the Committee together with the introductory statement of the representative of the reporting State who reaffirmed his country's commitment to the elimination of all manifestations of racial discrimination and referred to some of the initiatives taken by his Government in this regard at the international level, the most recent of which was the ratification of the Convention on the Elimination of All Forms of Discrimination against Women in July 1980.

436. Members of the Committee expressed their satisfaction with the report which contained replies to questions raised during the consideration by the Committee of the previous report of Poland and which demonstrated the goodwill of the Polish Government and its desire for a constructive and positive dialogue with the Committee.

437. One member stated that, as in the case of other reports from the same region, he had been struck by the ideological considerations and the analysis of the causes of racism. He observed that beside neo-colonialism, social inequality also was a source of racism and that the emergence of racism was possible in all countries; therefore it was necessary to attack the roots of racism by means of social, economic and educational measures. Another member pointed out, in this connexion, that a broad-ranging legal basis existed in Poland for the eradication of any vestiges of racial prejudices and that, in his view, the entire social system of the country was directed towards eliminating such prejudices. He also expressed the opinion that Poland was fully complying with its obligations under the Convention. Some members emphasized the historical and cultural elements of the Polish past which enabled that country to combat racism.

438. Some members, however, felt that article 4 of the Convention, although covered to a large extent by the Polish legal provisions, was not being entirely implemented. It was noted that article 81 of the Constitution made a notable distinction between direct and indirect acts of discrimination, which were punishable offences, and dissemination of hatred or contempt, which was merely prohibited. It was noted also, in this connexion, that article 272 of the Penal Code stated that public instigation for quarrels on grounds of, inter alia, racial differences was punishable but it was observed that no parallel disposition appeared to be contained in the Penal Code with regard to the dissemination of hatred and contempt. Furthermore, it was noted that article 84 of the Constitution prohibited the formation of and participation in associations whose aims were harmful to the political and social system or to the legal order of the Republic, and it was asked what legislation gave effect to that prohibition, what penalty was imposed for participation in such associations and whether there had been any cases in which article 84 of the Constitution had been applied with regard to racist associations. Although it was stated in the report that there was no need in Poland to take special preventive measures against the forming of organizations based on racial prejudice, some members of the Committee felt that information in this field should be provided in the next periodic report.

439. Some members of the Committee also felt that the present report, like the previous ones, did not provide enough information concerning measures taken by the Polish Government to implement the provisions of article 5 of the Convention and the wish was expressed, in particular, that the original text of the law on aliens residing in Poland, extracts of which appeared in the report, would be made available to the Committee. Some members of the Committee made reference

especially to the provisions concerning the expulsion of aliens. It was noted that one of the grounds for expulsion was the deprivation of Polish citizenship after 9 May 1945, and it was asked whether that provision still had practical importance, since a decree had been enacted in 1953 stating that all who had been deprived of their citizenship in 1945 and had remained in the country could make a declaration to be rehabilitated and have all the rights of citizenship restored. It was also asked whether it was possible for a Polish resident to be deprived of his citizenship if he had no other country of citizenship and, if so, for what reasons and by what judicial or administrative authority he could be so deprived; furthermore, it was asked whether there was a time-limit for expelled aliens to leave the country and if their cases could be reviewed, whether there was a time-limit for appeal against an expulsion decision and whether it could be extended. Information was requested on whether the right to travel was restricted and, if so, what restrictions were imposed; whether the right to strike was recognized in law as it was in practice and what safeguards were established by law in that regard.

440. In connexion with article 6 of the Convention, specific information was requested on the possibilities available to individual citizens for protecting their rights, including the right of nationality, on texts relating to civil and administrative responsibility, for example, concerning the right of appeal against abuse of power by officials in racial matters; on how proceedings could be started in administrative and civil cases and on how an individual could institute criminal proceedings.

441. The representative of Poland assured the members of the Committee that their comments and questions would be transmitted to his Government and that more detailed information regarding the implementation of certain articles of the Convention would be provided in the next periodic report.

Byelorussian Soviet Socialist Republic

442. The sixth periodic report of the Byelorussian Soviet Socialist Republic (CERD/C/66/Add.18) was introduced by the representative of the reporting State, who gave information on the major legislative measures that had been introduced in the period under review in connexion with the provisions of the new Constitution (1978), including the Act on Elections to the Supreme Soviet and Elections to the Local Soviets of People's Deputies, as well as information on the preliminary results of the census of the population of that country.

443. Some members of the Committee noted that the report was comprehensive and interesting and provided answers to questions raised during the discussion of the fifth periodic report. Referring to the census of the population of the USSR, a member of the Committee noted that only 74 per cent of Byelorussians living in the USSR declared the Byelorussian language as their mother tongue. Taking into account that this percentage had decreased since 1970, he asked whether the increasing use of Russian was due to assimilation of the indigenous population.

444. Doubts were expressed regarding the application of article 4 (b) of the Convention. Some members noted that article 71 of the Criminal Code of the Byelorussian Soviet Socialist Republic did not fully meet the provisions of that

article, which called for the prohibition of organizations promoting racial discrimination. The Government needed to do more than to have a criminal code provision punishing propaganda aimed at inciting racial discord. Even if there were no organizations promoting racial discrimination in the Republic, yet the Convention required States to actually prohibit the establishment of any such organizations.

445. Detailed information was requested on the implementation of article 5 of the Convention. Referring to the Act on Elections to the Supreme Soviet and the Act on Elections to Local Soviets, it was stated that the Committee needed the texts of those laws in order to understand the procedures involved, for example, concerning the qualifications of the candidates and the manner of their selection, as well as the details of the penalties imposed upon anyone who obstructed a citizen in the free exercise of his right to elect and to be elected. One member of the Committee requested, in particular, the constitutional provisions governing the participation of Byelorussian citizens of other nationalities in the Supreme Soviet and the criteria used to establish the percentage of the Byelorussian citizens of other nationalities. Referring to article 158 of the Constitution which guaranteed the right of citizens to address the court in their own language, a member of the Committee asked for precise details of the legal provisions pertaining to that right: could citizens merely address the court in their own language or did they also have the right to receive a reply in their own language? Was there any obligation for courts to provide official documentation in that language and could citizens appeal to the Supreme Court in their own language? Further details would be welcomed concerning the constitutional provision to protect foreigners' rights in the court.

446. As regards article 6 of the Convention, it was noted that the report lacked some of the information which the Committee needed in order to discharge its obligations. For example, the report stated that applicants might appeal against the refusal to bring a criminal case either to the appropriate procurator or to a higher court, but did not make it clear why such a choice existed. Also the ways of obtaining compensation should be specified.

447. The representative of the reporting State answered the questions raised by members of the Committee and stated that the decline in the number of persons indicating Byelorussian as their native language has been a consequence of the personally expressed views of the citizens themselves. Foreigners in the Byelorussian Soviet Socialist Republic had the same rights as Soviet citizens to apply to the courts for protection of the family, labour and other rights provided for them under the Constitution.

448. Concerning prohibition of organizations which promote racial discrimination, the representative said that the provisions of article 71 of the Criminal Code applied both to individuals and to organizations. In accordance with the Civil Code, no organization might receive legal recognition unless it was registered with the authorities. It would obviously contravene the Constitution to register any racist body.

449. Referring to elections to the Local and Supreme Soviets, he stated that under the Constitution elections were conducted on the basis of universal suffrage, and

by secret ballot. Any direct or indirect limitations of electoral rights were prohibited by law. Candidates in elections to the Soviets were nominated by the organizations of the Communist Party of the Soviet Union, the trade unions, the Communist Youth League, the co-operative and other public organizations and by the collectivities.

450. With regard to the right of appeal, he pointed out that under article 56 of the Constitution, citizens had the right to lodge complaints against State officials and public bodies. The Penal Code provided for severe punishments of officials who abused their authority or position.

451. Replying to the question of the languages in which court proceedings were conducted, he said that article 158 of the Constitution provided that court proceedings should be conducted in the Byelorussian or Russian languages, or in the languages spoken by the majority of the people of the locality. Persons who could not understand the language in which they were conducted had the right to the services of an interpreter during the proceedings, and the right to address the court in their own language.

452. In conclusion, the representative pointed out that all the questions raised by the members of the Committee would be analysed and borne in mind in the preparation of the next report.

Mexico

453. The third periodic report of Mexico (CERD/C/63/Add.1) was considered by the Committee together with the introductory statement made by the representative of the reporting State.

454. Members of the Committee expressed appreciation for the detailed information contained in the report and noted with interest that, under article 133 of the Political Constitution of the United Mexican States, treaties concluded in accordance therewith acquired, upon ratification, the status of Supreme Law of the entire Union. In this connexion, one member, noting that the Convention was ipso facto the law of the land, requested a clarification on whether there was any need to enact legislation specifically to implement the substantive articles of the Convention, or whether they already had force of law in Mexico. Members of the Committee were of the view that even if the Convention was part of the law of the land, further legislation was needed to give effect to the provisions of the Convention, such as legislation declaring acts of racial discrimination punishable by law and imposing the necessary penalties.

455. The Committee observed that it was difficult to ascertain from the information provided in the report whether the requirements of article 4 and article 6 of the Convention were actually fulfilled by Mexican legislation, and it was suggested that the next periodic report should include all the provisions of Mexican legislation that applied to those articles so that such provisions, as a whole, could be considered in the light of the relevant obligations incumbent upon States parties. It was recalled that the Convention was intended not only to combat racial discrimination where it existed, but also to prevent racial discrimination and that the purpose of article 4, in particular, was to ensure that States parties established provisions in their legal systems to prevent any outbreak or resurgence of racial discrimination. It was asked, in this connexion, which acts of racial discrimination precisely constituted an offence under the Penal Code and the wish was expressed that the relevant legal texts would be made available to the Committee.

456. Further information was also requested with regard to the full implementation of rights covered by article 5 of the Convention. One member asked, in particular, whether Mexico had acceded to Convention No. 111 of the International Labour Organization concerning discrimination in respect of employment and occupation.

457. With reference to article 6 of the Convention, the Committee expressed its particular appreciation for the very detailed information provided on the amparo proceedings. The hope was expressed, in this connexion, that information would be provided on specific examples of judicial decisions which would enable the Committee better to understand how amparo proceedings were conducted. It was also noted that, while such proceedings were admissible in respect of decisions taken by the authorities, it was not clear what recourse was available to an individual whose rights had been violated by other individuals, unless the Public Prosecutor's Department brought a criminal action; it was asked what happened if the Public Prosecutor's Department considered that, under the circumstances, it could not succeed in its action, or if it refused to institute such action because the offence had been committed by a State body, and whether any of the provisions of Mexican legislation enabled an individual to institute such action himself. As to the very important role of review of the Supreme Court of Justice, particularly in determining whether a law was unconstitutional, it was asked what happened if the Supreme Court ruled that a particular law was in fact unconstitutional, and whether the law ceased to apply in the specific case in question or whether it was rescinded entirely.

