

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

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-NINTH SESSION

SUPPLEMENT No. 18 (A/39/18)



UNITED NATIONS

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

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-NINTH SESSION

SUPPLEMENT No. 18 (A/39/18)



UNITED NATIONS

New York, 1984

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.

CONTENTS

| | <u>Paragraphs</u> | <u>Page</u> |
|---|-------------------|-------------|
| Letter of transmittal | | viii |
| I. INTRODUCTION | 1 - 17 | 1 |
| A. States parties to the Convention | 1 - 2 | 1 |
| B. Sessions | 3 | 1 |
| C. Membership of the Committee | 4 - 7 | 1 |
| D. Solemn declaration | 8 - 9 | 2 |
| E. Attendance | 10 | 2 |
| F. Election of officers | 11 | 3 |
| G. Agenda | 12 - 13 | 3 |
| Twenty-ninth session | 12 | 3 |
| Thirtieth session | 13 | 4 |
| H. Co-operation with the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization | 14 - 15 | 4 |
| I. Participation of the Committee on the Elimination of Racial Discrimination at the International Day for the Elimination of Racial Discrimination | 16 | 5 |
| J. Statement by the Assistant Secretary-General for Human Rights | 17 | 5 |
| II. ACTION BY THE GENERAL ASSEMBLY AT ITS THIRTY-EIGHTH SESSION | 18 - 40 | 6 |
| A. Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention | 18 - 25 | 6 |
| B. Report submitted by the Secretary-General in pursuance of General Assembly resolution 37/44 of 3 December 1982 | 26 - 40 | 7 |

| | <u>Paragraphs</u> | <u>Page</u> |
|--|-------------------|-------------|
| III. RULES OF PROCEDURE | 41 - 44 | 10 |
| IV. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION | 45 - 567 | 11 |
| A. Status of submission of reports by States parties | 45 - 57 | 11 |
| Reports received by the Committee | 45 - 50 | 11 |
| Reports not yet received by the Committee | 51 | 14 |
| Action taken by the Committee to ensure submission of reports by States parties | 52 - 57 | 18 |
| B. Consideration of reports | 58 - 567 | 20 |
| Mali | 62 - 75 | 21 |
| New Zealand | 76 - 84 | 23 |
| Saint Vincent and the Grenadines | 85 - 87 | 26 |
| Algeria | 88 - 102 | 27 |
| Botswana | 103 - 113 | 29 |
| Central African Republic | 114 - 127 | 31 |
| Colombia | 128 - 140 | 33 |
| Tonga | 141 - 144 | 35 |
| Democratic Yemen | 145 - 156 | 36 |
| Rwanda | 157 - 167 | 38 |
| Bolivia | 168 - 175 | 40 |
| El Salvador | 176 - 184 | 41 |
| Luxembourg | 185 - 195 | 43 |
| Trinidad and Tobago | 196 - 206 | 45 |
| Syrian Arab Republic | 207 - 224 | 47 |
| Cape Verde | 225 - 233 | 50 |
| Belgium | 234 - 246 | 52 |

CONTENTS (continued)

| | <u>Paragraphs</u> | <u>Page</u> |
|----------------------------|-------------------|-------------|
| United Arab Emirates | 247 - 251 | 55 |
| Mauritius | 252 - 261 | 56 |
| Denmark | 262 - 277 | 58 |
| Papua New Guinea | 278 - 286 | 61 |
| Qatar | 287 - 296 | 63 |
| Italy | 297 - 312 | 65 |
| Peru | 313 - 327 | 69 |
| Australia | 328 - 352 | 72 |
| Viet Nam | 353 - 366 | 77 |
| Seychelles | 367 - 377 | 80 |
| Uganda | 378 - 386 | 82 |
| Republic of Korea | 387 - 395 | 83 |
| Mozambique | 396 - 398 | 85 |
| Namibia | 399 - 420 | 86 |
| Iraq | 421 - 433 | 90 |
| Chad | 434 - 437 | 92 |
| Argentina | 438 - 453 | 93 |
| Jordan | 454 - 467 | 95 |
| Guatemala | 468 - 481 | 98 |
| Kuwait | 482 - 491 | 101 |
| Finland | 492 - 502 | 102 |
| Norway | 503 - 516 | 104 |
| Ethiopia | 517 - 529 | 107 |
| Netherlands | 530 - 548 | 109 |
| Sri Lanka | 549 - 567 | 113 |

| | <u>Paragraphs</u> | <u>Page</u> |
|---|-------------------|-------------|
| V. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14 OF THE CONVENTION | 568 - 573 | 118 |
| VI. 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 | 574 - 583 | 119 |
| A. African Territories | | 121 |
| B. Pacific and Indian Ocean Territories | | 122 |
| C. Atlantic Ocean and Caribbean Territories, including Gibraltar .. | | 122 |
| VII. DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION..... | 584 - 595 | 124 |
| VIII. MEETINGS OF THE COMMITTEE IN 1986 | 596 - 598 | 126 |
| IX. DECISIONS ADOPTED BY THE COMMITTEE AT ITS TWENTY-NINTH AND THIRTIETH SESSIONS | | 127 |
| A. Twenty-ninth session | | 127 |
| 1 (XXIX). Views and recommendations of the Committee on the reporting obligations of States parties to the Convention | | 127 |
| B. Thirtieth session | | 128 |
| 1 (XXX). Initial report of Namibia | | 128 |
| 2 (XXX). Publication of the Committee's studies on articles 4 and 7 of the Convention | | 130 |

Annexes

| | | |
|---|--|-----|
| I. A. STATES PARTIES TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION AS AT 24 AUGUST 1984 | | 133 |
| B. STATES PARTIES WHICH HAVE MADE THE DECLARATION UNDER ARTICLE 14, PARAGRAPH 1, OF THE CONVENTION | | 137 |
| II. SUBMISSION OF REPORTS AND ADDITIONAL INFORMATION BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION DURING THE YEAR UNDER REVIEW | | 138 |
| A. Initial reports | | 138 |
| B. Second periodic reports | | 139 |

CONTENTS (continued)

| | <u>Page</u> |
|--|-------------|
| C. Third periodic reports | 140 |
| D. Fourth periodic reports | 142 |
| E. Fifth periodic reports | 143 |
| F. Sixth periodic reports | 144 |
| G. Seventh periodic reports | 146 |
| H. Eighth periodic reports | 147 |
| I. Additional information requested by the Committee | 149 |
| III. CONSIDERATION BY THE COMMITTEE AT ITS TWENTY-NINTH AND THIRTIETH SESSIONS OF THE REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION | 150 |
| IV. DOCUMENTS RECEIVED BY THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION AT ITS TWENTY-NINTH AND THIRTIETH 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 | 152 |
| A. Documents submitted pursuant to the decision of the Trusteeship Council | 152 |
| 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 | 152 |
| V. LIST OF DOCUMENTS ISSUED FOR THE TWENTY-NINTH AND THIRTIETH SESSIONS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION | 154 |
| A. Twenty-ninth session | 154 |
| B. Thirtieth session | 156 |

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. In accordance with that article 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 1984 and, at its 698th meeting held today, unanimously adopted its 1984 report in fulfilment of its obligations under the Convention; it is submitted to you herewith for transmission to the General Assembly at its thirty-ninth session.

Accept, Sir, the assurances of my highest consideration.

(Signed) Luis VALENCIA RODRIGUEZ
Chairman
Committee on the Elimination
of Racial Discrimination

His Excellency
Mr. Javier Pérez de Cuéllar
Secretary-General of the United Nations
New York

I. INTRODUCTION

A. States parties to the Convention

1. On 24 August 1984, the closing date of the thirtieth session of the Committee on the Elimination of Racial Discrimination, there were 124 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly 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 thirtieth session, 10 of the 124 States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals. A list of States parties to the Convention and those which have made the declaration under article 14 is contained in annex I.

B. Sessions

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1984. The twenty-ninth session (650th-674th meetings) was held at United Nations Headquarters, New York, from 5 to 23 March 1984; and the thirtieth session (675th-698th meetings) was held at the United Nations Office at Geneva, from 6 to 24 August 1984.

C. Membership of the Committee

4. In accordance with the provision of article 8 of the Convention, representatives of the States parties held their Ninth Meeting at United Nations Headquarters on 20 January 1984, 1/ and elected nine members of the Committee on the Elimination of Racial Discrimination from among the candidates nominated to replace those whose terms of office had expired on 19 January 1984.

5. At its thirtieth session, the Committee was informed, in a letter dated 10 August 1984 addressed to the Chairman of the Committee, that Mr. Dimitrios Evrigenis had tendered his resignation from membership of the Committee, on account of his election as a member of the European Parliament, which prevented him from carrying out the duties pertaining to Committee membership.

6. Acting in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of its rules of procedure, the Committee, at its 685th meeting held on 13 August 1984, approved by secret ballot the appointment by the Government of Greece of Mr. Emmanuel Roucouas to serve as member of the Committee for the remainder of Mr. Evrigenis' term, which is due to expire on 19 January 1986.

7. The names of the members of the Committee for 1984-1985, including those elected or re-elected on 20 January 1984, and the change mentioned in paragraphs 5 and 6 above, are as follows:

| <u>Name of member</u> | <u>Country of nationality</u> | <u>Term expires on 19 January</u> |
|-----------------------------------|-------------------------------------|-----------------------------------|
| Mr. Jean Marie APIOU | Burkina Faso | 1986 |
| Mr. Nikola ČIČANOVIC* | Yugoslavia | 1988 |
| Mr. John J. CREMONA* | Malta | 1988 |
| Mr. Nicolás DE PIEROLA Y BALTA* | Peru | 1988 |
| Mr. Oladapo Olusola FAFOWORA | Nigeria | 1986 |
| Mr. Abdel Moneim GHONEIM | Egypt | 1986 |
| Mr. Matey KARASIMEONOV** | Bulgaria | 1988 |
| Mr. George O. LAMPTEY | Ghana | 1986 |
| Mr. Kjell OBERG* | Sweden | 1988 |
| Mr. Karl Josef PARTSCH | Germany, Federal Republic of | 1986 |
| Mr. Emmanuel ROUCOUNAS | Greece | 1986 |
| Mrs. Shanti SADIQ ALI** | India | 1988 |
| Mr. Agha SHAHI | Pakistan | 1986 |
| Mr. Michael E. SHERIFIS | Cyprus | 1986 |
| Mr. SONG Shuhua* | China | 1988 |
| Mr. Gleb Borisovich STARUSHENKO** | Union of Soviet Socialist Republics | 1988 |
| Mr. Luís VALENCIA RODRIGUEZ | Ecuador | 1986 |
| Mr. Mario Jorge YUTZIS* | Argentina | 1988 |

* Elected on 20 January 1984.

** Re-elected on 20 January 1984.

D. Solemn declaration

8. At the opening meeting of the twenty-ninth session, those members of the Committee who were elected or re-elected by the Meeting of States parties to the Convention on 20 January 1984 made a solemn declaration in accordance with rule 14 of the rules of procedure of the Committee. Mr. Yutzis, who was unable to attend the opening meeting, made the solemn declaration at the 657th meeting.

9. Upon assuming his duties as a member of the Committee at its 685th meeting, held on 13 August 1984, Mr. Roucounas made the solemn declaration provided for under rule 14 of the rules of procedure.

E. Attendance

10. All members, except Messrs. Apiou and Fafowora, attended the twenty-ninth session. Mr. Yutzis attended part of that session. All members of the Committee, except Messrs. Apiou, Cremona and Fafowora, attended the thirtieth session. Mr. Valencia Rodríguez attended only part of that session.

F. Election of officers

11. At its 650th and 651st meetings, held respectively on 5 and 6 March 1984, the Committee elected the following officers for a term of two years in accordance with article 10, paragraph 2, of the Convention.

Chairman: Mr. Lu s VALENCIA RODRIGUEZ

Vice-Chairmen: Mr. Matey KARASIMEONOV
Mr. George O. LAMPTEY
Mr. Michael E. SHERIFIS

Rapporteur: Mr. Karl Josef PARTSCH

G. Agenda

Twenty-ninth session

12. At its 650th meeting, on 5 March 1984, the Committee adopted the items listed on the provisional agenda submitted by the Secretary-General as the agenda of its twenty-ninth 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. Provisional rules of procedure.
6. Action by the General Assembly at its thirty-eighth session:
 - (a) On the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention;
 - (b) On the report submitted by the Secretary-General in pursuance of General Assembly resolution 37/44 of 3 December 1982.
7. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
8. 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.
9. Second World Conference to Combat Racism and Racial Discrimination.
10. Meetings of the Committee in 1986.

Thirtieth session

13. At its 675th meeting on 6 August 1984, the Committee adopted the items listed on the provisional agenda submitted by the Secretary-General as the agenda of its thirtieth session with an amendment, made at its 683rd meeting, adding a new item entitled "Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the rules of procedure". The agenda of the thirtieth session, as amended, was as follows:

1. Adoption of the agenda.
2. Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the rules of procedure. 2/
3. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
4. Consideration of communications under article 14 of the Convention.
5. 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.
6. Second Decade for Action to Combat Racism and Racial Discrimination.
7. Action by the General Assembly at its thirty-eighth session on the report submitted by the Secretary-General in pursuance of General Assembly resolution 37/44 of 3 December 1982.
8. Report of the Committee to the General Assembly at its thirty-ninth 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

14. 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-ninth and thirtieth sessions of the Committee.

15. At the thirtieth session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the seventieth 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 Discrimination (Employment and Occupation) Convention (No. 111), 1958, as well as other information in the report relevant to its activities.

I. Participation of the Committee on the Elimination of Racial Discrimination at the International Day for the Elimination of Racial Discrimination

16. In accordance with the Committee's decision at its 670th meeting, the Chairman, Mr. Valencia Rodríguez, represented the Committee at the solemn meeting held at United Nations Headquarters, on 21 March 1984, in observance of the International Day for the Elimination of Racial Discrimination and made a statement on behalf of the Committee.

J. Statement by the Assistant Secretary-General for Human Rights

17. At the closing meeting of the twenty-ninth session, Mr. Herndl, Assistant Secretary-General for Human Rights, addressed the Committee.

II. ACTION BY THE GENERAL ASSEMBLY AT ITS THIRTY-EIGHTH SESSION

A. Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention

18. The Committee considered this sub-item at its 670th meeting (twenty-ninth session), held on 19 March 1984.

19. The Rapporteur of the Committee, Mr. Partsch, in introducing the sub-item indicated that the question of the elimination of all forms of racial discrimination had been considered once more by the General Assembly together with several other important matters which prevented the Committee's report from receiving the required attention. In this connection, he drew the attention of the members to a proposal made at the General Assembly that the reports of the monitoring bodies of the human rights instruments, such as the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, might be grouped under a single item for the consideration of the General Assembly.

20. The Committee noted that it had requested the General Assembly on several occasions to consider its report separately, rather than in conjunction with other items. Although the Assembly had not been able to meet that request, a fruitful dialogue had none the less been established between the Committee and the General Assembly.

21. Turning to the comments made on the report of the Committee, the Rapporteur pointed out that one delegation in the Third Committee had objected to the way its statement had been summarized in the Committee's report and that political objections had been voiced by some delegations, particularly with reference to the consideration of the situation in the Falkland Islands (Malvinas), which they considered unrelated to the provisions of the Convention.

22. In relation to those statements, members referred to the Committee's mandate under the provisions of article 15 of the Convention, and stated that neither the General Assembly nor the Committee could alter the Convention which remained the sole basis for its work. In accordance with article 15, it was clearly within the Committee's competence to consider all petitions and documents submitted to it by the various United Nations bodies dealing with decolonization. The Committee was entrusted with the task of assisting those bodies in matters relating to racial discrimination on the basis of the principles embodied in the Convention.

23. With regard to General Assembly resolution 38/21 of 22 November 1983, the Rapporteur pointed out that some delegations had made reservations in connection with the Assembly's interpretation of article 3 of the Convention. Such reservations, based on a strict interpretation of article 3, related to the third preambular paragraph of the resolution, which referred to manifestations of racist ideologies, and to paragraphs 3 and 5 regarding the struggle against apartheid in South Africa and efforts made by the Committee to obtain information from States parties concerning their relations with the racist régime.

24. In this connection, the Committee observed that the political dimensions of the work of the Committee had been recognized by both the General Assembly and the Committee itself, for it was clear that the latter was obliged, under the

provisions of the Convention, to deal with any questions relating to racial discrimination even if such questions had political connotations. The Committee's decisions were based on the provisions of the Convention. The Committee also adopted decisions which could affect the political position of Governments, as in the case of its invitation to them to report on their relations with South Africa.