458. Members of the Committee were of the view that, although the previous report contained satisfactory information in connexion with article 7 of the Convention, the next periodic report should provide updated information on measures taken by the Mexican Government in implementation of the provisions of that article.

459. In replying to questions raised by members of the Committee, the representative of Mexico confirmed that, upon ratification, treaties were published in the Diario Oficial and entered into force in his country, taking precedence over the law of the land. Specific information would be provided on what procedure applied, should an individual wish to invoke the provisions of the Convention to ensure protection of his or her rights before a Mexican court. As regards the comments made by the Committee on the implementation of article 4 of the Convention, he emphasized that the Government and people of Mexico had great difficulty in legislating on matters of racial discrimination, because the very concept was alien to their philosophy and culture. An effort would be made, however, to explain in the report which of the various forms of racial discrimination were covered by the penal law in force in the country.

460. With reference to questions raised in connexion with article 6 of the Convention, the representative stated that, to his knowledge, no case of racial discrimination had ever been brought before the courts in Mexico. He explained that the amparo procedure was available to any individual in Mexico, including a foreigner, and could be invoked against an act of racial discrimination. He also explained that in cases where individuals violated the rights of others, the Public Prosecutor's Department could take action on its own behalf, whether or not specific complaint had been lodged and that, while an individual could not institute

criminal proceedings, proceedings could be instituted before the civil courts and damages could be awarded, as provided by the law. As for the decisions of the Supreme Court stating that a law was unconstitutional, the representative stated that the law would not remain in force if it embodied regulations deriving from another law; however, decisions of the Supreme Court relating to amparo proceedings, did not prejudice the nature of the law concerned, the role of the Supreme Court in such cases being simply to protect the right of an individual in a specific case. The representative assured members of the Committee that their comments and requests for information would be transmitted to his Government and complied with in the next periodic report.

C. Revision of the general guidelines of the Committee concerning the form and contents of reports by States parties under article 9, paragraph 1, of the Convention

461. It may be recalled that the Committee, at its nineteenth session, considered a working paper proposed by Mr. Bahnev concerning the arrangements of information in the reports of States parties under article 9, paragraph 1, of the Convention, and decided to set up a working group, composed of six of its members, to meet during the twentieth session in order to study the various proposals made, and to submit draft general guidelines for consideration by the Committee.

462. The working group established by the Committee held two informal meetings during the twentieth session, elected Mr. Partsch as its Chairman/Rapporteur, and held a preliminary discussion of the various proposals submitted to it concerning the revision of the Committee's general guidelines. The Chairman/Rapporteur of the working group reported to the Committee, at its 451st meeting, on the results of the discussion in the working group of questions within its terms of reference. The working group also requested the Secretariat to prepare a new draft of the guidelines to enable the working group to reach a final decision. After an exchange of views by its members, the Committee decided to extend the mandate of the working group to meet again during the twenty-first session in order to continue its work on the revision of the general guidelines. 11/

463. At its 473rd and 475th meetings (twenty-first session), on 8 and 9 April 1980, the Committee considered the revised general guidelines proposed by its working group on the basis of a draft submitted by the Secretariat. The Chairman/Rapporteur of the working group, introducing the revised general guidelines (Conference Room Paper 97), pointed out that the new draft incorporated the substantive parts of the general recommendations and requests for information, adopted by the Committee since the preparation of its original communication to States parties contained in document CERD/C/R.12. The basic difference between the previous communication to States parties and the revised general guidelines was that the latter followed the order of the articles of the Convention, whereas document CERD/C/R.12 had endeavoured to list subjects on which information was requested in a more systematic manner than was done in the Convention itself. Experience had shown, however, that

11/ For a summary of discussions at the nineteenth and twentieth sessions of the Committee, see A/34/18, chap. IV, part C, paras. 465-481.

that arrangement had sometimes led to confusion as to what was required. The working group had concluded that the guidelines should be as short as possible and that, in order to avoid any particular interpretation of the Convention, they should, as far as possible, use the wording of the Convention itself.

464. The Committee, after discussing the draft proposed by its working group, adopted the revised general guidelines unanimously, with some amendments proposed by members of the Committee during the discussion.

465. The text, as adopted appears in annex IV below.

V. CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

466. The Committee considered this item at its 473rd meeting (twenty-first session), on 8 April 1980, and at its 496th meeting (twenty-second session), on 19 August 1980.

467. The action taken by the Trusteeship Council at its forty-sixth session in 1979 and by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 1978 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the tenth annual report of the Committee on the Elimination of Racial Discrimination submitted to the General Assembly at its thirty-fourth session.^{12/} The opinions and recommendations of the Committee based on its consideration of copies of reports and other information submitted to it by the Trusteeship Council and the Special Committee in 1979 were contained in paragraph 494 of its report to the General Assembly.

468. In its resolution 34/28 of 15 November 1979, the General Assembly, inter alia, took note with appreciation of the report of the Committee on its nineteenth and twentieth sessions; commended the Committee for continuing to focus its attention on the just cause of peoples struggling against colonialism, oppression and occupation wherever they exist, particularly in southern Africa, as is within its mandate; and called once again upon relevant United Nations bodies to supply the Committee with sufficient information on Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies in order to enable it to discharge fully its responsibilities under article 15 of the Convention.

469. At its twenty-first session (March/April 1980), the Committee was informed by the Secretary-General of the action taken by the Special Committee in 1979 in connexion with article 15 of the Convention. At its 1161st meeting, held on 16 August 1979, the Special Committee, having regard to the information requested of it under article 15 of the Convention, decided to authorize its Chairman to transmit, in accordance with established practice, all pertinent information to the Committee on the Elimination of Racial Discrimination.^{13/}

470. With reference to the general statement of the Committee on the Elimination of Racial Discrimination concerning submission of information by the relevant

^{12/} Ibid., Thirty-fourth Session, Supplement No. 18 (A/34/18), paras. 488-490.

^{13/} Ibid., Supplement No. 23 (A/34/23) part I, chap. I, sect. J., paras. 82-85.

United Nations bodies, as reflected in the Committee's annual report to the General Assembly at its thirty-fourth session, ^{14/} the Chairman of the Special Committee addressed a letter, dated 1 April 1980, to the Chairman of the Committee on the Elimination of Racial Discrimination, in which he set out an outline of the action taken hitherto by the Special Committee in discharge of its mandate under the terms of article 15 of the Convention, and requested that the text of his letter be brought to the attention of members of the Committee on the Elimination of Racial Discrimination for their information. The full text of the letter from the Chairman of the Special Committee was brought to the attention of the Committee on the Elimination of Racial Discrimination at its twenty-second session. ^{15/}

471. At its twenty-second session, the Committee was also informed by the Secretary-General of the action taken by the Trusteeship Council at its forty-seventh (1980) session in connexion with article 15 of the Convention. The Trusteeship Council, at its 1500th and 1504th meetings, held on 27 May and 10 June 1980, considered the items on its agenda entitled "Co-operation with the Committee on the Elimination of Racial Discrimination" and "Decade for Action to Combat Racism and Racial Discrimination", during which it heard statements on these items by two of its members. The Council decided to take note of the statements made by its members; no further action concerning the opinions and recommendations of the Committee referred to above was taken by the Trusteeship Council.

472. However, as a result of earlier decisions of the Trusteeship Council and the Special Committee, the Secretary-General transmitted to the Committee at its twenty-first and twenty-second sessions the documents listed in annex VI below.

473. At its twenty-first session, the Committee appointed the members of its three working groups to examine the documentation submitted to it under article 15 of the Convention and to report to the Committee on their findings as well as their opinions and recommendations for consideration by the Committee at its twenty-second session. The composition of the working groups was slightly modified at the twenty-second session in view of the absence of certain members on the dates scheduled for their meetings. The working groups consisted of the following members of the Committee:

(a) African Territories

Mr. Brin Martínez, Mr. Dechezelles, Mr. Devetak, Mrs. Sadiq Ali, with Mr. Goundiam as Convener;

(b) Pacific and Indian Ocean Territories

Mr. Inglés, Mr. Ténékidès, Mr. Valencia Rodríguez, with Mr. Nettel as Convener;

^{14/} A/34/18, chap. V, para. 494.

^{15/} For the text of the letter from the Chairman of the Special Committee, see annex V below.

(c) Atlantic Ocean and Caribbean Territories, including Gibraltar

Mr. Bessonov, Mr. Shahi, Mr. Ordoñez, with Mr. Ghoneim as Convener.

The Committee also agreed that Mr. Lamptey would serve as Chairman of the Conveners of the three working groups.

474. In accordance with established practice, the Committee agreed, at its twenty-second session, that the final text of its opinions and recommendations under article 15 of the Convention should be prefaced by the following observations: (a) that the Committee was submitting, in lieu of a "summary of the petitions and reports it has received from United Nations bodies", as required by article 15, paragraph 3, of the Convention, a list of those documents which may be found in annex VI below; and (b) that the "expressions of opinion and recommendations" which the Committee was required to submit to different United Nations bodies relating to the petitions and reports that it had received from them, in accordance with paragraphs 2 (a) and 2 (b) of article 15 of the Convention, were prepared not in separate texts, but in one integrated text, which is submitted to the General Assembly in accordance with article 15, paragraph 3, of the Convention and also to the United Nations bodies concerned.

475. The reports of the three working groups mentioned above were considered by the Committee at its 496th meeting on 19 August 1980, and were adopted paragraph by paragraph, with some amendments.

476. The opinions and recommendations of the Committee based on its consideration of copies of reports and other information submitted to it in 1980 under article 15 of the Convention, as adopted by the Committee at its 496th meeting on 19 August 1980, are as follows:

The Committee on the Elimination of Racial Discrimination,

Having examined the information contained in the documents relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in accordance with the provisions of paragraph 2 of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination,

Wishes to draw the attention of the General Assembly, the Trusteeship Council and the Special Committee to the following opinions and recommendations in conformity with its obligations under article 15 of the Convention.

General

The Committee takes note of the letter dated 1 April 1980 from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples addressed to the Chairman of the Committee on the Elimination of Racial Discrimination,^{16/} and wishes to express its appreciation to the Special Committee for discharging consistently and faithfully the tasks entrusted to it under article 15 of the Convention and for extending its full co-operation to the Committee on the Elimination of Racial Discrimination.

The Committee also notes the difficulties encountered by the Special Committee, as described in the Chairman's letter, in obtaining the necessary information from the administering Powers on the implementation of the provisions of the Convention in Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies; and appeals to the administering Powers to co-operate with the Special Committee by making available to it the required information, in order to enable the Committee on the Elimination of Racial Discrimination fully to discharge its obligations under article 15 of the Convention.

^{16/} For the text of the letter from the Chairman of the Special Committee, see annex V below.

A. AFRICAN TERRITORIES 17/

Namibia

(1) The Committee had before it the working papers prepared by the secretariat of the Special Committee which are listed below.

(2) The Committee, having examined the working papers listed below, reiterates its grave concern over the persistence and aggravation of racial discrimination in the Territory, particularly in its most inhuman form, apartheid.

(3) Pending the attainment by Namibia of its full and legitimate sovereignty in the very near future, the Committee reiterates its request to the international community, which is already involved in the search for an equitable and peaceful settlement under the auspices of the United Nations, to use every possible means to prevent the South African Government from pursuing its policy of apartheid, and to create the conditions necessary for the self-determination of the Territory, including Walvis Bay.

(4) The Committee strongly deplors the fact that the South African Government continues to defy the United Nations by intensifying its efforts towards an internal settlement through, inter alia, the transformation of the so-called constituent assembly, illegally elected in 1978 in defiance of Security Council resolution 439 (1978), into a so-called national assembly, wholly dominated by the representatives of the white minority allied to the racist minority régime of South Africa, and determined to ignore completely the claims of the vast majority of the population, which are demanding the total abolition of apartheid and the exercise of their right to self-determination leading to genuine majority rule.

(5) The Committee expresses the hope that the South African Government will take full account of the relevant decisions of the Security Council and will implement as soon as possible the proposals for a peaceful settlement through, inter alia, the initiation of a cease-fire, the withdrawal of South African military forces and the setting up of a United Nations assistance group to supervise both parties and enable the free and fair election of a constituent assembly representative of the will of all sectors of the Namibian population in the exercise of its right to self-determination.

(6) The Committee believes that with a view to attaining this ultimate objective of the international community, the South African Government should be urged and, if necessary, compelled to put an end to its intimidation and harassment of the black population; the use of territorial waters to the detriment of the majority of the population; the repressive measures against SWAPO and its supporters;

17/ Adopted at the 496th meeting, on 19 August 1980. With regard to these Territories, the following documents were submitted to the Committee:

A/34/23/Add.3, chap. X (Western Sahara);

A/AC.109/604 (Namibia);

A/AC.109/605 and Corr.1 (Military activities and arrangements by colonial Powers in Namibia);

A/AC.109/611 (Activities of foreign economic and other interests in Namibia).

the arrest of nationalists; the consolidation of its illegal military occupation by, inter alia, the establishment of new bases; the acquisition of arms and armaments; the development of its nuclear capability to destroy the bases of the liberation movements and which poses a constant danger to the front-line States; and the exploitation of the resources of the Territory, dominated by foreign interests in the hands of the white minority at the expense of the African majority, which is deprived of all benefits of the economic system because it is relegated to menial and low-paid jobs.

B. PACIFIC AND INDIAN OCEAN TERRITORIES 18/

1. Brunei

The Committee notes in particular the information on the attempt of refugees from Viet Nam to seek first asylum in Brunei. It expresses the hope that in granting of asylum, the competent authorities of Brunei should be guided, inter alia, by the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

2. Guam

(1) The Committee notes that Guamanians, although United States citizens, are not eligible to vote in national elections of the United States while resident in Guam, and therefore would welcome further information on the over-all political rights of this group of persons.

(2) It further notes that problems seem to exist in Guam concerning immigration and migrant labour. It expresses the hope that such problems will be solved bearing in mind, inter alia, the principles of the International Convention on the Elimination of All Forms of Racial Discrimination.

18/ Adopted at the 496th meeting, on 19 August 1980. With regard to these Territories, the following documents were submitted to the Committee:

A/34/23/Add.3, chap. XI (East Timor);
A/34/23/Add.3, chap. XIII (Brunei);
A/34/23/Add.6, chap. XXVII (Guam);
A/AC.109/L.1349 (Pitcairn);
A/AC.109/602 (Tokelau);
A/AC.109/606 (Guam);
A/AC.109/610 (American Samoa);
A/AC.109/612 (Military activities and arrangements by colonial Powers in Guam);
A/AC.109/613 (Trust Territories of the Pacific Islands);
T/L.1220 and Add.1 (Outline of conditions in the Trust Territory of the Pacific Islands).

(3) It also observes with interest that there seem to exist certain problems concerning the right to own property. It expresses the hope that such problems, should they exist, would be solved with due regard, inter alia, to the principles of the International Convention on the Elimination of All Forms of Racial Discrimination.

3. American Samoa

The Committee notes that the working paper concerning the Territory does not contain any reference to human rights. It expresses interest in receiving information on the ratio between the members of the indigenous population and other persons employed in the public services.

4. Trust Territory of the Pacific Islands

The Committee welcomes the information on human rights in the Trust Territory. It would appreciate receiving information on the status of cultural rights and additional information on economic rights in the Territory.

C. ATLANTIC OCEAN AND CARIBBEAN TERRITORIES, INCLUDING GIBRALTAR 19/

1. British Virgin Islands

The Committee takes note of the information contained in the working paper and expresses its appreciation of the efforts of the administering Power to localize the civil service; however, the Committee would like to have further detailed information on programmes and laws that would ensure the localization of the labour force and the enjoyment of the right to work.

19/ Adopted at the 496th meeting, on 19 August 1980. With regard to these Territories, the following documents were submitted to the Committee:

- A/34/23/Add.7, chap. XXVIII (Falkland Islands (Malvinas));
- A/34/23/Add.7, chap. XXX (Antigua, St. Kitts-Nevis-Anguilla and St. Vincent);
- A/AC.109/L.1347 (British Virgin Islands);
- A/AC.109/L.1350 (Bermuda);
- A/AC.109/596 (Cayman Islands);
- A/AC.109/597 (Montserrat);
- A/AC.109/598 (St. Helena);
- A/AC.109/599 (Activities of foreign economic and other interests in Cayman Islands);
- A/AC.109/600 (Activities of foreign economic and other interests in Bermuda);
- A/AC.109/601 (Activities of foreign economic and other interests in Turks and Caicos Islands);
- A/AC.109/603 and Corr. 1 (Gibraltar);
- A/AC.109/608 (United States Virgin Islands);
- A/AC.109/614 (Military activities in Belize, Bermuda, Turks and Caicos Islands and the United States Virgin Islands);
- A/AC.109/615 (Falkland Islands (Malvinas)).

2. Bermuda

The Committee takes note of the information contained in the working paper and expresses the wish to be provided with information regarding the constitutional provisions, new laws and any other measures taken which embody the principle of non-discrimination and the protection, enjoyment and exercise of human rights.

3. Cayman Islands

The Committee takes note of the information contained in the working paper and expresses the wish to be given further information on any specific measures bearing on the protection and enjoyment of human rights.

4. St. Helena

The Committee takes note of the information contained in the working paper. It reiterates its concern over the large volume of trade with South Africa which amounts to 40.7 per cent of its total trade and expresses the hope that the administering Power will take appropriate measures to comply with the pertinent resolutions of the competent United Nations organs concerning trade relations with South Africa.

5. United States Virgin Islands

The Committee takes note of the information contained in the working paper. It would like to be provided with detailed information on the census of 1980 showing the distribution of population according to ethnic composition. The Committee also wishes to be informed about the constitutional provisions regarding guarantees for civil, political, economic, social and cultural rights in the draft constitution.

VI. DECADE FOR ACTION TO COMBAT RACISM AND
RACIAL DISCRIMINATION

477. It will be recalled that at its ninth session the Committee decided to keep the item concerning the Decade for Action to Combat Racism and Racial Discrimination on its agenda throughout the Decade and requested the Secretary-General to keep it informed of the relevant activities undertaken under the Programme for the Decade (A/9618, para. 38). During the year under review, the Committee considered this item at its 476th meeting (twenty-first session), held on 10 April 1980, and at its 493rd and 494th meetings (twenty-second session), held on 15 and 18 August 1980.

478. The representative of the Secretary-General, speaking at the invitation of the Chairman, referred to the world-wide responsibility of the Committee under the Convention to combat all forms of racial discrimination and stated that the Committee had therefore a decisive role to play in the Decade for Action to Combat Racism and Racial Discrimination. He recalled that the Committee had actively participated in the World Conference to Combat Racism and Racial Discrimination held in 1978 and had submitted to the Conference an interesting study on its activities under the Convention that had proved to be of much value both to the public at large and to academic circles. The representative of the Secretary-General informed the Committee that the General Assembly, at its thirty-fourth session, had discussed the implementation of the Programme for the Decade and had adopted resolution 34/24, by which it approved a programme of activities to be undertaken during the second half of the Decade. He mentioned in particular paragraph 15 of the programme which called upon States to take measures to declare punishable by law any dissemination of ideas based on racial superiority or hatred and to prohibit organizations established on the basis of racial criteria or propagating ideas of racial discrimination and apartheid. Paragraphs 12 and 13 of the resolution and paragraph 10 of the programme of activities were particularly relevant to the work of the Committee and highlighted the importance attached by the General Assembly to dissemination of information on the Committee's activities. He gave further information on activities developed by the Secretariat, specialized agencies and regional organizations in the field of publicity.

479. The representative of the Secretary-General drew the attention of the Committee to the reports of the Seminar on Recourse Procedures available to Victims of Racial Discrimination and Activities to be undertaken at the regional level (ST/HR/SER.A/3) and of the Round-table of University Professors and Directors of Race Relations Institutions on the Teaching of Problems of Racial Discrimination (ST/HR/SER.A/5). Members designated by the Committee had participated at both of those meetings and had made valuable contributions to the proceedings. At both meetings, participants had paid tribute to the work of the Committee and, at the Seminar, it had been emphasized in particular that the role of the Committee had taken on new significance as a result of the frank dialogue and constructive co-operation it had succeeded in establishing with representatives of States parties. He felt that members of the Committee should become increasingly involved in other activities within the framework of the Decade since their expertise could be of great assistance.

480. In conclusion, the representative of the Secretary-General informed the Committee that a regional seminar for African countries members of the Economic Commission for Africa would be held in Nairobi from 19 to 30 May 1980 under the Programme of the Decade. The Committee might wish to pursue its policy of active participation in the Decade by designating one of its members to represent it at that Seminar.

A. Comments by members of the Committee on General Assembly resolution 34/24 and the programme of activities

481. The Chairman pointed out that the focal point of General Assembly resolution 34/24 was to be found in the first preambular paragraph, which referred to the total eradication of racism, racial discrimination and apartheid. That objective could only be achieved through the collective efforts of the Security Council and Member States, as mentioned in paragraphs 3 and 4 of the programme. In that connexion, the Committee's work was particularly relevant, because it was in constant contact with States parties and it urged them to take measures to isolate the racist régime in southern Africa; consequently, General Recommendation III of the Committee was directly linked to the programmes of activities in question. Moreover, paragraph 13 of the resolution and paragraph 15 of the programme were related to article 4 of the Convention, the implementation of which involved not only the adoption of new legislative measures but also changes in the attitudes of States parties. Paragraph 13 of the resolution also mentioned article 7 of the Convention, the implementation of which should not be limited to the dissemination of reports by States parties; at the current session, a more specific approach had emerged regarding what the Committee could do in practice in order to assist States parties to implement the provisions of that article. The Chairman suggested that members of the Committee should give some thought to the possibility of undertaking a study on the implementation of articles 4 and 7 with a view to taking a decision on the matter at a future session. Such a study could perhaps be carried out as a part of the preparations for the Second World Conference to Combat Racism and Racial Discrimination.