25. With regard to General Assembly resolution 38/18 of 22 November 1983, the Rapporteur pointed out that a separate vote had been taken on paragraph 5, in which the Assembly requested States parties to consider the possibility of making the declaration under article 14 of the Convention.

B. Report submitted by the Secretary-General in pursuance of
General Assembly resolution 37/44 of 3 December 1982

26. The Committee considered this sub-item at its 660th, 668th, 669th and 673rd meetings (twenty-ninth session), held respectively on 12, 16, 19 and 22 March 1984 and at its 693rd meeting (thirtieth session), held on 20 August 1984.

27. For the consideration of this sub-item, which was introduced by the representative of the Secretary-General, the Committee had before it the following documents: (a) report of the Secretary-General on the reporting obligations of States parties under the Convention and the other relevant human rights instruments (A/38/393); (b) note by the Secretary-General containing an analytical summary of the consideration of his report by the General Assembly (CERD/SP/20); (c) General Assembly resolutions 38/20 of 22 November 1983 and 38/117 of 16 December 1983; and (d) the summary record of the Ninth Meeting of States parties to the Convention (CERD/SP/SR.14), held on 20 January 1984.

28. The Committee held a general discussion in plenary at its 668th and 669th meetings, during which it examined the above-mentioned documents and established the basic criteria for the consideration of suggestions made in the report of the Secretary-General.

29. With regard to the periodicity of the submission of reports by States parties, the Committee underlined the importance of ensuring strict compliance with the provisions of article 9 of the Convention, which established one of the main mechanisms through which the Committee could promote the elimination of racial discrimination. It was of the opinion that, if the relevant provisions of the Convention were amended under present conditions, the commitments made by States parties would be weakened; that the two-year period for the submission of periodic reports enabled the international community, through the Committee, to bring pressure to bear on States parties to comply with their obligations under the Convention; and that any extension in the periodicity could have a negative impact on the struggle against racism and racial discrimination.

30. The Committee also pointed out that an element of flexibility had already been introduced by permitting the consolidation of two or more reports into a single document, a method which could be of great help to States parties. Moreover, it was recalled that, under rule 63 of its rules of procedure, the Committee could, when it saw fit, determine the form and contents of certain reports, a provision which provided further flexibility in the reporting system. Under these conditions it did not appear advisable to introduce the proposal made by Australia at the Ninth Meeting of States parties to the International Convention on the Elimination

of All Forms of Racial Discrimination held on 20 January 1984 3/ and supported by some Committee members.

31. Some members observed that, as the number of States parties increased, the Committee might be confronted, at some point, with the difficulty of having to consider too many reports within its two regular sessions a year. The majority of the members were of the opinion, however, that that problem could be solved internally by the Committee.

32. The Committee supported overwhelmingly the other suggestions made in the report of the Secretary-General concerning co-ordination among the relevant supervisory bodies of the human rights instruments and the technical assistance and co-operation which might be extended by the United Nations to the States parties concerned.

33. At its 669th meeting held on 19 March 1984, the Committee decided to set up an open-ended working group entrusted with the task of proposing specific recommendations in the light of the discussion that had taken place, and consisting of the following five members: Mr. Karasimeonov, Mr. Lamptey, Mr. Partsch, Mrs. Sadiq Ali and Mr. Valencia Rodríguez.

34. At its 673rd meeting Mr. Lamptey introduced the draft views and recommendations on the reporting obligations of States parties to the Convention proposed by the working group.

35. At that same meeting, the Committee adopted, with minor changes, the text of the Committee's views and recommendations on the reporting obligations of States parties to the Convention proposed by the working group. The text as adopted appears in chapter IX, section A, decision 1 (XXIX).

36. At its 693rd meeting (thirtieth session), the Committee heard the report of its Chairman on the meeting of chairmen of the Commission on Human Rights, the Human Rights Committee, the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, which had met at Geneva on 16 and 17 August 1984. He had drawn the attention of the meeting to the views and recommendations of the Committee on the reporting obligations of States parties to the Convention adopted on 21 March 1984 (see decision 1 (XXIX), chap. IX).

37. The chairmen of the four human rights monitoring bodies had considered, inter alia, the problems involved in the failure of some States parties to submit reports, the delays in submission of reports, the variation in the quality of reports, the excessive burdens placed on some States lacking staff with the necessary experience in preparing human rights reports and the need to improve compliance with various international instruments.

38. The meeting had then considered the methods used by the different organs in an attempt to solve the problems and indicated some areas which could require further attention in the future, such as the heavy burden imposed on Governments with limited resources in preparing reports for the various organs.

39. The Chairman informed the Committee that the meeting of chairmen had made the following suggestions: (a) the exchange of documentation among the human rights

monitoring bodies could be continued and enhanced in the future; (b) the guidelines of the various organs could contain a uniform introductory section requesting the State party to submit information of a general character; (c) the Secretary-General could be requested to draw up a programme of advisory and technical assistance services to enable States parties to comply with their obligations - specific suggestions included the drafting of a manual giving practical guidance for the preparation of reports, the granting of fellowships to officials responsible for submitting such reports, and training courses and seminars; (d) meetings of the chairmen of the human rights monitoring bodies could be held annually or biennially, and the Secretary-General might consider the possibility of inviting the Chairman of the Committee on the Elimination of Discrimination against Women to attend the next such meeting; (e) the Secretary-General should continue to urge those States parties which had not yet done so to ratify international human rights instruments; (f) a practical way of assisting the States parties with the preparation and submission of their reports would be to invite them to send an official to the Centre for Human Rights when one of the supervisory organs was in session, with a view to consulting the experts in the Centre and the members of the supervisory organ and observing proceedings; (g) the possibility of maintaining in the Centre for Human Rights a list of qualified experts whose services could be made available to Governments at their request, should they wish to obtain the services of a qualified expert to assist them in preparing their reports; (h) study of ways of improving the procedures of some human rights organs with a view to reducing the overload of work both on the organ and on the States parties; and (i) enhancing permanent co-ordination between human rights organs.

40. After an exchange of views, the Committee took note of the report of its Chairman and requested the Secretary-General to keep it informed of the relevant developments in the General Assembly and of any subsequent action which he might take to give effect to those recommendations.

III. RULES OF PROCEDURE

41. The Committee considered this item at its 670th and 673rd meetings (twenty-ninth session), held on 19 and 22 March 1984.
42. For the consideration of this item, which was introduced by the Secretary of the Committee, the Committee had before it a working paper prepared by the Secretariat together with the text of its provisional rules of procedure (CERD/C/35/Rev.1).
43. At its 670th meeting, the Committee decided to delete the word "provisional" from the text of its rules of procedure. At the same meeting, it established a working group to examine on the basis of the working paper prepared by the Secretariat the possibility of introducing titles and headings to the rules and incorporating a table of contents for ease of reference. The working group consisted of Mr. Cremona, Mr. de Piérola y Balta, Mr. Evrigenis and Mr. Ghoneim.
44. At the 673rd meeting, Mr. Cremona introduced the modifications as well as a number of consequential changes and amendments proposed by the working group. The Committee adopted the proposals made by the working group on the rules of procedure. 4/

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

Reports received by the Committee

45. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its thirtieth session (24 August 1984), a total of 671 reports under article 9, paragraph 1, of the Convention were due from States parties as follows: 120 initial reports, 108 second periodic reports, 104 third periodic reports, 95 fourth periodic reports, 84 fifth periodic reports, 74 sixth periodic reports, 50 seventh periodic reports and 36 eighth periodic reports.

46. By the end of the thirtieth session, a total of 597 reports had been received by the Committee as follows: 117 initial reports, 101 second periodic reports, 97 third periodic reports, 89 fourth periodic reports, 76 fifth periodic reports, 61 sixth periodic reports, 39 seventh periodic reports and 17 eighth periodic reports.

47. In addition, 67 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.

48. During the year under review (that is, between the closing dates of the Committee's twenty-eighth and thirtieth sessions), 63 reports were received by the Committee consisting of 10 initial reports, 4 second periodic reports, 8 third periodic reports, 8 fourth periodic reports, 5 fifth periodic reports, 6 sixth periodic reports, 5 seventh periodic reports and 17 eighth periodic reports. Three supplementary reports were received during the year.

49. The relevant information concerning all reports received during the year is contained in table 1 below.

50. As the information in table 1 shows, only five of the 63 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 nearly six years. In the case of 39 of the reports received during the year, 1 to 11 reminders had been sent to the States parties concerned before their reports were submitted.

Table 1

Reports received during the year under review

| State party | Type of report | Date on which the report was due | Date on which that report was submitted | Number of reminders sent |
|----------------------------------|-------------------------|----------------------------------|---|--------------------------|
| Afghanistan | Initial reports | 5 August 1984 | 20 July 1984 | - |
| El Salvador | " | 30 December 1980 | 11 July 1983 | 5 |
| Guatemala | " | 17 February 1984 | 15 February 1984 | - |
| Mozambique | " | 18 May 1984 | 28 December 1983 | - |
| Namibia | " | 11 December 1983 | 9 December 1983 | - |
| Papua New Guinea | " | 26 February 1983 | 16 August 1983 | 1 |
| Portugal | " | 23 September 1983 | 18 July 1984 | 1 |
| Sri Lanka | " | 20 March 1983 | 16 January 1984 | 2 |
| Uganda | " | 21 December 1981 | 10 July 1984 | 3 |
| Viet Nam | " | 9 July 1983 | 14 December 1983 | 1 |
| Cape Verde | Second periodic reports | 2 November 1982 | 1 August 1983 | 1 |
| Chad | " | 16 September 1980 | 10 January 1984 | 6 |
| El Salvador | " | 30 December 1982 | 11 July 1983 | 1 |
| Somalia | " | 27 September 1978 | 31 July 1984 | 11 |
| Belgium | Third periodic reports | 6 September 1980 | 28 July 1983 | 2 |
| Chad | " | 16 September 1982 | 10 January 1984 | 2 |
| Israel | " | 2 February 1984 | 13 July 1984 | 1 |
| Italy | " | 4 February 1981 | 17 November 1983 | - |
| Lao People's Democratic Republic | " | 24 March 1979 | 19 June 1984 | 11 |
| Republic of Korea | " | 4 January 1984 | 9 March 1984 | - |
| Seychelles | " | 6 April 1983 | 6 December 1983 | 1 |
| Somalia | " | 27 September 1980 | 31 July 1984 | 7 |
| Belgium | Fourth periodic reports | 6 September 1982 | 28 July 1983 | 1 |
| Burkina Faso | " | 18 August 1981 | 27 June 1984 | 5 |
| Ethiopia | " | 25 July 1983 | 2 March 1984 | 1 |
| Italy | " | 4 February 1983 | 17 November 1983 | - |
| Lao People's Democratic Republic | " | 24 March 1981 | 19 June 1984 | 7 |
| Qatar | " | 22 August 1983 | 11 October 1983 | - |
| Somalia | " | 27 September 1982 | 31 July 1984 | 3 |
| Sudan | " | 20 April 1984 | 22 April 1983 | - |

Table 1 (continued)

| State party | Type of report | Date on which the report was due | Date on which that report was submitted | Number of reminders sent |
|--|--------------------------|----------------------------------|---|--------------------------|
| Burkina Faso | Fifth periodic reports | 18 August 1983 | 27 June 1984 | 1 |
| Jordan | " | 30 June 1983 | 25 January 1984 25 July 1984 | 1 |
| Lao People's Democratic Republic | " | 24 March 1983 | 19 June 1984 | 3 |
| Mexico | " | 22 March 1984 | 14 June 1984 | 1 |
| United Arab Emirates | " | 21 July 1983 | 26 July 1983 | - |
| Austria | Sixth periodic reports | 8 June 1983 | 22 May 1984 | 2 |
| Denmark | " | 8 January 1983 | 4 August 1983 | 1 |
| German Democratic Republic | " | 26 April 1984 | 7 May 1984 | - |
| Mauritius | " | 29 June 1983 | 29 July 1983 | - |
| Netherlands | " | 9 January 1983 | 21 February 1984 | 2 |
| New Zealand | " | 22 December 1983 | 5 January 1984 | - |
| Bulgaria | Seventh periodic reports | 5 January 1982 | 15 August 1984 | 4 |
| Finland | " | 16 August 1983 | 15 February 1984 | - |
| Greece | " | 19 July 1983 | 30 July 1984 | 2 |
| Iraq | " | 15 February 1983 | 12 January 1984 18 April 1984 | 1 |
| Norway | " | 6 September 1983 | 15 February 1984 | - |
| Argentina | Eighth periodic reports | 5 January 1984 | 9 January 1984 13 August 1984 | - |
| Bulgaria | " | 5 January 1984 | 15 August 1984 | 1 |
| Byelorussian Soviet Socialist Republic | " | 7 May 1984 | 8 June 1984 | - |
| Cyprus | " | 5 January 1984 | 2 July 1984 | 1 |
| Czechoslovakia | " | 5 January 1984 | 17 August 1984 | 1 |
| Ecuador | " | 5 January 1984 | 19 March 1984 | - |
| Holy See | " | 1 June 1984 | 26 June 1984 | - |
| Hungary | " | 5 January 1984 | 17 January 1984 | - |
| Iran (Islamic Republic of) | " | 5 January 1984 | 20 June 1984 | 1 |
| Kuwait | " | 5 January 1984 | 15 February 1984 | - |
| Madagascar | " | 8 March 1984 | 14 June 1984 | 1 |

Table 1 (continued)

| State party | Type of report | Date on which the report was due | Date on which that report was submitted | Number of reminders sent |
|--|---------------------------------|----------------------------------|---|--------------------------|
| Nigeria | Eighth periodic reports (cont.) | 5 January 1984 | 17 July 1984 | 1 |
| Pakistan | " | 5 January 1984 | 27 July 1984 | 1 |
| Spain | " | 5 January 1984 | 4 April 1984 | - |
| Ukrainian Soviet Socialist Republic | " | 5 April 1984 | 11 May 1984 | - |
| Union of Soviet Socialist Republics | " | 5 March 1984 | 9 May 1984 | 1 |
| United Kingdom of Great Britain and Northern Ireland | " | 5 April 1984 | 10 May 1984 | - |

Reports not yet received by the Committee

51. By the closing date of the thirtieth session of the Committee, 76 reports expected from 50 States parties before that date had not yet been received, including 3 initial reports, 7 second periodic reports, 7 third periodic reports, 6 fourth periodic reports, 8 fifth periodic reports, 13 sixth periodic reports, 11 seventh periodic reports, 19 eighth periodic reports and 2 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
thirtieth session, but have not yet been received

| State party | Type of report | Date on which the report was due | Number of reminders sent |
|------------------------|----------------|----------------------------------|--------------------------|
| Sierra Leone | Fourth report | 5 January 1976 | 15 |
| | Fifth report | 5 January 1978 | 11 |
| | Sixth report | 5 January 1980 | 9 |
| | Seventh report | 5 January 1982 | 5 |
| | Eighth report | 5 January 1984 | 1 |
| | Supplementary | 31 March 1975 | - |
| Swaziland | Fourth report | 6 May 1976 | 16 |
| | Fifth report | 6 May 1978 | 12 |
| | Sixth report | 6 May 1980 | 8 |
| | Seventh report | 6 May 1982 | 4 |
| | Eighth report | 6 May 1984 | - |
| Liberia | Initial report | 5 December 1977 | 12 |
| | Second report | 5 December 1979 | 8 |
| | Third report | 5 December 1981 | 4 |
| | Fourth report | 5 December 1983 | 1 |
| Guyana | Initial report | 17 March 1978 | 12 |
| | Second report | 17 March 1980 | 8 |
| | Third report | 17 March 1982 | 4 |
| | Fourth report | 17 March 1984 | 1 |
| Libyan Arab Jamahiriya | Sixth report | 5 January 1980 | 9 |
| | Seventh report | 5 January 1982 | 5 |
| | Eighth report | 5 January 1984 | 1 |
| | Supplementary | 30 July 1979 | - |
| Guinea | Second report | 13 April 1980 | 8 |
| | Third report | 13 April 1982 | 4 |
| | Fourth report | 13 April 1984 | - |
| Jamaica | Fifth report | 5 July 1980 | 7 |
| | Sixth report | 5 July 1982 | 3 |
| | Seventh report | 5 July 1984 | - |
| Senegal | Fifth report | 18 May 1981 | 5 |
| | Sixth report | 18 May 1983 | 2 |
| Zaire | Third report | 21 May 1981 | 6 |
| | Fourth report | 21 May 1983 | 2 |
| Gambia | Second report | 28 January 1982 | 5 |
| | Third report | 28 January 1984 | 1 |