482. Mr. Bessonov welcomed the fact that, in its resolution 34/24, the General Assembly had proclaimed the elimination of all forms of racism and racial discrimination to be a matter of high priority for the international community. Both the resolution in question and the programme of activities annexed to it emphasized the importance of combating racial discrimination through measures at the international level. That aspect of the struggle against racial discrimination should be emphasized by the Committee when discussing reports. Paragraph 5 of resolution 34/24 and paragraph 3 of the programme of activities dealt with the need to take measures against enterprises operating in southern Africa and it was important that States parties to the Convention should provide more information in their reports concerning that problem. Paragraph 15 of the programme of activities called on States to prohibit racist, neo-Nazi and fascist organizations. Accordingly, when discussing reports, the Committee should express serious concern whenever States parties failed to enact unambiguous legislation prohibiting such organizations.

483. Mr. Dechezelles, referring to General Assembly resolution 34/24, stated that the primary duty of any country was to take measures to combat racial discrimination within its own territory, and the task of the Committee was to ensure that such measures were taken.

484. Mr. Valencia Rodríguez, referring to the goals and objectives of the Decade, stated that information received by the Committee indicated that racial discrimination was so deep-rooted and so widespread that greater efforts must be made in the last years of the Decade in order to achieve the elimination of racial discrimination. The question arose, therefore, what role could be played by the Committee in that regard. He noted in this connexion that paragraph 13 of General Assembly resolution 34/24 invited the Committee to monitor the implementation of articles 4 and 7 of the Convention which were of particular importance.

B. Participation of the Committee in the activities under the Programme of the Decade

485. Mr. Partsch, who had represented the Committee at the Round-table of University Professors and Directors of Race Relations Institutions on the Teaching of Problems of Racial Discrimination held in Geneva from 5 to 9 November 1979 as part of the activities under the Programme of the Decade, reported to the Committee on the work of the Round-table and on his participation at its deliberations. He informed the Committee that most of the participants in the Round-table were social scientists and were not fully familiar with the relevant basic legal instruments. He had therefore made a number of interventions informing the participants of the relevant provisions of the Convention, the Committee's methods of work, the results achieved by the Committee and the material produced by States parties on the subject discussed at the Round-table.

486. The Round-table had discussed three items: an assessment of the present world situation, the problems encountered in drawing up appropriate programmes and possible measures to promote the teaching of problems of racial discrimination.

487. As regards the assessment of the present world situation, it had been noted that teaching about racial discrimination was done, if at all, in a marginal way which did not have a sufficiently sound academic basis; that such efforts were dispersed and there was no structural institutionalized base for systematic teaching of problems of racial discrimination; and that the public was generally not made aware of the need for such teaching. In connexion with the problems encountered in drawing up of appropriate programmes, doubts had been expressed about the effectiveness of a purely didactic approach and about the levels in the educational system at which that teaching was necessary. The lack of suitable teaching materials had been deplored, as had the tendency of countries to concentrate on national developments in education. The language problem, particularly in relation to the treatment of minorities, had also been raised. As regards possible measures to promote the teaching of problems of racial discrimination, the importance of the study of the cultures of other nations had been stressed, as had the need for linguistic minorities to receive teaching

both in their own language and in the language of the majority. It had been suggested at the Round-table that States could be divided into three categories: States in which there was no racial discrimination; States in which there was racial discrimination between individuals, but the Government was prepared to act to counter it; and States where racial discrimination formed part of the official government policy. As regards the first category of States, Mr. Partsch doubted whether any such States existed. As regards the third category of States, he pointed out that there was little chance of introducing teaching about racial discrimination into educational programmes, but it was possible that the task might be undertaken by non-governmental organizations.

488. Finally, Mr. Partsch drew the attention of members of the Committee to various proposals, conclusions and recommendations of the Round-table, contained in chapter IV of its report (ST/HR/SER.A/5) which included, among other recommendations, the inclusion of questions relating to racial discrimination in the programme of activities of the United Nations University and hoped that this recommendation, in particular, would be implemented with no difficulty.

489. Mr. Goundiam, referring to the report of the Round-table (ST/HR/SER.A/5) and the activities to be undertaken in the fields of education, culture and information in accordance with article 7 of the Convention, stated that it was essential that Western educational systems should dispense teaching about ethnology and the cultures of other parts of the world. He was aware that a certain amount of such teaching was provided in Western countries, usually only to a small group of people at the university level. However, he would like to see such teaching introduced to the masses.

490. Referring to the United Nations Seminar on Recourse Procedures available to Victims of Racial Discrimination and Activities to be undertaken at the regional level (Geneva, 9-20 July 1979), Mr. Valencia Rodríguez stated that the conclusions and recommendations of the Seminar should be more widely disseminated and should be implemented by States parties within the framework of article 6 of the Convention. With regard to one of the conclusions concerning the question of conciliation procedures for minor cases, it should be pointed out that such procedures were no substitute for the mechanisms required under article 6 of the Convention. With regard to access to recourse in general, it was important for States parties to implement article 14 of the Convention as quickly as possible.

491. Mr. Partsch, referring to the background paper prepared by Mr. Ténékidès for the Seminar on Recourse Procedures, noted that Mr. Ténékidès had emphasized that a remedy, in order to be effective, must be accessible and that the party concerned must be in a position to set a procedure in motion (ST/HR/SER.A/3, para. 161). However, the conclusions of the Seminar seemed to ignore that principle and spoke only of the need for access to recourse for all. He further stated that the report of the Seminar dealt with article 4 of the Convention in an over-simplified manner (ST/HR/SER.A/3, para. 31). While it was true that Governments must not be allowed to escape their responsibilities under article 4 by invoking the right to freedom of opinion and the right of assembly, it was difficult to define those responsibilities and to establish clearly the relationship between the provisions of article 4 and the provisions of article 5 concerning the above-mentioned rights.

492. As regards the representation by the Committee at the Regional Seminar for African Countries members of the Economic Commission for Africa concerning political, economic, cultural and other factors underlying situations leading to racism and racial discrimination, scheduled to be held in Nairobi from 19 to 30 May 1980, all members of the Committee agreed that the subject-matter of the Seminar was of direct interest to the Committee and supported the suggestion that a member of the Committee should be designated to represent it at that Seminar.

493. Mr. Valencia Rodríguez stated that it was important for the Committee to send representatives to any seminar or round-table that might be held to discuss problems of racial discrimination. Participation in such events was useful both for the Committee and for the other participants in the events in question.

494. At the suggestion of the Chairman, the Committee unanimously agreed to designate Mr. Lamptey to represent the Committee at the Seminar.

C. Proposal for a study on articles 4 and 7 of the Convention

495. With reference to paragraph 13 of General Assembly resolution 34/24, which invited the Committee to monitor the implementation of articles 4 and 7 of the Convention, members of the Committee endorsed the suggestion made by the Chairman to consider the preparation of a study on the implementation of those two articles as a contribution of the Committee to the Second World Conference to Combat Racism and Racial Discrimination. Mr. Ténékidès stated that it should be borne in mind that the implementation of article 4 raised problems for some Governments due to principles relating to the freedom of expression. However, freedom of expression should not go beyond certain limits. Mr. Dechezelles and Mr. Valencia Rodríguez felt that such a study should also cover article 6 of the Convention which was inseparable from article 4. Mr. Ghoniem wondered whether material other than the Committee's past reports should be used. Mr. Devetak stated that the Committee could contribute to the Decade by strengthening its co-operation with UNESCO and the ILO and other organizations of the United Nations system, as well as by placing greater emphasis on monitoring the implementation of article 3 of the Convention. It would be also useful to summarize the experience of States parties in implementing articles 2 and 5 of the Convention as far as ethnic and national minorities were concerned. Mr. Goundiam stated that the question of tribalism, which was a preoccupation of many African countries, was also one which the Committee should consider studying.

496. The Chairman pointed out that a number of studies would be undertaken during the second half of the Decade in response to recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including a study on recourse procedures available to victims of racial discrimination. A study on articles 4 and 7 of the Convention would clearly touch upon articles 2 and 6, but it was important not to duplicate work already in progress. With regard to the form and content of a study on articles 4 and 7, he felt the Committee could not take an immediate decision on the matter but should discuss it again at its next session. Mr. Lamptey stated that the basis for such a study should be the periodic reports received from Governments. Any information available about States' practices and any other studies on the subject should also be utilized.

497. At the twenty-second session, the representative of the Secretary-General, speaking at the invitation of the Chairman, informed the Committee of the action taken by the Economic and Social Council at its first regular session for 1980 in connexion with the Programme of the Decade, and stated that the Council had decided to propose to the General Assembly the adoption of a draft resolution concerning the implementation of the Programme. He drew particular attention to certain paragraphs of the draft resolution which were relevant to the activities of the Committee on the Elimination of Racial Discrimination. Turning to the various suggestions concerning the activities which the Committee might undertake under the Programme of the Decade, the representative of the Secretary-General referred to a suggestion made by some members at the twenty-first session of the Committee that a study on the implementation of articles 4 and 7 of the Convention might be prepared with a view to contributing to the Second World Conference to Combat Racism and Racial Discrimination. In this connexion, he recalled that the Committee had also decided to discuss the implementation of article 7 of the Convention at its twenty-third session, in 1981, in co-operation with the United Nations Educational, Scientific and Cultural Organization which had already submitted a number of suggestions to the Committee.

498. Mr. Lamptey, who represented the Committee at the regional Seminar for Africa on the Political, Economic, Cultural and other factors underlying situations leading to Racism, held in Nairobi from 19 to 30 May 1980, reported to the Committee on the work of the Seminar. Mr. Lamptey stated that discussions at the Seminar had been wide-ranging and lively, and dealt with many aspects of the racial question; that the International Convention on the Elimination of All Forms of Racial Discrimination had been one of the basic documents of the Seminar; and that the participants had endorsed the definition of racial discrimination contained in article 1 of the Convention, had acknowledged the Committee as the most authoritative body in the field and had expressed their support for the Committee's work and objectives.

499. The Seminar had supported the Committee's view that it was not enough to state that there was no racial discrimination in a given country, and had endorsed the fundamental approach of the Committee that even if racial discrimination was not present in a given country, the potential for racial discrimination was always present, and that constant vigilance should be exercised by all countries against the emergence of racial discrimination.

500. The Seminar had finally called upon African States which had not yet done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, and had regretted that no African States had made a declaration under article 14 of the Convention. African countries had also been called upon to examine the recourse procedures available to victims of racism and racial discrimination.

501. Mr. Ténékidès stated that it would be useful for the Committee to generate some ideas on how to contribute to the Programme for the Decade and to the Second World Conference. The Committee must consider the areas in which prescriptions were required. It should tackle the question of large numbers of States that had

not acceded to the Convention in order to achieve its universality. It should also consider how to deal with the problem that arose within some States which had suspended certain rights laid down in article 5 of the Convention and had claimed that the restriction was not discriminatory and therefore not within the competence of the Committee. A third important question concerned the fact that until more States had declared their recognition of the competence of the Committee under article 14, the procedures established by that article could not come into effect.