Table 2 (continued)

| State party | Type of report | Date on which the report was due | Number of reminders sent |
|-----------------------------|----------------|----------------------------------|--------------------------|
| Ivory Coast | Fifth report | 4 February 1982 | 5 |
| | Sixth report | 4 February 1984 | 1 |
| Nepal | Sixth report | 1 March 1982 | 5 |
| | Seventh report | 1 March 1984 | 1 |
| Bangladesh | Second report | 11 July 1982 | 4 |
| | Third report | 11 July 1984 | - |
| Burundi | Third report | 26 November 1982 | 3 |
| Lebanon | Sixth report | 12 December 1982 | 3 |
| Gabon | Second report | 30 March 1983 | 2 |
| Mali | Fifth report | 15 August 1983 | - |
| Togo | Sixth report | 1 October 1983 | 1 |
| Romania | Seventh report | 14 October 1983 | 1 |
| Canada | Seventh report | 12 November 1983 | - |
| United Republic of Tanzania | Sixth report | 26 November 1983 | 1 |
| Barbados | Sixth report | 10 December 1983 | 1 |
| Uganda | Second report | 21 December 1983 | 1 |
| Brazil | Eighth report | 5 January 1984 | - |
| Costa Rica | Eighth report | 5 January 1984 | 1 |
| Egypt | Eighth report | 5 January 1984 | 1 |
| Ghana | Eighth report | 5 January 1984 | 1 |
| Iceland | Eighth report | 5 January 1984 | - |
| India | Eighth report | 5 January 1984 | 1 |
| Niger | Eighth report | 5 January 1984 | 1 |
| Panama | Eighth report | 5 January 1984 | 1 |
| Philippines | Eighth report | 5 January 1984 | 1 |

Table 2 (continued)

| State party | Type of report | Date on which the report was due | Number of reminders sent |
|---------------------------------|----------------|----------------------------------|--------------------------|
| Poland | Eighth report | 5 January 1984 | 1 |
| Tunisia | Eighth report | 5 January 1984 | 1 |
| Uruguay | Eighth report | 5 January 1984 | 1 |
| Venezuela | Eighth report | 5 January 1984 | 1 |
| Yugoslavia | Eighth report | 5 January 1984 | 1 |
| Fiji | Sixth report | 11 January 1984 | 1 |
| Morocco | Seventh report | 17 January 1984 | 1 |
| Haiti | Sixth report | 18 January 1984 | 1 |
| Central African Republic | Seventh report | 14 April 1984 | - |
| Rwanda | Fifth report | 16 May 1984 | - |
| Syrian Arab Republic | Eighth report | 20 May 1984 | - |
| Dominican Republic | Initial report | 24 June 1984 | - |
| Germany, Federal Republic of | Eighth report | 14 June 1984 | - |
| Malta | Seventh report | 26 June 1984 | - |
| Cameroon | Seventh report | 24 July 1984 | - |
| Bahamas | Fifth report | 5 August 1984 | - |

Action taken by the Committee to ensure submission of reports by States parties

52. In addition to the action initiated by the Committee which led to the adoption of General Assembly resolutions 37/44, 38/20 and 38/117 and to the adoption of the Committee's decision 1 (XXIX) on the reporting obligations of States parties to the Convention (see chap. II, sect. B and chap. IX, sect. A), the Committee reviewed at its twenty-ninth and thirtieth sessions the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention.

53. At its 674th meeting (twenty-ninth session), the Committee decided to request the Secretary-General, in accordance with rule 66, paragraph 1, of its rules of procedure, to continue sending appropriate reminders to States parties whose reports were overdue before the closing date of its twenty-ninth session, but had not yet been received, requesting them to submit their reports by 30 June 1984. At that same meeting, the Committee decided not to send reminders to the Governments of Brazil, Canada and Iceland, taking into consideration the information furnished by those States parties in connection with the preparation and submission of their respective periodic reports.

54. At its 695th meeting (thirtieth session), the Committee addressed again the issue of delays and non-submission of reports by States parties under article 9 of the Convention. In accordance with rule 66, paragraph 1, of its rules of procedure, and taking into account the number of reminders already 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, the Committee decided that further reminders should be sent by the Secretary-General to the States parties concerned as follows:

(a) A seventeenth reminder to the Government of Swaziland, requesting it to submit its fourth, fifth, sixth, seventh and eighth periodic reports, in one document, by 31 December 1984;

(b) A sixteenth reminder to the Government of Sierra Leone, requesting it to submit its fourth, fifth, sixth, seventh and eighth periodic reports, in one document, by 31 December 1984, and to include therein the supplementary information requested by the Committee;

(c) A thirteenth reminder to the Governments of Guyana and Liberia, requesting them to submit their initial, second, third and fourth periodic reports, in one document, by 31 December 1984;

(d) A tenth reminder to the Government of the Libyan Arab Jamahiriya, requesting it to submit its sixth, seventh and eighth periodic reports, in one document, by 31 December 1984, and to include therein the supplementary information requested by the Committee;

(e) A ninth reminder to the Government of Guinea, requesting it to submit its second, third and fourth periodic reports, in one document, by 31 December 1984;

(f) An eighth reminder to the Government of Jamaica, requesting it to submit its fifth, sixth and seventh periodic reports, in one document, by 31 December 1984;

- (g) A seventh reminder to the Government of Zaire, requesting it to submit its third and fourth periodic reports, in one document, by 31 December 1984;
- (h) A sixth reminder to the Governments of the Ivory Coast and Senegal, requesting them to submit their fifth and sixth periodic reports, in one document, by 31 December 1984;
- (i) A sixth reminder to the Government of Gambia, requesting it to submit its second and third periodic reports, in one document, by 31 December 1984;
- (j) A sixth reminder to the Government of Nepal, requesting it to submit its sixth and seventh periodic reports, in one document, by 31 December 1984;
- (k) A fifth reminder to the Government of Bangladesh, requesting it to submit its second and third periodic reports, in one document, by 31 December 1984;
- (l) A fourth reminder to the Government of Burundi, requesting it to submit its third periodic report together with its fourth periodic report, which is due on 26 November 1984, in one consolidated document, by 31 December 1984;
- (m) A fourth reminder to the Government of Lebanon, requesting it to submit its sixth periodic report together with its seventh periodic report, which is due on 12 December 1984, in one consolidated document, by 31 December 1984;
- (n) A third reminder to the Government of Gabon, requesting it to submit its second periodic report together with its third periodic report, which is due on 30 March 1985, in one consolidated document, by that date;
- (o) A second reminder to the Governments of Togo and the United Republic of Tanzania, requesting them to submit their sixth periodic reports by 31 December 1984;
- (p) A second reminder to the Government of Uganda, requesting it to submit its second periodic report by 31 December 1984;
- (q) A second reminder to the Government of Romania, requesting it to submit its seventh periodic report by 31 December 1984;
- (r) Second reminders to the Governments of Costa Rica, Ghana, India, the Niger, the Philippines, Poland, Tunisia, Venezuela and Yugoslavia, requesting them to submit their eighth periodic reports by 31 December 1984;
- (s) A second reminder to the Government of Haiti, requesting it to submit its sixth periodic report by 31 December 1984;
- (t) A second reminder to the Government of Morocco, requesting it to submit its seventh periodic report by 31 December 1984;
- (u) A first reminder to the Government of the Dominican Republic, requesting it to submit its initial report by 31 December 1984;
- (v) First reminders to the Governments of the Bahamas, Mali and Rwanda, requesting them to submit their fifth periodic reports by 31 December 1984;

(w) First reminders to the Governments of Cameroon, Canada, the Central African Republic and Malta, requesting them to submit their seventh periodic reports by 31 December 1984;

(x) First reminders to the Governments of Brazil, Iceland and the Syrian Arab Republic, requesting them to submit their eighth periodic reports by 31 December 1984.

55. The Committee decided not to send reminders to the Governments of Barbados, Egypt, Fiji, Germany, Federal Republic of, Panama and Uruguay, in view of the communications sent by those States parties informing the Committee that their respective reports were being prepared and would be submitted shortly.

56. The Committee wishes to recall once again that rule 66 of its rules of procedure 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." 5/

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 as well as in the foregoing paragraphs.

57. In this connection, 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." 6/

B. Consideration of reports

58. At its twenty-ninth and thirtieth sessions, the Committee examined the reports submitted by States parties under article 9 of the Convention. A list of States parties whose reports were examined, together with an indication of the meetings at which the reports were considered, may be found in annex III below.

59. The Committee devoted 35 of the 48 meetings it held in 1984 to the discharge of its obligations under article 9 of the Convention.

60. In accordance with rule 64 of its rules of procedure, the Committee continued the practice, inaugurated at its sixth session, of requesting the Secretary-General to inform the States parties concerned of the dates on which their respective reports would be considered by the Committee. At its twenty-ninth and thirtieth sessions, all of the States parties except Chad, Mozambique, Saint Vincent and the Grenadines, Tonga and Uganda 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 connection with their reports.

61. The following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee at its twenty-ninth and thirtieth 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.

Mali

62. The fourth periodic report of Mali (CERD/C/74/Add.3) was considered by the Committee after a brief introductory statement made by the representative of the reporting State.

63. The Committee commended the Malian Government for the valuable information provided in its report. It expressed regret, however, that the report was not fully in keeping with the Committee's guidelines (CERD/C/70/Rev.1) and that some of the questions raised during the consideration of Mali's preceding periodic report were still unanswered. It was pointed out that the Government had not responded to the Committee's request for specific passages of the Constitution and other legal texts relating to the implementation of articles 2 to 7 of the Convention. Several members also asked whether Mali encountered any particular difficulties in submitting a periodic report every two years.

64. Clarification was requested on the way in which Mali had actually carried out its intention to implement effectively the relevant provisions of the Convention by adopting legislative measures since the 1982 elections. It was noted that, under article 64 of the Malian Constitution, international treaties seemed to supersede ordinary laws; but, since the Constitution apparently had no clear legal status in the Malian juridical system, members of the Committee asked whether international conventions and covenants on human rights could be considered juridical norms of higher authority than the ordinary laws, whether the Convention could be invoked before the courts, and whether it had the force of internal law. Additional information was requested on the relationship between the Constitution of Mali and its positive value in law vis-à-vis the executive and legislative powers.

65. With regard to article 2, members observed the multiplicity of ethnic groups coexisting in the country and requested information regarding the demographic composition of the population and the way in which the Government managed to ensure harmony among the various racial tribes and groups, including the two main racial branches - the Tuaregs and the Moors. They also requested further details of the specific means employed to solve problems arising from the arbitrary demarcation of borders during the colonial period, in particular, information on frontier

agreements with Algeria, the work of the joint commission to study and define frontiers between Mali and the Niger, the solution proposed for the demarcation of the border with Mauritania, and asked what protection had been extended to existing links between the inhabitants and what measures had been adopted in connection with the movement of persons and goods between Mali and its neighbours. Members inquired whether instruction in schools was imparted in the different languages spoken by the various ethnic groups and whether that fostered divisiveness. They also wished to be provided with comparative statistics on the educational levels of the ethnic groups in the country.

66. In connection with article 3, members commended the Government for its laudable action to combat racism and racial discrimination and welcomed the fact that Mali had no trade relations with South Africa. Some members, however, requested additional information on whether diplomatic and consular relations were maintained with the racist régime of Pretoria, whether there were air links and diplomatic communications with South Africa, and whether the Government of Mali recognized the bantustans.

67. With reference to article 4, members noted that article 55 of the Malian Penal Code prohibited racist organizations and provided for the punishment of offenders. They observed, however, that criminal law was interpreted strictly and, hence, it was necessary for an act to be covered and penalized by the law in order for it to be punishable. They pointed out that article 55 of the Penal Code did not satisfy the specific requirements of article 4 of the Convention and requested clarifications in that respect as well as specific examples of its implementation.

68. With regard to the question of regionalism mentioned in the report, some members of the Committee asked how a condemnation of regionalism would further the struggle against racial discrimination, what specifically had been done in that respect, and whether the anti-regionalist campaign had yet borne any fruit.

69. Referring to article 5, members of the Committee required further information on the measures taken to prevent economic disparities which could give rise to discrimination in economic matters and on the policy pursued by Mali with respect to the problems caused by the drought which had stricken the country. Information on the regional economic development of Mali was also requested since the country was made up of a mixture of desert, semi-desert and extremely fertile areas. Several questions were asked concerning the legislative and administrative provisions setting out the rights of workers, in particular, whether they included the right to collective bargaining and other trade-union rights. It was also asked how far the ban on the exercise of civil, political and family rights, mentioned in the report, extended in practice.

70. In connection with article 6, it was noted that although the Penal Code of Mali envisaged penalties for the violation of such human rights as the right to life or other actions involving physical injury, article 5 of the Convention included various fundamental rights, the violation of which might not always be remedied by mere recourse to a court of criminal law. In this connection, members wished to know whether a citizen of Mali could resort to other mechanisms to obtain reparation in the event that his rights were violated. It was also asked what the Government's policy was concerning the possibility of making the declaration under article 14 of the Convention.

71. The Committee requested more information on the measures taken to implement article 7 of the Convention, particularly in the field of teaching, education, culture and information, in order to promote understanding among nations and publicize the purposes and principles of the Charter of the United Nations.

72. The representative of Mali replying to some questions, stated that there was absolutely no contradiction between the Convention and the provisions of Malian internal law and that an attempt had always been made in his country's legislation to set standards aimed at eliminating racial discrimination and considerable efforts had been made in that direction. With regard to the value in law of the preamble to the Malian Constitution, he noted that, although the preamble had no positive value in law vis-à-vis the legislative power, it had standard-setting value. In response to the comments concerning regionalism, the representative stated that colonial domination had imposed arbitrary divisions on territories occupied by various ethnic groups, with political consequences for the centralized States that had been established in the region. Mali's ethnic diversity made it a geopolitical crossroad where the two major racial groups and their ethnic subgroups were untouched by racism in their daily lives. Moreover, those groups shared a firm commitment to wage a joint struggle against the vestiges of colonialism and subscribed to the concept of a unified State.

73. Turning to other questions, the representative said that Mali was one of the few countries which had included the protection of human rights in its Constitution and that the Penal Code also afforded such protection. In cases in which the Penal Code provided insufficient protection, recourse could always be had to the Constitution, which was the sovereign law of the land and, together with the treaties ratified by Mali and observed by the parties concerned, took precedence over any other legislation.

74. With reference to questions regarding the implementation of article 7, he stated that education in Mali was intended to inculcate the rejection of all discriminatory practices, that Mali's legislation was aimed at protecting the rights and harmonizing the interests of the various ethnic groups in order to avoid any discrimination, and that Mali had been selected by UNESCO as a test country for a functional literacy project intended to educate Malian peasants in their mother tongue so as to enable them to take advantage of modern techniques and thus promote individual and national development.

75. In conclusion, the representative of Mali assured the Committee that the additional information which it had requested would be provided by his Government in its next periodic report.

New Zealand

76. The fifth and sixth periodic reports (CERD/C/75/Add.14 and CERD/C/106/Add.10) of New Zealand were introduced by the representative of the reporting State who pointed out that the constructive dialogue New Zealand had maintained with the Committee had helped his Government to review the functioning of its own legislation and practice in the field of race relations. He provided further clarifications to relevant parts of both reports and informed the Committee about new legislation which had entered into force on 1 February 1984 broadening the scope of the Race Relations Act.

77. The Committee commended the reports of New Zealand. Both reports, it said, were comprehensive and informative and adhered fully to the Committee's guidelines. It expressed satisfaction at the broad spirit of co-operation established between the Committee and the Government of New Zealand. It emphasized particularly New Zealand's frankness in recognizing the existing problems caused by racial discrimination and its sincere and consistent efforts to cope with them and to implement the provisions of the Convention.