502. Members of the Committee supported the idea of undertaking studies on the implementation of various articles of the Convention, in particular articles 4 and 7, with a view to making a contribution to the preparation for the Second World Conference. Special attention was also devoted to article 5. With respect to article 5, Mr. Dechezelles believed that there was some convergence of ideas. He recognized that that article was the very heart of the Convention and that it would be helpful for the Committee over the coming years to devote a few meetings at each session to a thorough discussion of article 5, as it had done in the past for articles 4 and 7. It might be possible to arrive at a single interpretation of article 5 which could be proposed for the attention of States at the Second World Conference. Mr. Ténékidès, while supporting the idea of undertaking studies on the implementation of articles 4 and 7, felt that it would be also valuable to organize seminars - for instance on the implementation of article 5 - such as the one held in Geneva in 1979 on the implementation of recourse procedures under article 6 of the Convention.

503. Mr. Ghoneim pointed out that the Committee had been requested by the General Assembly to monitor the implementation of articles 4 and 7 of the Convention. That was why so much of the Committee's discussion had focused on those two articles. The Committee could report on its monitoring of those articles, and then eventually develop studies of other articles. Mr. Partsch considered that it was important to agree which articles should be selected for study, and agreed with Mr. Ghoneim that articles 4 and 7 were of the utmost importance. In connexion with the question of financial implications for the preparation of studies by the Committee, Mr. Ghoneim stated that the General Assembly would have to be informed of the Committee's view so that it could ensure that the Committee had the necessary resources to prepare its contribution to the Programme for the Decade. He noted also that the First World Conference had earlier encouraged States parties to invite the Committee to hold its meetings in various regions of the world in order to promote awareness of the Committee's work. Mrs. Sadiq Ali also noted and supported the holding of Committee meetings in various regions.

504. Mr. Inglès stated that he failed to understand why it was possible to make provisions for the preparation of several studies for the Sub-Commission, but not for the Committee. Mrs. Sadiq Ali agreed with the statement made by Mr. Inglès and stated there was no lack of will or ideas in the Committee. The financial and administrative constraints were the main factors limiting the Committee's activities.

505. Members of the Committee suggested that the Committee should expand and

intensify its activities with a view to participating on a broader basis in the struggle to combat racism and racial discrimination. Mr. Bessonov stated that the consistent implementation of the Convention was fully linked to the activities of the Decade. Discussion of the Decade was fully justified. One highly relevant aspect of the Programme of the Decade which was linked with the Convention was the need for States to take measures to boycott the racist régime of South Africa. Mr. Devetak suggested that an effort should be made to find ways in which the Committee could co-operate with other bodies of the United Nations dealing with similar subjects, and referred, for example, to the ILO Committee of Experts on the Application of Conventions and Recommendations which met in Geneva every spring, and with which informal meetings could be held to discuss matters of common concern.

506. Some members of the Committee also stressed that it was essential to familiarize the public with actual contents of the Convention. Mr. Ordoñez suggested that a document could be prepared setting forth each article of the Convention accompanied by a commentary or by an explanation of basic reasons why it had been so drafted and adopted. The Convention, thus prepared, could be distributed to the public and State organs. Such an undertaking would have an immense impact and could make a positive contribution to the over-all formulation of principles. Mrs. Sadiq Ali stressed the need for a more effective distribution system. Studies, publicity materials and the like were useless unless they reached the people who needed them. Mr. Goundiam also agreed with the need to ensure that the man in the street was aware of the steps being taken by States parties to the Convention. Often public opinion could actually induce leaders to take necessary action.

507. Mr. Nettel, however, supported by Mr. Partsch, thought that it was important to bear in mind that the Committee's foremost responsibility was the implementation of the Convention. The Committee's work should be reorganized in order to allocate more time to the consideration of reports of States parties. With regard to studies on various articles of the Convention, Mr. Nettel stated that it was important to determine how the expenses incurred in preparing such studies would be defrayed. As to the proposals concerning the Second World Conference, he noted that, as in the case of the First World Conference, the Committee should wait until it had been invited to play a part in the preparations. Mr. Dechezelles stressed that the Committee was a juridical and technical body of experts and its purpose was to oversee the implementation of the Convention, while the objectives of the Decade and the World Conference were much broader in scope.

508. In connexion with the consideration of future activities to be undertaken during the second half of the Decade, it was noted that the General Assembly in its resolution 34/28 of 15 November 1979 had noted with due attention decision 1 (XX) of the Committee concerning future meetings of the Committee, and had requested the Secretary-General to explore the possibility of providing necessary assistance for the holding of such meetings in developing countries and to submit a report in this regard to the Assembly at its thirty-fifth session. Mr. Ghoneim, supported by Mrs. Sadiq Ali and some other members, suggested in this connexion that the General Assembly may wish to consider authorizing a

one-time expenditure for one of the future sessions of the Committee to be held in a developing country as part of the Programme of activities to be undertaken during the second half of the Decade. The Committee requested the Secretary-General to bring this suggestion to the attention of the General Assembly at its thirty-fifth session.

509. The Chairman stated that in the light of various comments made during the discussions, it might be appropriate to give further consideration to the idea of preparing studies on other articles of the Convention, in addition to the proposed study concerning the implementation of articles 4 and 7, on which there seemed to be a broad consensus in the Committee. He warned against dampening the Committee's enthusiasm in connexion with the Decade. The Decade created an atmosphere in which the Committee could take positive action towards better achieving the implementation of the Convention, for example, by arousing public opinion and making Governments more aware of the need to ratify the Convention. However, he supported some members' remarks concerning the Committee's main task under article 9 of the Convention. With respect to the participation of the Committee in the preparation for the Second World Conference, the Chairman stated that although there had been no specific request from the General Assembly that the Committee should make a contribution to the Programme of the Decade, it was evident from the resolutions adopted by the General Assembly that a contribution would be welcomed.

510. Finally the Chairman suggested that, at its next session, the Committee should further consider the question of the preparation of a study on articles 4 and 7. He also suggested that, during the next session, the Committee should consider suggestions made by some members concerning article 5 of the Convention with a view to reaching an agreement on that article.

511. The Committee agreed to resume its consideration of these questions at its twenty-third session.

VII. MEETINGS OF THE COMMITTEE IN 1981 AND 1982

512. The Committee considered this item of the agenda at its 477th meeting (twenty-first session), held on 11 April 1980, and at its 495th meeting (twenty-second session), held on 18 August 1980.

513. It may be recalled that at its 450th meeting (twentieth session), held on 13 August 1979, the Committee had decided that its twenty-third session would be held at the United Nations Office at Geneva from 23 March to 10 April 1981, unless an invitation is received from a State party to the Convention which could be considered at one of its 1980 sessions; and that its twenty-fourth session would be held at United Nations Headquarters, New York, from 3 to 21 August 1981. ^{20/}

514. The Committee was informed at its twenty-first session that, in view of the fact that no invitation had been received by the Secretary-General in connexion with the twenty-third session, the Committee might wish to confirm that its twenty-third session would be held at the United Nations Office at Geneva on the above-mentioned dates. During the discussion, some members of the Committee expressed the preference that the twenty-third session be held in New York rather than at Geneva. The Chairman requested the representative of the Secretary-General to make the necessary inquiries concerning the possibilities for the change of venue of that session and to report to the Committee on the matter at its twenty-second session in August 1980.

515. At its 495th meeting (twenty-second session), held on 18 August 1980, the Committee was informed by the representative of the Secretary-General that in view of the fact that the General Assembly had already approved the calendar of conferences for 1981, which reflected the earlier decision of the Committee to hold its twenty-third session in Geneva in the absence of an invitation from a State party, and the fact that the Committee had indicated no substantive reasons for requesting a change of venue from Geneva to New York other than the preference by some members of the Committee, as well as the fact that the conference servicing facilities of Headquarters would be fully taken up with other scheduled meetings during March/April 1981, the Secretary-General had not found it possible to submit the request for a change of venue of the twenty-third session to the Committee on Conferences for its consideration.

516. Taking into account the above-mentioned information, the following decisions were taken by the Committee at its twenty-second session in connexion with the dates and venue of its sessions to be held in 1981 and 1982:

Twenty-third session

The Committee confirmed its earlier decision that its twenty-third session would be held at the United Nations Office at Geneva from 23 March to 10 April 1981;

^{20/} See Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 18 (A/34/18), chap. VIII.

Twenty-fourth session

The Committee confirmed its earlier decision that its twenty-fourth session would be held at United Nations Headquarters, New York, from 3 to 21 August 1981;

Twenty-fifth session

The Committee decided that its twenty-fifth session should be held at United Nations Headquarters, New York, from 22 March to 9 April 1982;

Twenty-sixth session

The Committee decided that its twenty-sixth session should be held also at the United Nations Headquarters, New York, from 2 to 20 August 1982.

CHAPTER VIII

DECISION ADOPTED BY THE COMMITTEE AT ITS TWENTY-FIRST SESSION

1 (XXI). Information supplied by Cyprus relating to conditions in Cyprus 21/

The Committee on the Elimination of Racial Discrimination,

Having expressed, in its decision 1 (XVIII) of 3 August 1978, its grave concern at the fact that Cyprus, a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, was being prevented from fulfilling its obligations under that Convention in a part of its territory,

Noting, on the basis of the sixth periodic report of Cyprus, that the hopes expressed on that occasion that a speedy normalization of conditions in Cyprus would be effected, and that refugees and other persons in Cyprus would be enabled to enjoy fully their fundamental human rights without discrimination, have again not been fulfilled,

Alarmed by the fact that changes in the demographic composition of the population on the part of the territory which is not under the control of the Government of Cyprus, which exclude a considerable part of the population from the enjoyment of their legitimate rights, have been brought about and are continuing,

Bearing in mind the fact that the competence and concern of the Committee are determined exclusively by the provisions of the Convention,

1. Reiterates its expectation and hope that the Government of Cyprus will soon be enabled to exercise its full responsibility for the implementation of all its obligations under the Convention on its whole national territory and that the unacceptable state of affairs in Cyprus will finally be brought to an end;

2. Expresses once again its concern and its hope that the measures taken by the General Assembly and other appropriate bodies of the United Nations with a view to putting an end to the conditions referred to in the foregoing paragraphs shall be successful.

473rd meeting
8 April 1980

21/ See chap. IV, paras. 233-245.