78. Much of the discussion revolved around issues relating to the Maori people. The Committee welcomed the "one Nation: two peoples" approach adopted by the Government in order to preserve the identity of the Maori. Such an approach was within the context of article 2 and the Committee's policy on minorities. Concern was expressed, however, regarding the present situation of the Maori people. Noting that 72 per cent of them lived in urban centres, members asked why that was the case, whether they lived in segregated areas and whether the Maori community living in urban centres was at risk of losing its identity. With regard to their employment situation, members observed that Maoris continued to be employed in unskilled occupations. That, it was pointed out, could be attributed to their inadequate educational attainment and members asked what special measures were contemplated to accelerate progress towards equality in education. Questions were also asked concerning the appointment of Maoris to high-level posts in the Government and public services. It would be useful to know how many Maoris and Polynesians had obtained a university degree and professional training during the 30-year period in which efforts had been made to improve their situation; what steps had been taken to prevent discrimination against Maori students with regard to university entrance and school certificate, as well as the per capita expenditure in education and training for Maoris and non-Maoris. The Committee found it encouraging that interest in the Maori culture continued to grow. It would like to know what specific measures were being taken to preserve and revive the Maori language, in particular what funds were allocated to developing the Maori community. Members were also interested to know whether Maori might be recognized as an official language, how much time was devoted to broadcasts in Maori, whether publications were issued in Maori and important documents translated into that language, whether Maori people were encouraged to read and write their own language and whether Maori was taught in secondary schools. Clarifications were requested regarding Maori descendants, whether they were considered as a separate group and whether the Maori population was increasing or declining. It was pointed out that no action seemed to have been taken yet concerning the paper presented by the Maori Council, to the Minister of Maori Affairs in February 1983, setting forth its position on the issue of Maori land. Members asked whether Maori lands had been appropriated for mining activities.

79. Turning to the implementation of article 3 and the visit of a South African rugby team, members of the Committee noted the opinion expressed by the Human Rights Commission of New Zealand itself, in 1981, that a failure on the part of the Government to prevent such contacts would amount to a policy which had the effect of supporting, sustaining or encouraging the racist régime of South Africa. It was to be hoped that the Government would reconsider its position and would come around to the view expressed by its own Human Rights Commission. Members also asked whether there were any air or maritime links between New Zealand and South Africa and what specific steps had been taken to implement article 3 in the fields of education, information and culture.

80. During the discussion of article 4, one member of the Committee asked whether the Government's position with regard to the implementation of that article was that no additional legislation was needed. Another member observed that the Committee could not make any judgement about the adequacy of the penal provisions without taking into account the conciliation procedure established under section 9A of the Race Relations Act. He added that declaring incitement to racial discrimination to be an offence punishable by law was only one of the means which could be used to eradicate that phenomenon, but a country could also think that racial discrimination would be more efficiently eradicated by conciliation than punishment. In his view, New Zealand's existing provisions seemed to meet fully the requirements of article 4.

81. The Race Relations Act and the conciliation procedure was also discussed under article 6. It was noted that in many instances the Government sought to solve racial problems without bringing individuals before judicial organs and that many cases had been dealt with by the Race Relations Conciliator. In this context, it was asked how the conciliation procedure fitted in with other available legal remedies. Additional information was requested concerning the conciliation procedure provided for in section 9A as well as sections 3 to 6 of the Race Relations Act which could be incorporated in the body of New Zealand's next periodic report. Questions were also asked about the ethnic origin of the Race Relations Conciliator.

82. In reply to questions posed by members of the Committee in relation to the Maoris, the representative of New Zealand said that intermarriage between Maoris and non-Maoris was very common. The problem which undoubtedly existed in New Zealand had to a large extent come about because of progress made in racial integration, so that the Maoris were now affirming their right to develop in accordance with their own values and aspirations. By enacting the Race Relations Act and appointing a Race Relations Conciliator, who was Maori, the Government was speeding up the changes which were already taking place in New Zealand society. The Maori population, defined as those persons of half or more Maori descent, had shown a steady increase throughout the twentieth century. In the period 1951-1981 alone, the Maori population had increased from 6 per cent to 8.8 per cent, and now numbered 279,255 persons (11 per cent of the total population). That upward trend was likely to continue, since 40 per cent of the Maori population was under 15 years of age while only 25 per cent of the non-Maori population was under the age of 15. Most of the laws still in force which applied specifically to Maoris were designed to protect their right to retain possession of their ancestral lands. Any changes in those special legal provisions could be contemplated only after consultation with the Maori community, a process described in the sixth periodic report, the results of which were currently being studied by the Government. The influx of a large number of Maoris to urban centres was not caused by the expropriation of Maori land for the exploitation of mineral resources. In fact, an increasing number of Maoris were returning to the countryside because more employment opportunities were available there. The existence of segregated areas was totally alien to New Zealand society. In 1983, the Department of Maori Affairs had built or acquired 582 houses and had spent nearly \$20 million on housing. The participation of Maoris, though not great, was significant not only in the Government, but also in the teaching profession, the church and the army, where a Maori had been chief of staff. The State Services Commission was taking measures to ensure the recruitment and rapid promotion of Maoris and other Polynesians. Since 1980, 200 places had been reserved for Maoris and Pacific islanders in the annual intake into the public service and courses were given in order to

familiarize non-Maori public officials with the Maori culture. The greatest and most sustained effort by the Government to improve the situation of the Maori had been in education. In 1961 the Government had set up the Maori Education Foundation. In 1982 the Foundation had awarded nearly 2,000 grants to secondary students and 400 grants to students in higher education at a cost of almost \$1 million. Apart from those who received grants from the Foundation, most Maori students attended ordinary public schools. Furthermore, an effort was being made to increase the number of Maori teachers in primary and secondary schools and a quota had been introduced in order to ensure that at least 10 per cent of those selected for teacher training each year were Maoris or Pacific islanders. An effort was also being made to make all New Zealand students aware of their Maori heritage. New Zealanders were encouraged to learn Maori both in school and through radio and television programmes.

83. In relation to article 3, he reiterated that bilateral relations between New Zealand and South Africa were minimal and that there was no direct air service or regular service by national shipping lines between the two countries. The New Zealand Government firmly opposed both apartheid in itself and apartheid in sport; it dissuaded sportsmen from having sporting contacts with South Africa; that policy could include the withdrawal of financial support, the withholding of official recognition from sportsmen and the denial of special leave to public servants. The final decision on sports contacts with other countries was the responsibility of the sportsmen and sports organizations themselves; in accordance with the law and practice, the Government did not intervene in cases involving requests for passports or visas by sportsmen. With the exception of the 1981 rugby tour, that policy had had considerable success and there had been no significant sporting contacts between New Zealand and South Africa since 1977.

84. Turning to the questions raised in connection with article 6 and the Race Relations Act, he said that sections 3 to 7 of the Act and section 9A declared various activities unlawful, and that the Race Relations Conciliator was empowered to investigate, either on the basis of a complaint or on his own initiative, any action which appeared to violate any section of the Act. The persons affected could appeal to the Conciliator or lodge a complaint with the police, in which case the matter would be dealt with through the courts. The Conciliator could bring the case before the Equal Opportunities Tribunal, which was administrative in nature and had the authority to make judicial rulings including payment for damages.

Saint Vincent and the Grenadines

85. The initial report of Saint Vincent and the Grenadines (CERD/C/85/Add.1) was considered without the participation of a representative of the reporting State.

86. The Committee observed that the statement contained in the report to the effect that the cultural and socio-economic fabric of society in Saint Vincent and the Grenadines was not conducive to the practice of racial discrimination did not comply with the requirements of article 9 of the Convention.

87. With reference to the scarce information contained in the report, the Committee drew the attention of the Government of Saint Vincent and the Grenadines to its guidelines (CERD/C/70/Rev.1) concerning the form and contents of reports to be submitted by States parties and recommended that the Government take them into account in preparing its future periodic reports.

Algeria

88. The sixth periodic report of Algeria (CERD/C/106/Add.4) was considered by the Committee after a brief introduction by the representative of the reporting State who said that his country had endeavoured to inform the Committee as fully as possible on the existing political, constitutional and legislative instruments in Algeria aimed at combating racism and racial discrimination and to respond to the questions raised by the Committee in 1981.

89. Members of the Committee commended the Algerian Government on its report which demonstrated Algeria's great respect for human rights and its condemnation of racial discrimination. They advised, however, that Algeria should adhere more closely to the Committee's guidelines (CERD/C/70/Rev.1) in drafting its next periodic reports.

90. Questions were asked concerning the status accorded to the Convention in Algeria's legal system and whether the provisions of the Convention could be invoked before the courts and other tribunals or administrative authorities when an Algerian citizen considered his rights under the Convention to have been infringed.

91. With reference to article 2, the Committee said it would like to receive data on the demographic composition of the Algerian population. Within this context, members requested clarification regarding the assertion in the report that the census of the Algerian population had never been based on ethnic or racial origin since that was contrary to Islam. Further information was requested on relations among racial or ethnic groups and possible trends towards integration and also on whether all ethnic groups shared in the same way and to the same extent the benefits of education, literacy teaching, social security and employment opportunities. Members also wished to know whether many Europeans had acquired Algerian nationality; what was the status of their children, especially those whose religion was not Islam; what was the situation of the French community which had lived in Algeria for generations without acquiring Algerian nationality; and whether its members enjoyed any special rights. They also asked whether any negroid or nomadic tribes from bordering countries were living in Algeria, what policy was followed by Algeria with respect to such groups, and how problems were solved with neighbouring countries from which such groups came.

92. With regard to article 3, several members requested further details to illustrate Algeria's exemplary stand in the struggle against apartheid and all forms of racial discrimination, as well as the mechanisms which existed for ensuring that that stand was reflected in both its legislation and its domestic and external policies.

93. In connection with article 4, members noted that the Criminal Code did not satisfy all the requirements of this article with respect to the punishment of incitement to racial discrimination. They requested clarification on that subject and on whether the responsibility for prohibiting racist organizations lay with the judiciary or the executive branch, as well as how the national courts interpreted article 298 of the Criminal Code concerning the punishment of defamation against persons belonging to an ethnic group.

94. In relation to article 5, members of the Committee asked for more details on the laws enacted by the Government concerning the refugees from all parts of Africa who had sought political asylum in the country and on the programmes established

for their protection and welfare. The question was raised whether the privileges accorded to Arab lawyers and not to other foreign lawyers were based on some racial consideration.

95. Members of the Committee requested clarification with regard to the implementation of article 6, specifically concerning the kinds of remedies available to individuals. In this connection it was noted that article 51 of the Criminal Code did not seem to satisfy the requirements of article 6. Further information was also requested on the penal, administrative and civil recourses available to persons as a means of ensuring the effective implementation of the rights protected by the Convention. A query was made about Algeria's position with regard to the possibility of making the declaration under article 14 of the Convention.

96. The Committee also said that it would welcome more information on how article 7 was being put into effect in Algeria's education system.

97. Replying to questions raised by members of the Committee, the representative of Algeria stated that his Government's position was based on the teachings of Islam, which stressed the equality of ideals rather than racial or cultural elements, and on socialism. On the question of the status of the Convention in the Algerian legal system, he said that all Conventions to which Algeria had adhered had the force of law; their provisions were therefore applicable as a form of national law. With regard to the French who had remained in Algeria after independence, the representative pointed out that their rights were protected by agreements concluded between independent Algeria and the French Government; together with the agreements concluded in 1968 and 1969, they formed the legal framework which protected citizens of both countries.

98. In connection with the implementation of article 3, the representative stated that his country's commitment to the struggle against apartheid had been clearly demonstrated by its actions in the United Nations and other international bodies. Algeria had afforded unrestricted diplomatic, political and material support to those struggling against apartheid; it had been a founding member of the Special Committee against Apartheid. He added that his country had provided assistance to National Liberation Movements and the front-line States and favoured the prohibition of oil exports to South Africa.

99. Answering questions in connection with article 4, the representative stated that the Government would not authorize the formation of associations which demonstrated racist trends or engaged in activities which might incite hatred or involve defamation of other persons or groups of persons. In this connection, he explained that two possibilities existed for punishing such associations in Algeria: the first consisted in withdrawing authorization for their formation and that could be accomplished by the body which had granted authorization in the first place; the second possibility was by court injunction on the basis of action by the Ministry of Justice or following a request to a court of law.

100. With reference to questions concerning refugees, he stated that Algeria had adhered to the major relevant international instruments and that there were currently some 160,000 Saharan refugees and approximately 3,000 refugees of other nationalities in Algerian territory, and that their rights were protected under national laws and international instruments. With regard to the privileges accorded to Arab lawyers, the representative explained that they were granted under

the terms of an agreement concluded within the League of Arab States, and that similar agreements might also be concluded with African countries or with members of the European Economic Community. He also said that such privileges were not based on any cultural or racial criteria which might give rise to racial discrimination between Arab and non-Arab lawyers.

101. With regard to remedies available to victims of discrimination, he explained that the Algerian legal system had three types of recourse: the first was jurisdictional, through the Civil Code and the procedural sections of the Penal Code; the second was administrative, through the means of recourse offered by any administration; the third had recently been created and was available in the Inspector-General's Court which was competent to handle all problems arising between the administration and those subject to it. Political recourse was available through popular assemblies, such as the National Assembly, which exercised a monitoring function. Turning to the question concerning article 14 of the Convention, he said that, for the time being, the Algerian Government had no plans to make the declaration contained in that article.

102. The representative finally assured the Committee that in its next periodic report, which would be drafted according to the Committee's guidelines, the Algerian Government would give careful attention to all the questions raised by members of the Committee.

Botswana

103. The third, fourth and fifth periodic reports of Botswana, submitted in one document (CERD/C/105/Add.1), were considered by the Committee after a brief introductory statement made by the representative of the reporting State.

104. The Committee expressed appreciation of the report of Botswana which it considered a valuable effort to maintain and enhance a constructive dialogue between the reporting State and the Committee, despite that country's strategic position in the escalating southern African race conflict.

105. Referring to the demographic composition of the country, some members wished to know how the policy of discouraging ethnocentrism among the different ethnic groups could be reconciled with the establishment of a separate house of chiefs in addition to the National Assembly. Further information was requested on the Government's policy of decreasing heavy reliance on foreigners in the public and mining sectors, the extent to which they were being replaced by trained nationals, and whether any programmes had been instituted under the Southern African Development Co-ordination Conference to decrease Botswana's reliance on foreigners. The Committee requested a list of the relevant laws in addition to those contained in the report. Members inquired whether, upon attaining independence, it had been necessary for Botswana to review any laws and regulations from the colonial period which might have had the effect of creating or perpetuating racial discrimination.

106. As far as article 2 was concerned, the Committee was of the opinion that the report provided ample information concerning implementation of that article. However, it wished to know how the efforts being made to preserve racial harmony affected the traditions of various ethnic groups in the country, what provision was made to preserve their culture, and what were the consequences of fostering the process of nation-building while guaranteeing the identity of ethnic groups. In

the field of economic and cultural development, it was asked whether the Basarwa and other people living in remote areas felt disadvantaged in any way, whether they lacked the educational opportunities available to other groups, and whether they received any technical assistance and health care.

107. Referring to the information provided on the implementation of article 4, members felt that, although section 92 (1) of the Botswana Penal Code went a long way towards meeting the requirements of article 4 (a) of the Convention, it did not appear to cover all the acts punishable by law which were enumerated in that article, in particular, assistance to racist activities, including the financing thereof. In the same context, the Committee wished to know whether public authorities or public institutions were prohibited from inciting racial discrimination, as required by article 4 (c) of the Convention, since South Africa would be likely to use local public authorities to incite racial disharmony. The Committee also asked for more specific information regarding the provisions governing the registration of societies, since the information provided on section 7 (2) of the Penal Code was general in nature.

108. With respect to the implementation of article 5, it was noted that public institutions were open to all without discrimination. In this connection it was asked whether there had been certain laws permitting racially exclusive facilities, contrary to article 5 of the Convention and, if so, whether they had been repealed. The Committee also wished to know whether any review had been made of municipal laws, for experience had shown that international instruments were often difficult to enforce against the background of such laws.

109. With reference to article 6, it was noted that some cases involving interracial friction were remedied by addresses by Cabinet Ministers. It was asked how the people were made aware of their right to seek redress, and whether public awareness of their rights was promoted, for example, by means of radio programmes and other broadcasts, in view of the low literacy rate in Botswana.

110. In replying to questions raised by members of the Committee, the representative of Botswana stated that the Constitution of his country was fairly new and that the Government had not yet identified any outstanding problems requiring new legislation. Regarding the question concerning the house of chiefs he said that it was an advisory body that provided advice to Parliament and that the chiefs played a co-ordinating role between the Government and the tribes. With regard, in particular, to the policy of decreasing reliance on foreigners the representative explained that the Government was doing what it could to replace them as more nationals were trained, and that, in connection with the Southern African Development Co-ordination Conference, training was the responsibility of the Swazi Government. At present there were very few foreigners in administrative positions and many in the technical field. Answering the question on the Government's efforts to achieve racial harmony among various ethnic groups, he stated that there had been no upheavals in his country as a result of the attempt to build an interracial society. Botswana was still basically rural: about 80 per cent of its population lived in rural areas, and, since people could live wherever they chose, they could remain with other members of their ethnic group if they so desired. With regard, in particular, to the facilities available to the Basarwa and other people living in remote areas, he pointed out that the Government had been developing a programme for such people for several years which gave them access to clinics, schools and clean drinking water and fulfilled other basic needs, and that no delegation from those people had ever accused the Government of not doing enough for them.

111. In reply to questions concerning measures taken to discourage public institutions from practicing racial discrimination, he stated that, when a society was established, it had to present its constitution to the Register of Societies whose task it was to determine whether any element of the constitution was contrary to racial harmony.

112. As to the question of the right to seek redress, the representative said that legal aid was provided to persons who sought redress through the courts; however, since there were very few lawyers in the country, it was not always possible for everyone to get the assistance they required.

113. Finally, the representative of Botswana assured the Committee that its comments would be taken into account and the questions duly answered in the next report.

Central African Republic

114. The fourth, fifth and sixth periodic reports of the Central African Republic, submitted in one document (CERD/C/90/Add.10), were introduced by the representative of the reporting State who emphasized that the document covered the period during which Bokassa had ruled as a despot and the period following his overthrow when the country had evolved into a democratic society.

115. The Committee welcomed the emergence of a more democratic régime in the Central African Republic and the resumption of the dialogue with the Committee. Members were aware of the difficult economic and political conditions prevailing in the Central African Republic, but expressed the hope that the transitional period it was going through would shortly lead to the restoration of a fully democratic régime. They welcomed the accession of the Central African Republic to the International Covenants and to the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Committee observed that the three periodic reports submitted in one document were not in accordance with its guidelines (CERD/C/70/Rev.1) and expressed the hope that that anomaly would be rectified when the Central African Republic submitted its seventh periodic report which was due on 14 April 1984. The Committee also hoped that the Government would provide more detailed information on the implementation of the provisions of the Convention and would include the relevant legislative texts.

116. The Committee gave particular attention to the suspension of the Constitution by the Military Committee for National Recovery. It was noted that the Military Committee legislated in the matter of civil rights and fundamental freedoms. In that connection the Committee asked for clarifications as to whether, in spite of the suspension of the Constitution, the laws governing human rights continued to apply and inquired whether the Military Committee was obliged to respect the principle of equality of all under the law. It was also asked whether the Military Committee had full discretionary powers, whether the civil and penal legislation were still in force and how the judicial system operated.

117. In the context of the implementation of article 2, the Committee, while noting that the practice of recording the ethnic origin of children had been abolished in 1975, insisted in the need to receive information on the demographic composition of the population. It also wished to have information on the socio-economic situation of the various ethnic groups, whether the Government recognized and protected the rights of minorities to have their own language and develop their own

culture, and what specific measures had been taken to that effect, particularly to improve the living conditions of the pygmies.

118. Regarding article 3, it was asked whether technical co-operation relations with South Africa were still maintained.

119. In relation to article 4, the Committee expressed the hope that the Government would take appropriate measures to fill the gap in its legislation concerning the incorporation of the provisions of that article of the Convention into domestic law.

120. With reference to article 5, the Committee wished to know whether political rights were guaranteed and what rights or freedoms were enjoyed by the country's nationals as well as foreign residents other than those from the countries of the European Economic Community and the Central African Customs and Economic Union mentioned in the report. The Committee also asked about the legislative measures adopted by the Government to protect refugees and the policy of granting asylum.

121. With regard to article 6, the Committee requested additional information on the right of recourse and whether the local or customary laws encouraged recourse to conciliation in cases of alleged racial discrimination. It also asked for clarifications concerning the jurisdiction and functions of the Special Court set up in 1981 to hear charges against the perpetrators of a bomb attack in a Bangui cinema and wished to know whether the Special Court continued to operate.

122. Concerning article 7, the Committee underlined the importance of providing information on general conditions in the country in the fields covered by that article of the Convention.

123. Replying to the questions raised, the representative of the Central African Republic assured the Committee that his Government would provide the additional information requested. With regard to the composition of the population of his country, where Christians, Muslims and animists lived together in harmony, he said that there was no law or provision prohibiting members of an ethnic group from using their own language among themselves. In order to improve the living conditions of the pygmies, his Government had established a budget to cover their needs and ensure that they would enjoy the same rights as other citizens in matters of health, education and participation in national life.

124. In reply to the concern expressed by the Committee regarding the suspension of the Constitution, he said that the Military Committee had stated that it considered itself bound to respect all the undertakings contracted by the Central African Republic with friendly countries and international institutions and that during the transition period the nightmare of the Bokassa régime would not be repeated.

125. In connection with the implementation of article 3, the representative of the reporting State said that the position of his country in relation to South Africa was a clear and emphatic condemnation of apartheid; the Committee could rest assured that the present Government maintained no relations whatsoever with South Africa.

126. In reply to questions raised concerning article 5, he stated that political parties in the Central African Republic had been suppressed in order to save the country from the threat of civil war: the parties used to operate for their own self-interests and their proliferation had made mutual understanding impossible.

He also pointed out that all nationals enjoyed the same freedom of movement as foreigners living in the country. With reference to the question of refugees, he informed the Committee that, though the presence of refugees created economic problems, they were treated in the same manner as nationals and an effort was being made to provide them with the best possible conditions.

127. In connection with article 6, he informed the Committee that the Special Court had been set up for the sole purpose of judging the perpetrators of the bomb attack in a Bangui cinema in 1981.

Colombia

128. The initial report of Colombia (CERD/C/85/Add.2) was introduced by the representative of the reporting State. He provided additional information regarding the ethnic composition of the population of Colombia, where approximately 50 per cent of the 28 million inhabitants were mestizos, 8 per cent Negroes, 18 per cent mulattos and 20 per cent white. There were also approximately half a million indigenous people comprising 77 communities, the largest of which was the community of the Paez Indians who lived in the Department of Cauca and the region of Tierra Adentro. In the past, they had been victimized by settlers, but those responsible had been severely punished and since then the Paez Indians had been protected and their community land and properties could not be alienated. In order to increase their holdings, the State had acquired properties which had been transferred to the indigenous town councils for use by the community. The indigenous communities also enjoyed protection in respect of their culture in order to help them maintain their own identity. Decree No. 1142 of 1982 had established an educational strategy to enable the indigenous peoples to decide on their own educational system. Bilingual and bicultural programmes had been drawn up in various departments and regions for different indigenous communities and researchers were teaching approximately 25 indigenous peoples the grammatical rules of their own languages.

129. Commenting on the report, the Committee welcomed the initiation of a dialogue with Colombia as well as the spirit in which its initial report had been submitted. It drew attention, however, to the Committee's guidelines (CERD/C/70/Rev.1) which had not been followed in the elaboration of the report and to the fact that the information contained in the report did not help the Committee to determine whether the provisions of the Convention were being correctly implemented. The Committee recommended that its guidelines should be taken into account in the preparation of Colombia's next periodic report, which was due on 2 October 1984.

130. Concerning the status of the Convention under the Colombian legal system, the Committee wished to know whether the Convention was binding and could be invoked before the courts, whether its provisions had been incorporated into Colombian law, and whether it prevailed over domestic law. It also requested detailed information on the laws enacted to prevent racial discrimination.

131. With regard to articles 1 and 2 of the Convention, the Committee welcomed the additional information presented orally by the representative of Colombia concerning his country's demographic composition. The Committee, however, expressed the wish that the next report should include information on the population of Colombia. It requested information on the National Development Programme for Indigenous Peoples, measures to help disadvantaged groups and

comparative figures for the various groups relating to education, per capita income, housing and medical care. Statistics should also be furnished in the next report on the employment of members of the various racial groups in the public service and their representation among elected officials. The Committee would also like to have information on the enjoyment by members of the indigenous population of their political as well as cultural rights, their real situation and what was being done specifically to preserve the indigenous languages. It was asked whether slavery had at any time existed among the indigenous population. Clarifications were requested regarding the indigenous population living in the reservation lands, in particular about the Government's land policy, the legal status of the reservations, whether the indigenous population had the right to acquire real property elsewhere in Colombia and dispose of it at will, and what specific measures had been adopted to ensure the more rapid development of reservation lands. The Committee also wished to know how the rights of the indigenous population were protected if a reservation was used for a national development project, whether the indigenous population was permitted to migrate from its reservation land and, if so, whether it lost its rights to the land from which it had emigrated.

132. Concerning article 3, members of the Committee requested information on measures taken to give effect to that article and details of the status of Colombia's diplomatic, economic and other relations with South Africa.

133. With regard to article 4, the Committee underlined that compliance with the obligations under that article was absolutely compulsory for States parties. It urged Colombia to adopt immediate and positive measures to that effect.

134. With respect to article 5, members of the Committee requested information about how the right to security of person and protection by the State against violence or bodily harm, as well as political rights, were applied to the population as a whole, and more specifically to the indigenous population. They also asked for information on freedom of movement and the right to leave and return to the country as well as on the way in which the right to equality before the law was implemented.

135. In relation to article 6, more details were requested about the remedies available in Colombia.

136. As for article 7, the Committee inquired about the initiatives that had been taken to give effect to that article of the Convention and hoped that the next periodic report would contain information on educational and informational policies.

137. Replying to questions posed concerning the indigenous population, the representative of Colombia said that, in order to preserve their cultural identity and language, the indigenous peoples required special protection because of their vulnerability to economic exploitation. No obligations were imposed on them while on the reservation and they were exempt from taxes. If, however, anyone living on a reservation wished to leave, he was free to do so. There were no similar laws for any other ethnic group. The title to reservation lands was vested in the community, and individuals could not demand a part of that land for themselves. The reservation lands belonged to the indigenous population so long as it wished to remain on them. If a member of the community left the reservation, he did not lose his rights as he could return at any time. The law which prohibited the sale of reservation lands had been designed to prevent the indigenous population from being

left landless. Nobody could purchase reservation land, as it could not be transferred or assigned. If any part of such land was required for a public purpose, such as the construction of an airport, a special act of Congress would be required and the public interest would have to be stated specifically in the act. There were provisions for proper compensation, and judges were strict in applying the laws relating to the use of reservation land for public purposes. Every indigenous community had a primary school where instruction was provided in the language of the community. Information on training in agriculture and on agrarian reform would be provided in the next report. Indians participated in Colombia's political life like any other citizens; they could elect their own representatives and be elected to the highest offices in the land. Because the reservations were located in remote inhospitable regions, they were often backward and it was difficult to ensure their rapid development. Major development plans were, however, being implemented in a number of cases.

138. Turning to questions raised in connection with the status of the Convention in Colombian law, he said that the Convention had been ratified by Congress and was the law of the Republic. In Colombia, international treaties enjoyed the same status as the national Constitution. Treaties took precedence over any laws that might be enacted. No law or constitutional provision ran counter to any article of the Convention; it had not been necessary to amend the Constitution or any other law in order to allow the Convention to come into force in Colombia.

139. Replying to questions posed in relation to the implementation of article 3, the representative of Colombia informed the Committee that his country had no diplomatic, cultural or other relations with South Africa. His country had always been in total disagreement with the policy of apartheid and had supported all decisions taken by United Nations bodies against the South African régime.

140. In conclusion, he assured the members of the Committee that all their comments would be taken into account by his Government in preparing its next report, which would be drawn up in accordance with the Committee's guidelines.

Tonga

141. The sixth periodic report of Tonga (CERD/C/106/Add.5) was considered by the Committee without the participation of a representative of the reporting State.

142. The Committee regretted that no representative of Tonga was present during the consideration of its report. However, it expressed satisfaction that the sixth periodic report contained replies to the comments made by members during the consideration of the previous report, that the Government of Tonga was continuing its dialogue with the Committee and that it had submitted its report on time. The Committee drew the attention of the State party to its guidelines (CERD/C/70/Rev.1), which should be followed in preparing its next periodic reports.

143. With regard to article 3 of the Convention, additional information was requested on Tonga's relations, if any, with the racist régime of South Africa.

144. The Committee reaffirmed its position that, even if racial discrimination did not exist in a country, the Government had an obligation to enact specific legislation to give effect to the provisions of the Convention. In this connection, members of the Committee commended the Government's intention to introduce a Racial Discrimination Act in Parliament which would make it an offence

punishable by law to disseminate any ideas based on racial superiority and expressed the hope that the next periodic report would contain the text of the proposed Act as well as detailed information on measures taken to implement the provisions of article 4 of the Convention.

Democratic Yemen

145. The fifth and sixth periodic reports of Democratic Yemen submitted in one document (CERD/C/106/Add.6) were 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 and explained that in the meantime the new Civil Code had come into force.

146. The Committee commended the quality and scope of the report which showed the efforts made by the Government of Democratic Yemen to guarantee equality to all before the law and reflected the willingness of that country to carry on a constructive dialogue with the Committee. Members pointed out, however, that the Committee would have been in a better position to assess the progress made by Democratic Yemen if its report had been drafted in accordance with the Committee's guidelines (CERD/C/70/Rev. 1). They expressed the hope that information on the legislative action taken and the policy adopted to give effect to the provisions of the Convention, in particular those contained in articles 2, 4, 5, 6 and 7 of the Convention, would be included in the next periodic report.

147. In connection with the implementation of article 2, members commended Democratic Yemen's liberal policy and noted that, under article 2 of Yemeni Nationality Act No. 1 of 1981 and article 3, paragraph 3, of the Nationality Act of Democratic Yemen, persons who were stateless or of unknown nationality had acquired the nationality of Democratic Yemen, including some 100,000 persons of Indian origin, regardless of whether or not they were Arabs. More information was requested, however, on the status of these persons in Democratic Yemen, in particular whether, once nationality was granted, former foreigners were considered on an equal footing with other nationals or placed in another category. Furthermore, the Committee wished to know whether the fact that foreign nationals and stateless persons resident in the country enjoyed the same recognized civil rights as Yemeni citizens, as was indicated in article 25, paragraph 1, of the Civil Code, also gave them the right to work. Clarifications were requested concerning the term "nationality"; members asked whether it referred to citizenship or to the fact of belonging to an ethnic group. Information was requested on the tribal and nomadic affiliations that had been prevalent in the period prior to independence and on the extent to which they were responsible for the backwardness and racial discrimination of that period. The Committee also wished to know what special programmes had been undertaken to improve the socio-economic situation of persons belonging to tribes or nomads and whether it was intended to eliminate all tribal habits or customs or only those considered to be backward.

148. With respect to the implementation of article 4, members of the Committee observed that article 98, paragraph 1, of the Penal Code of Democratic Yemen referred to the prohibition of racial discrimination of a genocidal nature, and article 99 of the Code provided penalties for racist feelings in preparation for or execution of a crime against humanity. The Committee, therefore, wondered how the authorities in Democratic Yemen viewed racial discrimination when it resulted from acts which did not constitute a crime against humanity. Although, it was noted, article 159 of the Penal Code specified the punishment for racial contempt, ranging

from a reprimand or fine to suspended imprisonment for a term of not more than one year, that did not relieve the Government of the need to ensure that implementation of the provisions of article 4 of the Convention was reflected more fully in its national legislation.

149. As regards the implementation of article 5, the Committee asked who elected the judges in Democratic Yemen, how long their terms of office were, what the voting procedure was, and whether judges could be removed from office and, if so, in what circumstances. Members noted that no details had been provided in the report on the right to leave the country and no mention had been made of the right to organize labour unions. It was asked what limits had been set for the benefit of public welfare on the right of citizens to own personal property under specific legislation to which article 19 of the Constitution referred. Furthermore, it was asked whether Act No. 2 of 1971 entailed an obligation for foreigners to dispose of property they had acquired prior to the promulgation of the Act, whether foreigners were in certain cases authorized to acquire property, and whether the Investment Act of 1981 applied retroactively or only to persons who had invested in the country since the Act entered into force. Details were requested concerning the employment opportunities and freedom of movement of refugees, the regulations governing re-entry permits for migrant workers who wished to return to their countries and the extent to which Democratic Yemen had concluded bilateral agreements with non-Arab countries on the question of migrants. It was also asked whether persons belonging to a specific social class or category could be considered not equal before the law in civil proceedings, in conformity with article 24 of the draft civil code, although they were considered equal in criminal proceedings.