ANNEX I

States parties to the International Convention on the
Elimination of All Forms of Racial Discrimination as
at 22 August 1980

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Algeria	14 February 1972	15 March 1972
Argentina	2 October 1968	4 January 1969
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Bahamas	5 August 1975 b/	5 August 1975 b/
Bangladesh	11 June 1979 a/	11 July 1979
Barbados	8 November 1972 a/	8 December 1972
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 a/	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Burundi	27 October 1977	26 November 1977
Byelorussian Soviet Socialist Republic	8 April 1969	8 May 1969
Canada	14 October 1970	13 November 1970
Cape Verde	3 October 1979 a/	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 a/	16 September 1977
Chile	20 October 1971	19 November 1971
Costa Rica c/	16 January 1967	4 January 1969
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czechoslovakia	29 December 1966	4 January 1969
Democratic Yemen	18 October 1972 a/	17 November 1972
Denmark	9 December 1971	8 January 1972
Ecuador c/	22 September 1966 a/	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979 a/	30 December 1979
Ethiopia	23 June 1976 a/	23 July 1976
Fiji	11 January 1973 b/	11 January 1973 b/
Finland	14 July 1970	13 August 1970
France	28 July 1971 a/	27 August 1971
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978 a/	28 January 1979
German Democratic Republic	27 March 1973 a/	26 April 1973

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Germany, Federal Republic of	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	4 May 1967	4 January 1969
Iceland	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy c/	5 January 1976	4 February 1976
Ivory Coast	4 January 1973 a/	3 February 1973
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974 a/	29 June 1974
Kuwait	15 October 1968 a/	4 January 1969
Lao People's Democratic Republic	22 February 1974 a/	24 March 1974
Lebanon	12 November 1971 a/	12 December 1971
Lesotho	4 November 1971 a/	4 December 1971
Liberia	5 November 1976 a/	5 December 1976
Libyan Arab Jamahiriya	3 July 1968 a/	4 January 1969
Luxembourg	1 May 1978	31 May 1978
Madagascar	7 February 1969	9 March 1969
Mali	16 July 1974 a/	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritius	30 May 1972 a/	29 June 1972
Mexico	20 February 1975	22 March 1975
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Nepal	30 January 1971 a/	1 March 1971
Netherlands c/	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Nicaragua	15 February 1978 a/	17 March 1978

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 <u>a/</u>	4 January 1969
Norway <u>c/</u>	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Qatar	22 July 1976 <u>a/</u>	21 August 1976
Republic of Korea	5 December 1978	4 January 1979
Romania	15 September 1970 <u>a/</u>	15 October 1970
Rwanda	16 April 1975 <u>a/</u>	16 May 1975
Senegal	19 April 1972	19 May 1972
Seychelles	7 March 1978 <u>a/</u>	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 <u>a/</u>	4 January 1969
Sudan	21 March 1977 <u>a/</u>	20 April 1977
Swaziland	7 April 1969 <u>a/</u>	7 May 1969
Sweden <u>c/</u>	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969 <u>a/</u>	21 May 1969
Togo	1 September 1972 <u>a/</u>	1 October 1972
Tonga	16 February 1972 <u>a/</u>	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969
Ukrainian Soviet Socialist Republic	7 March 1969	6 April 1969
Union of Soviet Socialist Republics	4 February 1969	6 March 1969
United Arab Emirates	20 June 1974 <u>a/</u>	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Cameroon	24 June 1971	24 July 1971
United Republic of Tanzania	27 October 1972 <u>a/</u>	26 November 1972
Upper Volta	18 July 1974 <u>a/</u>	17 August 1974
Uruguay <u>c/</u>	30 August 1968	4 January 1969
Venezuela	10 October 1967	4 January 1969
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976 <u>a/</u>	21 May 1976
Zambia	4 February 1972	5 March 1972

a/ Accession.

b/ Date of receipt of notification of succession.

c/ Made the declaration under article 14, para. 1, of the Convention.

ANNEX II

Submission of reports and additional information by States
parties under article 9 of the Convention during the year
under review a/

(17 August 1979 to 22 August 1980)

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
A. <u>Initial reports</u>			
Bangladesh	11 July 1980	NOT YET RECEIVED	-
Burundi	26 November 1978	19 October 1979	(1) 25 April 1979 (2) 28 September 1979
Gambia	28 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Guyana	17 March 1978	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980
Israel	2 February 1980	5 February 1980	-
Liberia	5 December 1977	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980
Luxembourg	1 June 1979	13 June 1980	(1) 28 April 1980
Nicaragua	17 March 1979	16 June 1980	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980
Republic of Korea	4 January 1980	24 June 1980	(1) 28 April 1980
Sudan	20 April 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980

a/ For the reminders to be sent to the States parties concerned, in accordance with the request of the Committee at its twenty-second session and rule 66 of the provisional rules of procedure, see chap. IV, para. 50 above.

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Togo	1 October 1973	NOT YET RECEIVED	(1) 30 April 1974 (2) 20 September 1974 (3) 20 May 1975 (4) 1 October 1975 (5) 30 April 1976 (6) 27 August 1976 (7) 27 April 1977 (8) 26 September 1977 (9) 25 April 1979 (10) 28 September 1979 (11) 28 April 1980

B. Second periodic reports

Ethiopia	25 July 1979	24 September 1979	-
Guinea	13 April 1980	NOT YET RECEIVED	-
Guyana	17 March 1980	NOT YET RECEIVED	(1) 28 April 1980
Ivory Coast	4 February 1976	21 July 1980	(1) 30 April 1976 (2) 1 October 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 15 September 1978 (6) 25 April 1979 (7) 28 September 1979 (8) 28 April 1980
Lebanon	12 December 1974	NOT YET RECEIVED	(1) 1 October 1975 (2) 30 April 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 28 September 1979 (6) 28 April 1980
Liberia	5 December 1979	NOT YET RECEIVED	(1) 28 April 1980
Somalia	27 September 1978	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980
Sudan	20 April 1980	NOT YET RECEIVED	
Togo	1 October 1975	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 25 April 1979 (6) 28 September 1979 (7) 28 April 1980

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Zaire	21 May 1979	20 March 1980	(1) 28 September 1979
Zambia	5 March 1975	NOT YET RECEIVED	(1) 20 May 1975 (2) 1 October 1975 (3) 30 April 1976 (4) 27 August 1976 (5) 27 April 1977 (6) 26 August 1977 (7) 25 April 1979 (8) 28 September 1979 (9) 28 April 1980

C. Third periodic reports

Bahamas	5 August 1980	NOT YET RECEIVED	-
Barbados	10 December 1977	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 28 September 1979 (4) 28 April 1980
Botswana	22 March 1979	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980
Haiti	18 January 1978	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980
Ivory Coast	4 February 1978	21 July 1980	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980
Jordan	30 June 1979	NOT YET RECEIVED	(1) 28 September 1979 (2) 28 April 1980
Lao People's Democratic Republic	24 March 1979	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980
Lebanon	12 December 1976	NOT YET RECEIVED	(1) 27 April 1977 (2) 26 September 1977 (3) 28 September 1979 (4) 28 April 1980
Mexico	22 March 1980	16 May 1980	(1) 28 April 1980
Rwanda	16 May 1980	NOT YET RECEIVED	-

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Togo	1 October 1977	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980
Trinidad and Tobago	4 November 1978	21 August 1979	(1) 25 April 1979
United Republic of Tanzania	26 November 1977	29 January 1980	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979
Upper Volta	18 August 1979	NOT YET RECEIVED	(1) 28 April 1980
Zambia	4 March 1977	NOT YET RECEIVED	(1) 27 April 1977 (2) 26 August 1977 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980

D. Fourth periodic reports

Barbados	10 December 1979	NOT YET RECEIVED	(1) 28 April 1980
Central African Republic	14 April 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980
Costa Rica	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 1 October 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 15 September 1978 (6) 25 April 1979 (7) 28 September 1979 (8) 28 April 1980
Fiji	11 January 1980	NOT YET RECEIVED	(1) 28 April 1980
German Democratic Republic	26 April 1980	24 June 1980	-
Haiti	18 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Ivory Coast	4 February 1980	21 July 1980	(1) 28 April 1980
Jamaica	5 July 1978	31 July 1979	(1) 15 September 1978 (2) 25 April 1979
Lebanon	12 December 1978	NOT YET RECEIVED	(1) 28 September 1979 (2) 28 April 1980

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Malta	26 June 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980
Mauritius	29 June 1979	NOT YET RECEIVED	(1) 28 September 1979 (2) 28 April 1980
Nepal	1 March 1978	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980
New Zealand	22 December 1979	NOT YET RECEIVED	-
Senegal	18 May 1979	26 June 1980	(1) 28 April 1980
Sierra Leone	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977 (4) 26 August 1977 (5) 25 April 1979 (6) 28 September 1979 (7) 28 April 1980
Swaziland	6 May 1976	NOT YET RECEIVED	(1) 27 August 1976 (2) 27 April 1977 (3) 26 August 1977 (4) 21 April 1978 (5) 15 September 1978 (6) 25 April 1979 (7) 28 September 1979 (8) 28 April 1980
Togo	1 October 1979	NOT YET RECEIVED	(1) 28 April 1980
Tonga	17 March 1979	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980
United Republic of Tanzania	26 November 1979	29 January 1980	-
Zambia	5 March 1979	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
<u>E. Fifth periodic reports</u>			
Bolivia	21 October 1979	NOT YET RECEIVED	(1) 28 April 1980
Canada	12 November 1979	NOT YET RECEIVED	-
Central African Republic	14 April 1980	NOT YET RECEIVED	-
Costa Rica	5 January 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980
Finland	16 August 1979	12 November 1979	(1) 28 September 1979
Holy See	1 June 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980
Jamaica	5 July 1980	NOT YET RECEIVED	-
Malta	26 June 1980	NOT YET RECEIVED	-
Mongolia	4 September 1978	5 November 1979	(1) 25 April 1979 (2) 28 September 1980
Morocco	17 January 1980	23 January 1980	-
Nepal	1 March 1980	NOT YET RECEIVED	(1) 28 April 1980
Norway	6 September 1979	19 December 1979	-
Romania	14 October 1979	16 November 1979	-
Sierra Leone	5 January 1978	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980
Swaziland	6 May 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980
Venezuela	5 January 1978	27 November 1979	(1) 21 April 1978 (2) 25 April 1978 (3) 28 September 1979
United Republic of Cameroon	24 July 1980	NOT YET RECEIVED	-

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
<u>F. Sixth periodic reports</u>			
Argentina	5 January 1980	12 December 1979	-
Brazil	5 January 1980	17 July 1979	-
Bulgaria	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Byelorussian Soviet Socialist Republic	7 May 1980	12 May 1980	-
Costa Rica	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Cyprus	5 January 1980	17 December 1979	-
Czechoslovakia	5 January 1980	22 January 1980	-
Ecuador	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Egypt	5 January 1980	19 December 1979	-
Germany, Federal Republic of	14 June 1980	NOT YET RECEIVED	-
Ghana	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Holy See	1 June 1980	NOT YET RECEIVED	-
Hungary	5 January 1980	4 February 1980	-
Iceland	5 January 1980	4 January 1980	-
India	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Iran	5 January 1980	28 December 1979	-
Kuwait	5 January 1980	4 July 1980	(1) 28 April 1980
Libyan Arab Jamahiriya	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Madagascar	8 March 1980	20 June 1980	(1) 28 April 1980
Niger	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Nigeria	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Pakistan	5 January 1980	27 February 1980	-
Panama	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Philippines	5 January 1980	21 March 1980 26 May 1980	-
Poland	5 January 1980	2 May 1980	(1) 28 April 1980
Sierra Leone	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980
Spain	5 January 1980	2 May 1980	(1) 28 April 1980