150. With regard to the implementation of article 6, further information was requested on whether there was any legal protection or provision for compensation for the victims of racial discrimination, whether provision was made for persons to appeal to different courts depending on the seriousness of the case and whether the laws of Democratic Yemen included provisions to penalize public officials who violated anti-discrimination legislation.

151. The Committee requested information on any legislative, judicial, administrative and other provisions relating to article 7 and also on educational measures aimed at arousing public awareness against racial segregation and discrimination.

152. Replying to questions raised by members of the Committee, the representative of Democratic Yemen referred to the historical background of his country characterized by division, the tribal system and colonialism. He stated that the legislation of Democratic Yemen was directed towards rebuilding the State by conferring equal rights to vote and to work on all citizens and by resolving the negative elements of the tribal system which resulted in complicated cases of revenge and blood feuds between families and tribes. General peace between the tribes had been declared in 1968. A dissolution of regional and fractional associations had followed in 1969 to replace the concept of collective punishment by individual punishment.

153. Great achievements had been made in promoting literacy. The next report would provide ample information on that development.

154. With respect to the foreign population, the representative stated that many foreigners had left Democratic Yemen after its accession to independence, and others had retained their citizenship and resided in the country with the same rights as nationals. As regards the right to enter and leave the country, the representative pointed out that account must be taken of the economic situation in Democratic Yemen and that many of its citizens emigrated to neighbouring Arab countries. According to the national legislation, restrictions had been imposed only on the movements of certain nationals with very specialized professions whom Democratic Yemen needed in the country for its restructuring and economic development. In any case, the relevant laws did not apply to foreigners.

155. Measures taken in 1971 concerning economic activities applied to enterprises operating in the country before independence, while Investment Act No. 25 of 1981 was designed to regulate the activities of those established recently.

156. Finally, the representative of Democratic Yemen stated that his Government would provide detailed information in its next periodic report with regard to those questions which remained unanswered.

Rwanda

157. The fourth periodic report of Rwanda (CERD/C/88/Add.4) was considered by the Committee after a brief introductory statement made by the representative of the reporting State.

158. The Committee expressed satisfaction with the report of Rwanda and congratulated the Government on the manner in which it was fulfilling its obligations and co-operating with the Committee.

159. With reference to the implementation of article 2, the Committee requested clarification on the statement in the report that the Government had not taken special measures because there was no case of discrimination requiring such action. It also wished to know whether the Government had already carried out a complete review of all legislation promulgated during the period of colonial domination and had revoked the laws which were racist or discriminatory in nature. Additional information was requested on the Government's policy for preventing the predominance of specific ethnic groups or sections of the population. Members also wished to know whether the three ethnic groups referred to in the report had always had a common language, in what respect the three ethnic groups differed from one another, whether any new special measures had been taken in the social, economic and cultural fields to ensure the adequate development and protection of minority groups, and whether there still remained any vestiges of feudalism in the country. Members of the Committee expressed the hope that the next report of Rwanda would include detailed information on further legislative or other measures required by the Convention concerning the implementation of the programme for the National Revolutionary Movement for Development (MRND).

160. With regard to article 4, it was pointed out that there seemed to be no penalty for incitement to racial hatred. Clarifications were also requested regarding the relevant provisions of the Penal Code for the suppression of racist organizations.

161. In connection with the implementation of article 5, members drew attention to the system of participation in the political process in the country and noted that

only those who satisfied the corresponding educational requirements could be eligible for election as deputies. They inquired whether there existed in Rwanda any system of special representation for persons who did not meet those requirements in order to eliminate any situation which might be tantamount to government by the minority. Furthermore, noting that considerable stress was placed on the need for persons seeking election to Parliament or to the post of municipal councillor to be "good citizens with proper standards of conduct and morality", the Committee asked what steps the Government took to ensure that that important requirement was met. Concerning article 5, paragraph (d) (vii) to (ix), of the Convention regarding the right to freedom of thought, conscience and religion, freedom of opinion and expression and freedom of peaceful assembly and association, it was asked whether other opinions could emerge and whether other movements or political parties were permissible under the present circumstances, taking into account that Rwanda was ruled by a single party system.

162. The Committee noted that Rwanda had provided asylum to 15,000 refugees from Burundi and that it had initiated talks with the Government of Uganda on the 45,000 refugees from that country. It requested information on the status of the refugees and the policy of Rwanda with regard to the granting of nationality to such persons.

163. With regard to article 6, members of the Committee observed that some provisions of the report, which concerned the suppression of racist organizations, were not entirely clear and an explanation should be provided in that regard. It was also asked whether there was any legal recourse available to victims of acts of discrimination committed by private persons.

164. The Committee commended Rwanda for the measures it had adopted in implementing article 7 of the Convention.

165. Replying to questions by members of the Committee, the representative of Rwanda stated that the political movement of Rwanda - the National Revolutionary Movement for Development - was characterized by its integrationist spirit and its manifesto banned all racism, that the party's motto was "peace, unity and development" and that the people were concentrating on achieving those goals. With reference to questions raised regarding language and cultural differences, he said that originally each ethnic group had had its own language, and that the original inhabitants, the Batwa, had been joined in the Middle Ages by the Bahutu and later by the Batutsi. The other two groups had adopted the culture and customs of the Bahutu and there had been so much intermarriage that the three groups had become practically indistinguishable from one another. He also stated that the feudal system had existed until 1959 and that some of the citizens had been part of the ancient feudal structure. However, the problem was not a serious one at present.

166. Replying to questions concerning refugees, the representative said that they were free to acquire Rwandese citizenship, but that none had yet applied for it, and that the Government had started talks with the Government of Uganda regarding their possible repatriation. Concerning the question whether the single party posed a threat to freedom of thought, religion, opinion and association, he recalled that the single party had been established as a result of a popular decision, and that people were free to express their own views.

167. Finally, the representative said that the answers to the remaining questions would be given in the next periodic report.

Bolivia

168. The fifth, sixth and seventh periodic reports of Bolivia, submitted in one document (CERD/C/107/Add.1), and supplementary information (CERD/C/107/Add.5) were considered by the Committee together with the introductory statement of the representative of the reporting State, who pointed out that Bolivia's current Constitution, adopted in 1967, guaranteed the equality of citizens without distinction as to race or religion. He stated that in October 1982 Bolivia had returned to a democratic system of government under which human rights and fundamental freedoms were guaranteed. Of the 5.8 million citizens, 60 per cent lived in rural areas and 40 per cent in the cities. The 1976 census indicated that 17 per cent of the population spoke only Quechua, 8 per cent only Aymara and 30 per cent only Spanish, and that 43 per cent was bilingual, while 2 per cent spoke various, primarily Guarani-based languages. Linguistic differences did not amount to racial differences. Spanish, Aymara and Quechua were the country's official languages; they were used in Parliament, the schools and the mass media. He recognized that, though there was no racial discrimination in the country, there were inequities in the availability of public services owing to the development problems Bolivia was facing. That was why the Government was planning to invest heavily over the next three years in social programmes designed to raise the standard of living. He added that Bolivia had always repudiated apartheid and had ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Slavery Convention in 1983.

169. The Committee commended the Government of Bolivia for the sincerity of its reporting and emphasized the need to continue its dialogue with the Committee. It thanked the Bolivian representative for the significant clarifications and additional information he had provided in his introductory statement and requested that that type of information, as well as information on the ethnic composition of the population, be included in Bolivia's next report. The Committee observed that although the report contained comprehensive information on the implementation of article 5 it lacked information regarding the implementation of articles 2, 3, 4, 6 and 7 of the Convention.

170. In relation to article 4, the Committee recalled that in 1978 it had informed the Bolivian Government of its obligation to incorporate penal provisions in its legislation to cover acts of racial discrimination and incitement to such acts. It was underlined that article 4 of the Convention was not self-executing and that States parties must introduce legislation indicating which acts were punishable and what the penalties were.

171. As far as article 5 was concerned, the Committee noted that it was not clear from the report whether indigenous communities were free to form labour unions or whether there was only one labour union organized by the State. The Committee requested further information regarding the participation of the indigenous communities in the programmes set up for their benefit. In particular, it wished to know more about the implementation of article 125 of Decree-Law No. 03464 which implied that there were certain restrictions on rural communities. The Committee pointed out that such an approach introduced an element of discrimination and asked whether there were any obstacles which prevented the Government from encouraging the rural communities to participate fully in their own development.

172. In reply to questions raised regarding the demographic composition of the population, the representative of the reporting State explained that the

distribution of the population on the basis of cultural or ethnic groups was not very precise and, since 1952, there had been a tendency to regard the population as being either urban or rural. Generally speaking, rural workers tended to be identified as either Aymaran or Quechuan.

173. With regard to article 3, he informed the Committee that Bolivia had no cultural or trade relations with South Africa.

174. In connection with questions raised about the implementation of article 4, he stated that, though no specific laws existed to punish attempts to justify or promote racial hatred or theories of racial superiority, the State possessed sufficient legal means under the Bolivian Constitution, and in particular article 6, to compel adherence to the principle of equality. Bolivia had incorporated the Convention in its body of law and any aggrieved party could invoke the Convention when seeking justice before the courts.

175. With reference to questions raised under article 5, he stated that currently trade unions enjoyed total independence and were organized into federations within the Central Obrera Boliviana (COB). Following land reform, more than 400,000 private property deeds had been distributed; each community, however, owned the communal land which represented the larger part of the former hacienda; the product of the communal land supported schools and health and other services. A fundamental element of his Government's policy was to encourage joint management and joint ownership arrangements with workers. It was intended that rural workers should participate in the future planning of all rural projects. Whereas 36 per cent of the gross national product was produced in rural areas, 74 per cent of investments made under the new development programme were channelled to those areas. He explained that citizens and resident foreigners enjoyed full freedom to settle in any part of the national territory. For security reasons, foreigners who were not residents of Bolivia were not permitted to own property within 50 kilometres of Bolivia's frontier with any other country. Bolivia viewed the plight of refugees sympathetically and had opened its doors to those seeking asylum from other countries without applying any ethnic or racial restrictions in connection with their entry.

El Salvador

176. The initial and second periodic reports of El Salvador, submitted in one document (CERD/C/86/Add.3), were considered by the Committee after a brief introductory statement made by the representative of the reporting State, who said that his country adhered strictly, both at home and abroad, to the provisions and principles prohibiting racial discrimination.

177. The Committee underlined that the report marked the beginning of a dialogue with El Salvador which it hoped would develop and prove fruitful. It stated, however, that the information was far from complying with the obligations laid down in the Convention. The report was extremely brief and concerned itself more with the situation outside El Salvador; it did not provide information about the internal tensions which were affecting the exercise of human rights and fundamental freedoms in the country. Serious human rights violations were being reported in many quarters, including the United States Senate. While it could appreciate the difficulties of the Government, the Committee found it unfortunate that virtually no factual information was given on the implementation of articles 2 to 7 of the Convention. The Committee therefore urged the Government of El Salvador to adhere

to the Committee's guidelines (CFRD/C/70/Rev.1) in preparing its next periodic reports and to provide detailed information with regard to concrete measures taken by the Government in order to implement the obligations imposed by the Convention.

178. The Committee took note of the references made in the report to the Constitution, but indicated that constitutions generally described the conditions that should prevail but not necessarily those that actually existed in a country. Although the report stated that the Constitution could be invoked before the courts, it did not indicate what legislative measures had been taken to implement the Constitution. The Committee wished to know how the principle of equality of all before the law had been put into practice. It also observed that it was unclear whether article 150 of the Constitution of El Salvador consisted of a simple declaration of principles or of something else. Details were also requested concerning the new Constitution.

179. As far as the implementation of article 2 was concerned, the Committee drew the attention of the Government of El Salvador to the lack of information about the situation of indigenous groups and minorities as well as the demographic composition of the population. It was asked how the Government was implementing that article and what its policies were regarding the indigenous population and ethnic minorities. The Government should also provide information on actual measures taken to improve the situation of disadvantaged groups.

180. With regard to article 3, members of the Committee commended the Government for the measures taken against the régime of South Africa. It was recalled, however, that the Convention referred principally to domestic provisions. In this context, one member pointed out that the flagrant violations of human rights committed in El Salvador were of a magnitude comparable to genocide and apartheid.

181. In relation to article 4, the Committee deplored the fact that no information was given in the report about the domestic legislation aimed at punishing incitement to racial hatred. The Committee stated that article 4 required the adoption of legislative measures by States; consequently, the mere incorporation of the Convention in internal law was insufficient. The Committee asked when the reporting State intended to take measures in that respect.

182. Concerning article 5, the Committee observed that the report referred to the principle of equality of everyone before the law but failed to indicate whether that was a principle of positive law or simply a guideline for legislative organs. The Committee stated that, whereas, under various international instruments some political rights could, under very special circumstances, be suspended, the right to life could never be abridged. It was very serious that the report remained silent concerning the security of persons and protection by the State against any violence or bodily harm inflicted by government officials or any individual group or institution, particularly in view of the existence of the "death squads". The Committee underlined the obligation of States parties to ensure that all persons under its jurisdiction enjoyed the rights spelled out under that article of the Convention. The Committee wished to receive detailed information on the situation prevailing in El Salvador and the intention of the Government to comply with article 5, in particular with respect to the right to security of person, freedom of the press, political parties, workers' rights, right of asylum, policies on immigration and towards refugees. The Committee also requested explanations regarding the civil and political situation of the indigenous population and disadvantaged ethnic groups who felt themselves to be excluded from participating in the political process.

183. In connection with article 6, the Committee pointed out that the report provided no information regarding either the recourse available to a person who had been the victim of discrimination or how effective the recourse procedure was.

184. In reply to questions raised by members of the Committee, the representative of El Salvador said that the draft constitution had been adopted as of December 1983. He assured the members of the Committee that their concerns and observations would be duly transmitted to his Government.

Luxembourg

185. The third periodic report of Luxembourg (CERD/C/103/Add.2) was introduced by the representative of the reporting State who recalled that the principle of the primacy of international law was recognized in the legal system of his country: international conventions thus formed an integral part of national legislation and individuals might invoke them directly or by way of exception to prevent impairment of their rights. During the period under consideration, there had been no major changes in legislation or jurisprudence in Luxembourg with regard to the implementation of the Convention and no sentence had been passed under articles 454 and 455 of the Penal Code, which prohibited discrimination or incitement to discrimination. The representative also explained that foreigners enjoyed the same social benefits as Luxembourg nationals, as well as the freedom of association and expression guaranteed to nationals under the Constitution. Advisory committees for immigrants, in which workers and managers met on equal terms, were currently functioning in 17 communes of Luxembourg and the new communal law called for the establishment of such committees in communes having a specific percentage of immigrants.

186. The Committee expressed its satisfaction with the excellent report submitted by the Government of Luxembourg which had followed the Committee's guidelines and welcomes, in particular, the information on provisions to regulate the situation of immigrants who constituted a large proportion of the resident population of that State. Referring to the primacy of international law in the legal system of Luxembourg, members of the Committee requested more information on the incorporation of the Convention into Luxembourg's legislation and on the Convention's primacy over it. They wished to know, in particular, how the principle of the primacy of international norms in the legal order of the country was applied to the Constitution of Luxembourg. They wondered whether it would not be safer to adopt legislation when the Convention so required and asked what procedure was applied when the courts found a law to be in contradiction with the provisions of the Convention.

187. With reference to the implementation of articles 2 and 5 of the Convention, members of the Committee focused their attention particularly on the status of foreigners and immigrant workers who constituted almost a third of the population of Luxembourg. They wished to know what provisions existed in Luxembourg to implement the constitutional principle of equality before the law for nationals and foreigners and, since article 11 of the Constitution provided that certain rights could be enjoyed only by nationals, in what instances restrictions were applied to foreigners. It was also asked whether the figure provided with regard to foreign residents in Luxembourg included the entire bureaucracy of the European Economic Community, whether foreigners could apply for Luxembourg nationality, whether the status of foreigners would be maintained, what the situation of children of foreigners was, whether Luxembourg followed the principle of jus sanguinis or the

principle of jus soli and whether there were provisions for implementing the principle of non-discrimination once a foreigner had acquired Luxembourg nationality. In addition, information was requested on the policy of Luxembourg with regard to refugees.

188. Concerning specifically the protection of the rights of immigrant workers, members of the Committee asked what steps had been taken to make judges and legal officials aware of the international norms and to enable them to interpret those norms in favour of persons who had been victims of racial discrimination, whether the courts had had occasion to hear cases relating to discrimination in the matter of housing, employment, access to public places, transport and education, what type of cases were most frequently brought before the courts, what decisions had been taken on them and whether the legislation contained provisions for the translation of court proceedings into other languages. Furthermore, members of the Committee wished to receive more information on the National Immigration Council, in particular, on the procedure for electing the members representing the various national groups, the achievements of the Council since its establishment and its relations with the local authorities. It was also asked whether the function of the Council was purely to promote improvements in race relations or whether it acted as a mediator between opposing persons or groups, whether its role was merely advisory or whether it had some effective influence over policies and whether a policy concerning minorities had been adopted in Luxembourg to deal with problems raised by the presence in the country of different customs, traditions and languages. In addition, more information was requested in the advisory offices and the role they played in promoting interaction between the national population and new immigrants.

189. As regards article 3 of the Convention, some members of the Committee asked for clarification on Luxembourg's relations with South Africa. They wished to know, in particular, what the practical consequences of Luxembourg's condemnation of apartheid were, whether Luxembourg had investments in South Africa and whether it provided assistance to the victims of apartheid.

190. With respect to article 7 of the Convention members of the Committee wished to know how the principles of the Convention had been incorporated into the educational system of Luxembourg, whether there were agencies in Luxembourg which informed foreign workers and immigrants of the existence of the international instruments, among them the Convention, which protected them, what legal and other measures had been adopted by the Government of Luxembourg in the field of teaching, particularly with regard to the training of teachers or to promote better understanding between nationals and foreigners in general. It was noted that Luxembourg had recently given its dialect the status of a language and it was asked whether, in addition to French and German, the Luxembourg language would begin to be officially taught in the country, for example, to immigrant workers residing therein.

191. Replying to some of the questions raised by members of the Committee, the representative of Luxembourg pointed out, in relation to the application of the principle of the primacy of international law in his country, that courts did not have the task of determining the constitutionality of the laws; however, they could refuse to apply laws which were contrary to either the Constitution of the country or an international convention to which Luxembourg was a party. They could also revoke regulations adopted by the executive branch in order to apply law.

192. As regards the question of the acquisition of Luxembourg nationality, he explained that the law which set forth requirements concerning residency and knowledge of the Luxembourg language was applied without any discrimination. Once Luxembourg nationality was acquired, there was no distinction made between those born in the country and naturalized citizens and all were equal before the law.

193. Referring to article 3 of the Convention, he stated that there was neither racial segregation nor apartheid in the territory of Luxembourg and that Luxembourg had long condemned the apartheid régime of South Africa. However, his Government maintained its position that the Convention did not give the Committee the authority to examine the foreign relations of States, since the study carried out by the Committee was legal and not political in nature.

194. With reference to article 7 of the Convention, he confirmed that Luxembourg had in fact given its dialect the status of a national language and said that his country would maintain its flexible and pragmatic attitude with regard to the teaching of the Luxembourg language and other related questions.

195. The representative finally stated that the other questions raised by the Committee would be taken into account by his Government in the preparation of its next periodic report.

Trinidad and Tobago

196. The fifth periodic report of Trinidad and Tobago (CERD/C/89/Add.4) was considered by the Committee together with the introductory statement of the representative of the reporting State, who highlighted some points of the report and provided the Committee with additional information concerning a number of provisions of the Constitution which afforded adequate protection for the fundamental rights of the individual.

197. Members of the Committee commended the Government of Trinidad and Tobago for its frank presentation of information and for its commitment to continuing its dialogue with the Committee. They noted, however, that a number of questions which had been raised during the discussion of the previous report with regard, in particular, to the results of the 1980 census, aid to the backward regions of the country and the reaction to the introduction of the Hindi language, had not been answered in the report under consideration. Some members also wished to know whether the provision of section 6 of the Constitution, concerning the continuing validity of laws which pre-dated the independence of the country was of a temporary character.

198. With reference to article 2 of the Convention, information was requested on the state of relations between the different racial and ethnic groups in Trinidad and Tobago. The Committee was of the view that it would be useful to receive statistics on the country's demographic composition and to know on what basis individuals were classified as belonging to a given ethnic group. Moreover, members wished to know which ethnic groups were disadvantaged and what measures were being taken to enable them to catch up with the rest of the population, whether there were any refugees in Trinidad and Tobago and, if not, whether the Government was prepared to admit any into the country, whether comparative data could be made available on the educational level, literacy rate and income of the different ethnic groups, particularly of the Carib people, and whether any positive measures had been taken to protect and encourage the economic and social progress of the Carib people.

199. Referring to article 4 of the Convention, the Committee recalled that the adoption of positive measures to prohibit racial discrimination constituted an absolute obligation for States parties and expressed the hope that the Government of Trinidad and Tobago would provide for more severe criminal penalties against persons who practised racial discrimination, particularly public officials. It was also noted that threat of disciplinary action, rather than criminal sanction, was the means relied upon to secure compliance with the recommendations of the ombudsman and it was asked whether such an approach prevented the authorities from instituting proceedings in the case of acts which were serious enough to warrant criminal sanctions.

200. In connection with article 5 (c) of the Convention, some members wished to receive a breakdown of parliamentary election results by ethnic groups and information on how the interests of whites, Chinese and persons of mixed race were represented politically.

201. With reference to article 6 of the Convention, it was asked what remedies were available to an individual if he was wronged by a private citizen.

202. More detailed information was requested on the implementation of article 7 of the Convention by Trinidad and Tobago and, in particular, on measures taken in the field of training to familiarize such persons as police officers, lawyers and educators with the provisions of the Universal Declaration of Human Rights and the Convention, so that they would be better able to face the challenges of a multiracial society.

203. Replying to questions raised by the Committee, the representative of Trinidad and Tobago states that his Government was extremely generous in providing economic assistance and disaster relief to backward regions both on a bilateral basis and through international organizations and that Hindi had not been introduced in his country as an official language, but was taught in some schools.

204. As regards article 2 of the Convention, the representative stated that the growing integration of his country's peoples had not adversely affected the cultural identity of the various groups. His Government, therefore, did not feel that the racial situation of the country called for any strong measures to be taken, and in any case the Constitution provided adequate safeguards for all ethnic groups. Furthermore, Trinidad and Tobago could boast of a relatively high per capita income in comparison with other countries in the region and almost all the population was literate. There was at least one primary school in every village, and every child was eligible for free secondary education. A branch of the University of the West Indies was situated in Trinidad and Tobago, and government assistance was provided to enable qualified students to obtain post-secondary education either at home or abroad.

205. With reference to articles 4 and 6 of the Convention, he explained that, since the ombudsman was concerned with the operations of the government departments in which public servants were involved, the first recourse was to the Public Service Commission. If appropriate action was not taken, the matter was brought to the attention of the Parliament, and either the Attorney-General or the Director of Public Prosecutions could initiate proceedings. However, there had been only one formal complaint of racial discrimination, which had been investigated by a judge of the Supreme Court and found to be without merit. Political parties were not based on ethnic or racial lines; caste Indians, however, as far as they were

identifiable as a separate group, were well represented in the civil service and in Parliament.

206. The representative finally stated that he would transmit the questions asked by the Committee to his Government so that the replies could be included in his country's next periodic report.

Syrian Arab Republic

207. The Committee considered the seventh periodic report of the Syrian Arab Republic (CERD/C/91/Add.36) in conjunction with the introductory statement of the representative of the reporting State, who highlighted parts of the report and drew particular attention, as requested by his Government, to the sections of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/38/409, paras. 156, 192 to 198, 267, 344 and 361 and annex I) dealing with the Golan Heights. He pointed out that the occupation of the Golan Heights by Israel in 1967 and its annexation in 1981 had prevented his Government from giving effect to the provisions of the Convention in that part of the Syrian territory, but that the Government of Syria was not invoking articles 11, 12 or 13 of the Convention in connection with that complaint.

208. The Committee expressed satisfaction with the comprehensive report submitted by the Syrian Arab Republic, particularly in view of the problems confronting the reporting State, and welcomed the continuation of the dialogue with the Committee's guidelines in the preparation of its report. It took note of the general approach adopted by the Government to the effect that there could be no enjoyment of the right to equality without the benefit of economic and social progress.

209. In relation to the procedure for considering the seventh periodic report of the Syrian Arab Republic a member of the Committee drew attention to the section of the report entitled "Racism and racial discrimination in the occupied Golan Heights", and stated that, under the terms of article 11 of the Convention, that part of the report constituted an inter-State complaint. However, since the Syrian Government had made it clear that it did not intend to invoke the procedure under article 11, the member proposed that the particular section of the report be excluded from the Committee's consideration under article 9 of the Convention. He pointed out, in this connection, that the Convention contained provisions which obliged the Committee to hear the other party to a dispute whenever one State party considered that another State party was not giving effect to the Convention, irrespective of the form in which the matter was brought to the Committee's attention. The Committee would be setting a dangerous precedent if it acted otherwise, since it would leave the way open for States parties to submit complaints to it without allowing the State against which a complaint was made to state its case.

210. Other members, however, disagreed with the interpretation that the section of the report dealing with the situation in the Golan Heights constituted an inter-State complaint under article 11. They said, in this connection, that the point Syria was making in its report was that it was itself being prevented from complying, in a part of its national territory, with the obligations laid down in the Convention, and they pointed out that the Committee must receive a formal communication under article 11 in order to set in motion the inter-State complaint procedures envisaged therein. Although the problem of the Golan Heights was a

political one which lay outside the competence of the Committee and there were other forums of the United Nations to deal with it, the Syrian Arab Republic was entitled to raise that problem in its report to the Committee, since it had a direct bearing on the discharge of the Government's obligations under the Convention as well as on the Committee's work of monitoring how the provisions of the Convention were being implemented. It was regrettable that the Government of the Syrian Arab Republic was unable to implement the provisions of the Convention in the Golan Heights because of Israeli occupation. Reference was made to General Assembly resolution 37/88/E which condemned the occupation of the Golan Heights and reaffirmed that the acquisition of territory by force was inadmissible and it was stated that the Committee must condemn the illegal acquisition of territory as well as the illegal measures which were being taken by the occupying Power in the Syrian territory of the Golan Heights. The matter before the Committee was not a question of a possible settlement of a dispute between two States parties, but rather the elimination of the consequences of an act of aggression. Both the Charter and the Definition of Aggression contained provisions stating that aggressions did not confer any right on the aggressor. If article 11 of the Convention was invoked in the present instance, that would place the aggressor on an equal footing with the victim. The Committee could not avoid discussing the practices of the occupying Power in the Golan Heights. A country, a portion of whose territory was being illegally occupied by another Power, still retained legitimate sovereignty over that territory and had the legal right and the moral duty not to close its eyes to what was going on in the illegally occupied area. In this connection, it was recalled that the information provided by the Syrian Arab Republic indicated that 135,000 of its citizens had been evicted and 31 settlements had been established in the Golan Heights and that 12,000 Syrians were being forced to relinquish their Syrian citizenship and to acquire Israeli citizenship: those were flagrant violations of the Convention.

211. The Committee took note of the fact that the Syrian Government was prevented from carrying out its obligations under the Convention fully because of the illegal occupation of a part of its territory; that the Syrian Government was perfectly entitled to draw the attention of the Committee to information relating to the situation in the occupied Golan Heights and was fully justified in doing so; and that the Syrian Government did not intend to file a complaint under article 11 of the Convention.

212. In relation to the demographic composition of the Syrian Arab Republic although the Committee understood the approach of the Government which made no distinction between the various groups of society, it pointed out that it would welcome information on the different ethnic communities in the country. Members of the Committee requested clarification as to the measures that were being taken to eliminate the residues of inequalities from the past, mentioned in the report. The Government was also asked to provide information on the legal status of individuals who did not belong to the ethnic groups mentioned in the report and to indicate whether the category of "unspecified" included Bedouin and other nomadic tribes. Further information was requested on the status of the Kurdish minority and why it did not form one compact ethnic group as distinct from the majority of the Syrian population, and about the problems encountered by that minority in view of the displacements it had been subjected to in 1973.

213. With regard to article 3, members of the Committee commended the Government for its impeccable record.

214. In connection with the implementation of article 4 one member asked whether persons found guilty of financing racist activities were punished in any way under the Syrian Penal Code. It was pointed out that article 4 of the Convention was particularly important for preventing situations in which a hostile State could support subversive activities by inciting racial prejudice among different groups.

215. As regards the implementation of article 5 of the Convention, the Committee noted with satisfaction that the report contained detailed information on the rights enumerated in that article. It was asked, however, whether the provisions contained in article 25 of the Syrian Constitution concerning the right of equality before the law were in fact directly enforceable by the courts. The Committee wished to know whether the state of emergency proclaimed 20 years earlier remained a fundamental characteristic of the juridical order of the Syrian Arab Republic and what impact that situation had on the implementation of the Convention, particularly the political and civil rights set forth in article 5 (c) and (d), such as freedom of thought, expression and opinion. Clarifications were requested regarding the statement that a citizen could leave the country provided he or she had fulfilled obligations arising from contracts with the State, and how that policy applied to the many Jews who had sought to emigrate from the Syrian Arab Republic. Information was requested on the cases in which Syrian citizens could be deprived of their nationality. Clarification was requested as to certain incidents regarding the right to freedom of religion which, according to Amnesty International, had taken place in the Syrian Arab Republic in 1980. Information was also requested regarding the application of Legislative Decree No. 84 of 1968 as well as details relating to trade unions and agricultural co-operatives; and it was asked whether the Syrian Arab Republic offered political asylum to refugees other than Palestinians.

216. With reference to article 7, the Committee wished to know to what extent the population was informed about the content of the Convention, whether education was given only in Arabic and what efforts were being made to preserve the traditions and cultures of the Syrian Arab Republic.

217. Referring to the discussion concerning the situation in the Golan Heights, the representative of the Syrian Arab Republic welcomed the understanding which prevailed in the Committee concerning his country's position, in the light of the incapacitating conditions, which prevented his Government from applying the provisions of the Convention, resulting from the annexation by Israel of the Golan Heights, an action which the Security Council had declared null and void. He stressed that the information given in his Government's report regarding the situation in the Golan Heights, which had been appropriately characterized by a member as sui generis, did not represent a complaint by one State against another, but rather, a complaint before experts regarding the inability of the Syrian Arab Republic to provide its citizens with the protection they should have if it was to implement the Convention.

218. Regarding the demographic composition of the Syrian Arab Republic he stated that, while compact ethnic groups of Kurds did exist in neighbouring countries, that was not the case in his country where Kurds had been arabized. The Syrian Arab Republic represented a mixture of civilizations rather than ethnic groups. There were no different nationalities in this country, only different religious denominations. All Syrians considered themselves Arabs and would have great difficulty in identifying their ethnic origin. The terms "aliens and unspecified" used in the report referred to the few foreigners working in his country as teachers and experts or to persons without a nationality.

219. Replying to the question whether the provisions concerning the right to equal treatment before the tribunals, referred to in article 25 of the Constitution, were enforceable in the courts, the representative stated that in the Syrian Arab Republic, as in any other country, the Constitution had to be respected.

220. In relation to civil and political rights and the question of the state of emergency, he pointed out that his country was constantly threatened by Israeli aggression and had been defending the Arab cause against the aggression since independence. The Syrian Arab Republic had taken steps derogating from some of its obligations under the International Covenant on Civil and Political Rights but not under the International Convention on the Elimination of All Forms of Racial Discrimination. He added, however, that the question relating to the state of emergency was not within the Committee's competence, for a state of emergency had nothing to do with the elimination of racial discrimination.

221. As to the question concerning the right of Syrians to leave their country and to return, he stated that his country respected that right and explained that, whereas in 1948 there had been between 30,000 and 35,000 Jews in Syria, there were currently 5,000. Persons wishing to leave the country, he said, must have fulfilled their obligations to the State, which included military service from which no Syrian was exempt. Education was free at all levels. The term "contracts" in the report referred to Syrians who had received higher education, such as doctors or engineers, and were required to serve in the rural areas.

222. With regard to the Hama episode, referred to in the report of Amnesty International, he said that those incidents had been exaggerated out of all proportion by the Western press. He stated that a distinction should be made between a religious conflict - which could not exist in the Syrian Arab Republic since freedom of religion was guaranteed by the Constitution - and the exploitation of religious differences for political purposes. The Hama incident, in which hundreds of government officials and their families had been massacred, had been an attempt, instigated from abroad, to divide the country. The Government's response had been entirely appropriate and not at all excessive.