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Swaziland	6 May 1980	NOT YET RECEIVED	-
Syrian Arab Republic	20 May 1980	3 July 1980	-
Tunisia	5 January 1980	13 March 1980	-
Ukrainian Soviet Socialist Republic	5 April 1980	25 April 1980	-
Union of Soviet Socialist Republics	5 March 1980	14 April 1980	-
United Kingdom	5 April 1980	5 April 1980 4 August 1980	-
Uruguay	5 January 1980	13 June 1980	(1) 28 April 1980
Venezuela	5 January 1980	27 November 1979	-
Yugoslavia	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980

G. Additional information requested by the Committee

<u>States parties which were requested to submit additional information</u>	<u>Requested by the Committee at its</u>	<u>Date of submission</u>
Sierra Leone	Tenth session	NOT YET RECEIVED
Lebanon	Twelfth session	NOT YET RECEIVED
Libyan Arab Jamahiriya	Nineteenth session	NOT YET RECEIVED

ANNEX III

Consideration by the Committee at its twenty-first and
twenty-second sessions of the reports submitted by
States parties under article 9 of the Convention

State party	Type of report						Meetings at which considered	Date of meetings
	Initial	Second	Third	Fourth	Fifth	Sixth		
Italy		x					457-458	25 March 1980
Iraq				x	x		458-459	25-26 March 1980
Austria				x			459	26 March 1980
Peru				x			459-460	26 March 1980
United Arab Emirates			x				460	26 March 1980
Iceland						x	461	27 March 1980
Democratic Yemen			x	x			461-462	27 March 1980
Jamaica				x			463	28 March 1980
Trinidad and Tobago			x				463	28 March 1980
Mali		x	x				464	28 March 1980
Ethiopia		x					464-465	28 and 31 March 1980
Burundi	x						465-466	31 March 1980
Brazil						x	466	31 March 1980
Mongolia					x		467	1 April 1980
Finland					x		467-468	1 April 1980
Venezuela					x	x	468	1 April 1980
Romania					x		469-470	2 April 1980
Norway					x		470-471	2-3 April 1980
Cyprus						x	471	3 April 1980
Greece					x		472	3 April 1980
Iran						x	472	3 April 1980
Egypt						x	472	3 April 1980

State party	Type of report						Meetings at which considered	Date of meetings
	Initial	Second	Third	Fourth	Fifth	Sixth		
Argentina						x	479-480	5 August 1980
Qatar		x					480	5 August 1980
Czechoslovakia						x	480-481	5-6 August 1980
Morocco					x		481	6 August 1980
United Republic of Tanzania			x	x			481-482	6 August 1980
Hungary						x	482	6 August 1980
Israel a/	x						483	7 August 1980
Pakistan						x	484	7 August 1980
Tunisia						x	484-485	7-8 August 1980
Philippines						x	485-486	8 August 1980
Zaire		x					486-487	8 and 11 August 1980
United Kingdom						x	487-488	11 August 1980
Union of Soviet Socialist Republics						x	489-490	12 August 1980
Ukrainian Soviet Socialist Republic						x	490	12 August 1980
Poland						x	491	13 August 1980
Byelorussian Soviet Socialist Republic						x	491	13 August 1980
Mexico			x				492	13 August 1980

a/ At its 483rd meeting, the Committee held a preliminary procedural discussion concerning its consideration of the initial report of Israel, after which it decided to postpone the consideration of the report to its twenty-third session (see chap. IV, sect. B, paras. 330-334).

ANNEX IV

Revised general guidelines concerning the form and contents
of reports by States parties under article 9, paragraph 1,
of the Convention a/

1. In accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, each State party has undertaken to submit to the Secretary-General of the United Nations, for consideration by the Committee on the Elimination of Racial Discrimination, a report on the legislative, judicial, administrative or other measures which it has adopted and which give effect to the provisions of the Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. Article 9, paragraph 1, also provides that the Committee may request further information from the States parties.
2. In order to assist the Committee in fulfilling the tasks entrusted to it pursuant to article 9 of the Convention and to further facilitate the task of States parties in the preparation of their reports, the Committee has decided that it would be useful to inform States parties of its wishes regarding the form and contents of their reports. Compliance with these guidelines will help to ensure that reports are presented in a uniform manner and enable the Committee and States parties to obtain a complete picture of the situation in each State as regards the implementation of the provisions of the Convention. This will also reduce the need for the Committee to request further information under article 9 and its provisional rules of procedure.
3. These general guidelines replace the previous communication (CERD/C/R.12) which was adopted by the Committee on 28 January 1970 and reproduced in documents A/8027, annex III-A and CERD/C/36.
4. It should also be noted, in this connexion, that the Committee stated in its General Recommendation II of 24 February 1972 that since all the categories of information requested from States parties refer to obligations undertaken by States parties under the Convention, the necessary information in conformity with these guidelines should be provided by all States parties without distinction, whether or not racial discrimination exists in their respective territories.
5. In selecting information for inclusion in their reports, States parties should bear in mind the definition of the term "racial discrimination" as reflected in article 1, paragraph 1, of the Convention, as well as the provisions of article 1, paragraphs 2, 3 and 4, which refer to situations not considered as racial discrimination.

a/ Adopted by the Committee at its 475th meeting (twenty-first session) on 9 April 1980 (see chap. IV, sect. C, paras. 461-465 above).

6. The report should also reflect in all its parts the actual situation as regards the practical implementation of the provisions of the Convention and the progress achieved.

7. The report should be presented in two parts as follows:

PART I - GENERAL. This part should describe briefly the policy of eliminating racial discrimination in all its forms and the general legal framework within which racial discrimination as defined in article 1, paragraph 1, of the Convention is prohibited and eliminated in the reporting State, and the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life are promoted and protected.

It should also indicate whether the provisions of the Convention can be invoked before, and directly enforced by, the Courts, other tribunals or administrative authorities or whether they have to be implemented by way of internal laws or administrative regulations in order to be enforced by the authorities concerned.

Information should also be provided in this part in connexion with General Recommendation IV, adopted by the Committee on 16 August 1973, in which the Committee invited States parties "to endeavour to include in their reports under article 9 of the Convention relevant information on the demographic composition of the population ...".

PART II - INFORMATION IN RELATION TO EACH OF THE ARTICLES IN PART I (ARTICLES 2 TO 7) OF THE CONVENTION. This part should provide specific information in relation to articles 2 to 7, in accordance with the sequence of those articles and their respective provisions, as follows:

Article 2

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 2, paragraph 1, of the Convention, in particular:

- (1) Measures taken to give effect to the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
- (2) Measures taken to give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations;
- (3) Measures taken to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

- (4) Measures taken to give effect to the undertaking to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
- (5) Measures taken to give effect to the undertaking to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

B. Information on the special and concrete measures taken in the social, economic, cultural and other fields to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms, in accordance with article 2, paragraph 2, of the Convention.

Article 3

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 3 of the Convention, in particular, to the condemnation of racial segregation and apartheid and to the undertaking to prevent, prohibit and eradicate all practices of this nature in territories under the jurisdiction of the reporting State;

B. Information on the status of diplomatic, economic and other relations between the reporting State and the racist régimes of southern Africa, as requested by the Committee in its General Recommendation III of 18 August 1972 and decision 2 (XI) of 7 April 1975.

Article 4

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 4 of the Convention, in particular:

Measures taken to give effect to the undertaking to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial discrimination; in particular: b/

- (1) To declare an offence punishable by law all dissemination of ideas based on racial superiority and hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including financing thereof;

b/ With due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention.

- (2) To declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;
- (3) Not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

B. Information on appropriate measures taken to give effect to General Recommendation I, of 24 February 1972, by which the Committee recommended that the States parties whose legislation was deficient in respect of the implementation of article 4 to consider, in accordance with their national legislative procedures, the question of supplementing their legislation with provisions conforming to the requirements of article 4 (a) and (b) of the Convention;

C. Information in response to decision 3 (VII) adopted by the Committee on 4 May 1973 by which the Committee requested the States parties:

- (1) To indicate what specific penal internal legislation designed to implement the provisions of article 4 (a) and (b) has been enacted in their respective countries and to transmit to the Secretary-General in one of the official languages the texts concerned, as well as such provisions of general penal law as must be taken into account when applying such specific legislation;
- (2) Where no such specific legislation has been enacted, to inform the Committee of the manner and the extent to which the provisions of the existing penal laws, as applied by the courts effectively implement their obligations under article 4 (a) and (b), and to transmit to the Secretary-General in one of the official languages the texts of those provisions.

Article 5

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 5 of the Convention; in particular, measures taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, descent, or national or ethnic origin, to equality before the law notably in the enjoyment of:

- A. The right to equal treatment before tribunals and all other organs administering justice;
- B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;
- C. Political rights, in particular the right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have access to public service;

- D. Other civil rights, in particular those enumerated under article 5, paragraph (d), subparagraphs (i) to (ix), of the Convention;
- E. Economic, social and cultural rights, in particular those enumerated under article 5, paragraph (e), subparagraphs (i) to (vi), of the Convention;
- F. The right to access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

Article 6

- A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention, in particular, measures taken to assure to everyone within the jurisdiction of the reporting State effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms;
- B. Measures taken to assure to everyone the right to seek from such tribunals just and adequate reparation or satisfaction for any damage as a result of such discrimination;
- C. Information on the practice and decisions of the Courts and other judicial and administrative organs relating to cases of racial discrimination as defined under article 1 of the Convention.

Article 7

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 7 of the Convention and to General Recommendation V, adopted by the Committee on 13 April 1977, in particular:

Immediate and effective measures taken in the fields of teaching, education, culture and information with a view to:

- A. Combating prejudices which lead to racial discrimination;
- B. Promoting understanding, tolerance and friendship among nations and racial or ethnic groups;
- C. Propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination.

* * * *

- 8. The Committee requests States parties to incorporate in Part II of their

reports, under the appropriate headings, the texts of the relevant laws, judicial decisions and regulations referred to therein as well as all other elements which they consider essential for the Committee's consideration of their reports. The reports should also be accompanied, if needed, by sufficient copies in one of the working languages (English, French, Russian or Spanish) of all other supplementary documentation which the reporting States may wish to have distributed to all members of the Committee in connexion with their reports.

9. On the basis of reports already submitted and those prepared and submitted according to the above guidelines, the Committee is confident that it will be enabled to develop or continue a constructive and fruitful dialogue with each State party for the purpose of the implementation of the Convention and thereby to contribute to mutual understanding and peaceful and friendly relations among nations in accordance with the Charter of the United Nations.

ANNEX V

Letter dated 1 April 1980 from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples addressed to the Chairman of the Committee on the Elimination of Racial Discrimination

Sir,

In Chapter V of its report to the thirty-fourth session of the General Assembly (A/34/13), the Committee on the Elimination of Racial Discrimination states:

"The Committee regrets that, despite its frequent requests to the relevant United Nations bodies, which have been fully endorsed by the General Assembly in its resolution 33/102 of 16 December 1978, sufficient information relating to its responsibilities under Article 15 of the Convention is still not forthcoming. It would once again request the co-operation of the United Nations bodies concerned in the matter, in order to enable it to discharge adequately its responsibilities under Article 15 of the Convention".

Having regard to the foregoing opinion and the request of the Committee on the Elimination of Racial Discrimination, I set out below, for the information of the Committee members, an outline of the action taken hitherto by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in full discharge of its mandate under the terms of Article 15 of the International Convention on the Elimination of Racial Discrimination.:

(a) Since the entry into force of the Convention on 4 January 1969, the Chairman of the Special Committee has transmitted annually to the Chairman of the Committee on the Elimination of Racial Discrimination all the relevant petitions falling under the terms of paragraph 2, subparagraph (a), Article 15. When no applicable petitions were received, the Chairman of the Committee on the Elimination of Racial Discrimination was so informed.

(b) As concerns the reports called for in paragraph 2, subparagraph (b), Article 15, the Special Committee, in the first instance, requested all the administering Powers to include the relevant information in their annual reports transmitted to the Secretary-General pursuant to Article 73 e of the Charter of the United Nations. Secondly, the Special Committee requested the Secretary-General to include in his submission to the Committee on the Elimination of Racial Discrimination in pursuance of paragraph 4, Article 15, the working papers on specific Territories prepared annually by the Secretariat on the basis of the information transmitted under Article 73 e of the Charter, which serve as a basis for the Special Committee's consideration of those Territories. Furthermore, with respect to those Territories on which no information is received under Article 73 e - and these include the colonial Territories in southern Africa - the Special Committee requested the Secretary-General to incorporate in the working papers whatever information which might be secured from published sources, for submission likewise to the Committee on the Elimination of Racial Discrimination.

(c) In addition, the Special Committee has each year drawn to the attention of the administering Powers concerned for their appropriate action the opinions and recommendations of the Committee on the Elimination of Racial Discrimination on specific Territories, as reflected in the latter's annual reports to the General Assembly.

As concerns the expression of regret by the Committee on the Elimination of Racial Discrimination cited above, the attention of all the administering Powers has also been drawn thereto with a view to securing their co-operation in this regard.

As will be noted from the foregoing, the Special Committee has discharged consistently and faithfully the tasks entrusted to it under the Convention, and has extended its full co-operation in that connexion to the Committee on the Elimination of Racial Discrimination. On behalf of the Special Committee, I wish to reiterate the Committee's continued readiness to co-operate with the Committee on the Elimination of Racial Discrimination in the discharge of its tasks under Article 15.

In the fulfilment of the mandate entrusted to it, the Special Committee, for its part will continue persistently to seek suitable means for the speedy implementation of the Declaration in all Territories which have not yet attained independence. In so doing, the Special Committee will be guided by the conviction repeatedly expressed by the General Assembly - most recently in resolution 34/94 of 13 December 1979 - that the total eradication of racial discrimination, apartheid and violations of the basic human rights of the peoples in colonial Territories will be achieved most expeditiously by the faithful and complete implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and by the affirmation of the Assembly that the continuation of colonialism in all its forms and manifestations - including apartheid - is incompatible, inter alia, with the Charter of the United Nations.

I would be grateful if the text of this letter could be made available to the members of the Committee on the Elimination of Racial Discrimination for their information.

ANNEX VI

Documents received by the Committee on the Elimination of Racial Discrimination at its twenty-first and twenty-second sessions pursuant to decisions of the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in conformity with article 15 of the Convention a/

A. Documents submitted pursuant to the decision of the Trusteeship Council

Outline of conditions in the Trust Territory of the Pacific Islands: working paper prepared by the Secretariat (T/L.1220 and Add.1-2)

Official Records of the Security Council, Thirty-fifth Year, Special Supplement No. 1

B. Documents submitted pursuant to decisions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

1. The Special Committee did not submit copies of petitions in 1979 and 1980 under the terms of article 15 of the Convention.

2. Copies of reports and working papers submitted by the Special Committee:

Western Sahara	A/34/23/Add.3, chapter X
East Timor	A/34/23/Add.3, chapter XI
Brunei	A/34/23/Add.3, chapter XIII
Guam	A/34/23/Add.6, chapter XXVII
Falkland Islands (Malvinas)	A/34/23/Add.7, chapter XXVIII
Antigua, St. Kitts-Nevis-Anguilla and St. Vincent	A/34/23/Add.7, chapter XXX
British Virgin Islands	A/AC.109/L.1347
Pitcairn	A/AC.109/L.1349
Bermuda	A/AC.109/L.1350
Cayman Islands	A/AC.109/596
Montserrat	A/AC.109/597
St. Helena	A/AC.109/598

a/ See chap. V, para. 472 above.

Activities of foreign economic and other interests in Cayman Islands	A/AC.109/599
Activities of foreign economic and other interests in Bermuda	A/AC.109/600
Activities of foreign economic and other interests in Turks and Caicos Islands	A/AC.109/601
Tokelau	A/AC.109/602
Gibraltar	A/AC.109/603 and Corr.1
Namibia	A/AC.109/604
Military activities and arrangements by colonial Powers in Namibia	A/AC.109/605 and Corr.1
Guam	A/AC.109/606
United States Virgin Islands	A/AC.109/608
American Samoa	A/AC.109/610
Activities on foreign economic and other interests in Namibia	A/AC.109/611
Military activities and arrangements by colonial Powers in Guam	A/AC.109/612
Trust Territories of the Pacific Islands	A/AC.109/613
Military activities in Belize, Bermuda, Turks and Caicos Islands and the United States Virgin Islands	A/AC.109/614
Falkland Islands (Malvinas)	A/AC.109/615

ANNEX VII

List of documents issued for the twenty-first and twenty-second sessions
of the Committee on the Elimination of Racial Discrimination

A. Twenty-first session

Documents issued in the general series

CERD/C/15/Add.3	Initial report of Burundi
CERD/C/17/Add.3	Third periodic report of Trinidad and Tobago
CERD/C/18/Add.8	Fourth periodic report of Jamaica
CERD/C/20/Add.37	Fifth periodic report of Mongolia
CERD/C/20/Add.38	Fifth periodic report of Venezuela
CERD/C/46/Add.1/Corr.1	Second periodic report of Italy
CERD/C/46/Add.3	Second periodic report of Ethiopia
CERD/C/46/Add.4	Second periodic report of Zaire
CERD/C/48/Add.8	Fourth periodic report of the United Republic of Tanzania
CERD/C/50/Add.3	Fifth periodic report of Finland
CERD/C/50/Add.4 and Corr.1 (English only)	Fifth periodic report of Romania
CERD/C/50/Add.5	Fifth periodic report of Norway
CERD/C/57	Provisional agenda and annotations of the twenty-first session of the Committee: note by the Secretary-General
CERD/C/58	Action by the General Assembly at its thirty-fourth session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention: note by the Secretary-General

CERD/C/59	Consideration of copies of petitions, copies of reports and other information relating to trust and non-self-governing territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention: note by the Secretary-General
CERD/C/60	Reservations, declarations and statements of interpretation made by States parties to the International Convention on the Elimination of All Forms of Racial Discrimination: note by the Secretary-General
CERD/C/61	Initial reports of States parties due in 1980: note by the Secretary-General
CERD/C/61/Add.1	Initial report of Israel
CERD/C/62	Second periodic reports of States parties due in 1980: note by the Secretary-General
CERD/C/63	Third periodic reports of States parties due in 1980: note by the Secretary-General
CERD/C/64	Fourth periodic reports of States parties due in 1980: note by the Secretary-General
CERD/C/65	Fifth periodic reports of States parties due in 1980: note by the Secretary-General
CERD/C/65/Add.1	Fifth periodic report of Morocco
CERD/C/66	Sixth periodic reports of States parties due in 1980: note by the Secretary-General
CERD/C/66/Add.1	Sixth periodic report of Brazil
CERD/C/66/Add.2	Sixth periodic report of Venezuela
CERD/C/66/Add.3	Sixth periodic report of Cyprus

CERD/C/66/Add.4	Sixth periodic report of Egypt
CERD/C/66/Add.5	Sixth periodic report of Iran
CERD/C/66/Add.6	Sixth periodic report of Argentina
CERD/C/66/Add.7	Sixth periodic report of Iceland
CERD/C/66/Add.8	Sixth periodic report of Czechoslovakia
CERD/C/66/Add.9	Sixth periodic report of Hungary
CERD/C/66/Add.10	Sixth periodic report of Pakistan
CERD/C/66/Add.11	Sixth periodic report of Tunisia
CERD/C/66/Add.12	Sixth periodic report of the Philippines
CERD/C/SR.456-477	Summary records of the twenty-first session of the Committee

B. Twenty-second session

Documents issued in the general series

CERD/C/17/Add.4	Third periodic report of the Ivory Coast
CERD/C/45/Add.2	Initial report of Luxembourg
CERD/C/45/Add.3	Initial report of Nicaragua
CERD/C/48/Add.9	Fourth periodic report of Senegal
CERD/C/61/Add.2	Initial report of the Republic of Korea
CERD/C/63/Add.1	Third periodic report of Mexico
CERD/C/64/Add.1	Fourth periodic report of the German Democratic Republic
CERD/C/64/Add.2	Fourth periodic report of the Ivory Coast
CERD/C/66/Add.13	Sixth periodic report of the United Kingdom of Great Britain and Northern Ireland
CERD/C/66/Add.14	Sixth periodic report of the Union of Soviet Socialist Republics

CERD/C/66/Add.15	Sixth periodic report of the Ukrainian Soviet Socialist Republic
CERD/C/66/Add.16	Sixth periodic report of Spain
CERD/C/66/Add.17	Sixth periodic report of Poland
CERD/C/66/Add.18	Sixth periodic report of the Byelorussian Soviet Socialist Republic
CERD/C/66/Add.19	Supplement to the sixth periodic report of the Philippines
CERD/C/66/Add.20	Sixth periodic report of Uruguay
CERD/C/66/Add.21	Sixth periodic report of Madagascar
CERD/C/66/Add.22	Sixth periodic report of the Syrian Arab Republic
CERD/C/66/Add.23	Sixth periodic report of Kuwait
CERD/C/66/Add.24	Part III of the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland
CERD/C/67	Provisional agenda and annotations of the twenty-second session of the Committee: note by the Secretary-General
CERD/C/68	Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention: note by the Secretary-General
CERD/C/69	Implementation of article 7 of the Convention: note by the Secretary-General
CERD/C/70	Revised general guidelines concerning the form and contents of reports by States parties under article 9, paragraph 1, of the Convention
CERD/C/SR.478-499	Summary records of the twenty-second session of the Committee

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