223. Replying to the request for details as to how a Syrian could lose his nationality, he said that that could occur when a person left the country with the intention of not returning. In addition, anyone who acquired foreign nationality contrary to the law without Government consent, who served in a foreign army without the permission of the Minister of Defence, or who served a foreign Government, could be deprived of his nationality by an act of Government.

224. In connection with the question whether efforts were being made to preserve the country's traditions and cultures, he stated that, since independence in 1946, education was in Arabic, that a student could take either English or French as a foreign language, and that Aramaic was still spoken in the Syrian Church and efforts were being made to preserve that language.

Cape Verde

225. The second periodic report of Cape Verde (CERD/C/86/Add.4) was introduced by the representative of the reporting State who indicated that his country did not have minorities and that the entire population spoke the same language. He also stressed the fact that because two thirds of its population had emigrated and worked in other countries, Cape Verde had concluded a number of bilateral agreements to protect the rights of its many citizens working abroad.

226. The Committee emphasized the importance of maintaining a constructive dialogue with the reporting State and expressed the hope that the next periodic report of Cape Verde would take into account the Committee's guidelines (CERD/C/70/Rev.1).
227. Members of the Committee asked whether the Convention had been incorporated into Cape Verde's legal system and whether it could be invoked before the courts. It was also asked whether Cape Verde continued using the Portuguese Penal Code.
228. With regard to article 3, although the Committee took note that Cape Verde condemned racial segregation and apartheid, it was pointed out, however, that the next report of Cape Verde should provide information on the country's relationship with the racist régime of South Africa.
229. In connection with the implementation of article 5, members requested in general more detailed information in the next periodic report and asked, specifically, whether there was an exception to the nationality laws in respect of Cape Verdeans residing in Guinea-Bissau; whether a Cape Verdean who settled in Guinea-Bissau could easily return and acquire Cape Verdean citizenship and whether dual nationality was possible in such cases; how was the right to freedom of movement between Guinea-Bissau and Cape Verde guaranteed; whether there were any white settlers still residing on the island and whether there had been any problems connected with compensation for their property after independence.
230. With reference to articles 4, 6 and 7, the Committee requested more detailed information regarding the country's fulfilment of its obligations under those articles.
231. Replying to questions raised by members, the representative of Cape Verde informed the Committee that the former penal code was still being applied with the necessary amendments which were introduced after independence. Special legislation concerning acts of racial discrimination (including compensation for victims) was under consideration by a special committee for the study of the reform of penal legislation. He indicated that general international law was applied directly, despite the fact that the Constitution contained no provisions for incorporating international law into the domestic legal system. The Convention's provisions dealing with punishment for crimes, however, could not be applied directly, since the Constitution established the principle nullum crimen, nulla poena sine lege.
232. Turning to the questions dealing with the interrelationship between Cape Verde and Guinea-Bissau and the implementation of civil rights set out under article 5 of the Convention, he said that at present Cape Verde and Guinea-Bissau were two independent and sovereign States; Cape Verde had done what it could to renew its relations with Guinea-Bissau after the coup d'état but no unification process was envisaged. With regard to the question about freedom of movement, he pointed out that many of the country's citizens lived abroad. Concerning the question about white settlers, he said that there had been few Portuguese settlers in the country at the time of independence.
233. The representative assured the Committee that the next periodic report of Cape Verde would supplement information regarding his country's relations with South Africa as well as on the implementation of article 7.

Belgium

234. The third and fourth periodic reports of Belgium, submitted in one document (CERD/C/88/Add.5), were considered by the Committee together with the introductory statement made by the representative of the reporting State, who referred in particular to information provided in the report on legislative changes made in Belgium with a view to complying with obligations under the Convention. She also stated that with regard to the situation in South Africa and relations with that country, Belgium had always held that the Convention imposed upon States parties obligations in respect of persons and groups covered by their territorial jurisdiction and that international politics were not relevant to the Committee's proceedings. Nevertheless, Belgium had always been prepared to associate itself with any initiative involving the condemnation of the practice of racial segregation in South Africa and to remind the South African authorities of the need to end the policy of apartheid. Furthermore, through its participation in the United Nations Council for Namibia, its bilateral contributions and its co-operation with various international organizations providing humanitarian assistance, Belgium directly and actively assisted the victims of apartheid. Her Government also believed that only through dialogue and the promotion of peaceful change in conformity with the purposes and principles of the Charter could respect for the dignity of the human person be ensured in that region.

235. The Committee commended the Government of Belgium for its comprehensive report and for its efforts in bringing its internal legislation into line with the Convention. It also appreciated the fact that the Government had taken into account the Committee's guidelines in preparing its report.

236. In connection with article 2, members drew attention to the Government's policy concerning foreign workers who constituted a high percentage of the total population of the country. More information was requested on steps taken or contemplated to prevent the segregation of and discrimination against foreign workers in the labour market, on measures against the exploitation of the illegally recruited foreign workers and on special economic and social assistance programmes for foreign workers aimed at solving their housing and educational problems. It was also asked what the Government's policy was with regard to foreign workers attempting to obtain resident status and citizenship and what measures were taken or being contemplated to integrate them in the Belgian society. It was noted that some of the communal advisory councils for immigrants established in Belgium had been disbanded and it was asked what the Government had done to revive them; how, in their absence, the interests of immigrants in the community were represented; and what the practical results of the advisory councils for immigrants were in solving the problems faced by immigrants in their communities. Furthermore, commenting on information concerning the various ethnic groups or minorities living in Belgium, members wished to know the results of the most recent census of the population; what the relations were between the larger and the smaller ethnic groups; whether there were currently problems between those groups; whether they all enjoyed the same opportunities and what was their economic status.

237. With reference to article 3 of the Convention, it was recalled that the Committee's guidelines suggested that States parties should provide information on the status of their diplomatic, economic and trade relations with the Government of South Africa. In this connection, members asked whether Belgium had investments in South Africa and whether there were cultural, sporting or other contacts between the two countries, whether Belgium had acceded to the Code of Conduct of the

European Economic Community regarding investments in South Africa, and whether it had legislation designed to discourage investments in that country.

238. With regard to article 4, paragraph (a), of the Convention, members of the Committee focused their attention on the Act of 30 July 1981 whereby certain acts on racism or xenophobia were made punishable by law in Belgium. They observed that articles 1 and 2 of the Act raised certain problems by requiring that certain offences must be committed publicly in order to be punishable. It was pointed out that certain discriminatory measures which could be taken through correspondence or in the rental of a private apartment would not be covered by the provision of the Act only because they were not taken publicly, and it was asked what approach the authorities of Belgium would take in such cases. With reference to article 4, paragraph (b), of the Convention, a similar clarification was requested on the provisions of article 3 of the Act, that members or supporters of an association which advocated racial discrimination could be punished only when their activities advocating racial discrimination were manifested and repeated and took place publicly. In this connection, members wished to receive the full text of articles 1 to 5 of the Act of 30 July 1981. They also wished to know what were the results achieved by the Act, whether the enforcement of the Act had led to the disappearance of the Nazi organizations or racist groups in Belgium and, if not, what were the policies to combat them, what was the status of the investigation into contacts between those groups and similar groups in other countries, whether the media had adopted any procedures for self-censorship or a code of conduct in respect of racist propaganda, and who was competent to declare racist an organization dedicated to the promotion of xenophobia. With reference to article 4, paragraph (c), of the Convention, it was noted that the decision concerning the refoulement of families of foreign workers was in the hands of the authorities responsible for border control and it was asked whether there was some procedure or special measures to prevent discriminatory practices at the border, especially when the individual concerned had not met the necessary requirements because he or she was unaware of them. It was also asked whether there were measures to reprimand a border control official who acted in a discriminatory or arbitrary fashion and what procedure had been used to resolve such cases which might have occurred.

239. With reference to article 5 of the Convention, more information was requested on the literacy rate among immigrants, on the percentage of their children attending primary and secondary schools and universities, on the drop-out rate among them and on how the language barrier was overcome.

240. As regards article 6 of the Convention, it was asked whether the fact that the Convention was part of Belgian domestic law and prevailed over ordinary law could mean that there existed a sort of general administrative remedy against acts by public authorities which were at variance with the provisions of the Convention. The wish was also expressed to receive a summary of cases involving racist and xenophobic organizations which had come before the courts.

241. Turning to article 7 of the Convention, members wished to be informed of the legislative and other measures which the Belgian Government had adopted to implement its provisions, particularly in the field of education and with special reference to the children of immigrants. It was also asked whether the oral expression of racist opinions by teachers was punishable under the Act of 30 July 1981.

242. Replying to questions of the Committee, the representative of Belgium explained that the establishment of the communal advisory councils for immigrants had been an experiment launched towards the end of the 1960s at the local community level. While the results had varied from commune to commune, a certain lack of interest on the part of the foreigners had been noted. Nevertheless, if immigrants had problems, they could always resort to the communal authorities even where there were no advisory councils.

243. With regard to article 3 of the Convention, she pointed out that Belgium had acceded to the Code of Conduct of the European Economic Community, that it did not encourage investment in South Africa or grant any economic or trade facilities to promote contacts, that there were no official trade missions sent to South Africa, and that the sporting contacts depended on private initiatives. In 1977, Belgium had suspended its cultural agreement with South Africa and had reintroduced the visa requirement for South African nationals, a measure which was strictly applied.

244. As regards article 4 of the Convention, the representative stated that the requirement laid down in the Act of 30 July 1981 regarding the public nature of certain activities should be interpreted broadly, in accordance with article 444 of the Criminal Code of Belgium. The Act would not apply in the case of a landlord who refused to rent a private apartment to a foreigner, because it would be very difficult to present legal evidence of the grounds for the refusal, unless there were witnesses. Furthermore, measures to counter the activities of organizations practising or advocating racial discrimination had to be considered in the specific context of Belgium, where the right of association constituted a tangible manifestation of independence from the authorities. It was for the courts to determine the racist or discriminatory nature of such associations on the basis of evidence presented by the Public Prosecutor and on the basis of statements by the parties and the associations themselves. Her Government was of the view that if excessively radical measures were adopted against those associations, there was a danger that they might be driven underground, which would naturally make it more difficult to take action against them. The requirement that the activities of such associations be known to the public in order to be punishable by law seemed a matter of common sense since it would be rather difficult to prove any practice of racial discrimination if those practices were not a matter of public knowledge. On the other hand, the press was at liberty to adopt such measures as it considered useful in helping journalists to perform their duties within the framework of the Act of 30 July 1981. The representative stated that article 4 of the Act was applicable to border control officials. She also pointed out that the Act was fairly recent and it was still too early to assess the results of its implementation.

245. As to the supremacy of the Convention and international instruments in general over domestic legislation, she explained that it was for the courts to rule on the executory force of such instruments. The courts gave precedence to the provisions of the international instrument when there was any conflict with domestic legislation.

246. The representative finally stated that further information in reply to questions raised by the Committee would be provided in her Government's next periodic report.

United Arab Emirates

247. In introducing the fifth periodic report of the United Arab Emirates (CERD/C/105/Add.2), the representative of the reporting State pointed out that specific legislation in compliance with the Convention had not been enacted by the United Arab Emirates because the country was still very young and its Government had to deal with pressing problems caused by the country's rapid development. Besides, discrimination was not a problem in his country and the Islamic shari'a, which forbade all forms of racial discrimination, had been proclaimed source of law by the Constitution. Where specific legislation had not been enacted, the Constitution was directly applicable.

248. Some members of the Committee observed that they could not accept a mere statement to the effect that discrimination on the grounds of ethnic or national origin did not exist in a particular country. States parties were under an obligation to enact legislation in accordance with the Convention in order to put into practice certain safeguards against any possible emergence of racial discrimination. It was stated in the report that the general provisions of the Penal Code of the United Arab Emirates were adequate to deal with any discriminatory acts that might occur in the future. However, the Committee could not evaluate those provisions since they were not included in the report. It was also observed that unfortunately the report did not follow the Committee's guidelines. One member indicated that the report contained references to Israel which could not be considered by the Committee unless it was the intention of the United Arab Emirates to avail itself of the procedure provided for in article 11 of the Convention for complaints by one State party against another. Furthermore, members of the Committee wished to receive additional information on the demographic composition of the United Arab Emirates, and on the measures taken in the country to implement article 7 of the Convention, and on whether the United Arab Emirates had any relations with the racist régime of South Africa.

249. In connection with article 5 of the Convention, members wished to know whether article 25 of the Constitution and other constitutional provisions guaranteeing human rights and fundamental freedoms in the United Arab Emirates were judicially enforceable, and, if so, what kinds of relief citizens could obtain through the courts. Detailed information was requested on the extent to which the different ethnic groups participated in the production process and in Government and the relative access of each to education. In addition, reference was made to article 32 of the Constitution which guaranteed freedom of religious observance, provided it was not prejudicial to public order or incompatible with public morality, and it was asked how it was possible to know whether religion was incompatible with public order or morality. With reference to article 30 of the Constitution, which guaranteed freedom of opinion and expression within the limits of the law, it was asked how the limits of the law were defined. In respect to article 33 of the Constitution which contained the same limitation on freedom of assembly and association, it was asked what limits were in fact imposed on those freedoms and whether trade unions existed in the United Arab Emirates.

250. In replying to the observations made and the questions asked by the Committee, the representative of the United Arab Emirates referred to similarities between discriminatory practices applied by South Africa in respect of the black and coloured population and by Israel towards Arabs. He pointed out that his country had no diplomatic, trade or other relations with South Africa.

251. With reference to article 5 of the Convention, he stated that article 25 of the Constitution was applied whenever a judge was confronted by a problem covered by that article. He also stated that in his country there was no discrimination in the field of education and that schools, social security benefits and medical treatment were free to all, without distinction as to nationality. In addition, there was freedom of worship and the members of monotheistic religions could have places of assembly and prayer without any restriction. Freedom of the press existed within the limits of the law and anyone could purchase newspapers and magazines from abroad unless the publications contravened public morality and order. In conclusion, the representative of the United Arab Emirates stated that further information on the issues raised by the Committee would be provided in his country's next periodic report.

Mauritius

252. In introducing the sixth periodic report of Mauritius (CERD/C/106/Add.8), the representative of the reporting State pointed out that his country's population was classified on a religious rather than an ethnic basis for several historical reasons and that the use of that criterion did not imply any discrimination whatsoever against any group. The Government's competence was to determine the amount of the subsidy to be given to each religious denomination and the number of representatives which each group was entitled to have in Parliament. Besides, freedom of conscience was guaranteed by the Constitution, and any attempt to do away with that classification system would be viewed by the Mauritian people as an attack on that freedom. He also stated that his country maintained no diplomatic relations with South Africa; however, it was still dependent to some extent on trade with South Africa. Efforts were being made in Mauritius to diversify trade and markets for exports, but they had not met with total success.

253. Members of the Committee expressed satisfaction that the report followed the guidelines established by the Committee and provided comprehensive replies to nearly all the questions put by them during the discussion of previous reports.

254. In connection with article 2 of the Convention, members of the Committee referred to the demographic composition of Mauritius and wished to know what groups existed in Mauritius according to the classification used in the country, to what extent ethnic groups and religious communities were coterminous, how many different religious communities there were and how many persons belonged to each, what were the relations between the different ethnic groups and religious communities, what was the extent of the separation among the different communities, what points of contact there were, apart from sporting events, between the élite minority community and the rest of the population, how the interests of minorities were protected, how elections were conducted and whether there were any differences in the economic conditions of the various groups of Mauritius. In this respect, members of the Committee wished to receive comparative figures for the school enrolment ratio, the literacy rate, the employment situation, the per capita income in rural and urban areas, and the housing situation of the different groups. They wished also to receive more details on the measures taken by the Government of Mauritius to preserve the multi-ethnic, multi-religious and multilingual character of the country, to bridge the economic gaps between groups, to bring about a more equitable distribution of the island's resources and to lessen racial prejudice.

255. As regards article 3 of the Convention, members commended the Government of Mauritius for its efforts to break its economic dependence on South Africa and

wished to receive further information on those efforts. It was also asked what the current percentage of imports from South Africa was and how it compared with previous years.

256. Referring to article 4 of the Convention, members of the Committee observed that the enactment of adequate legislation was still necessary in Mauritius to meet the requirements of that article and requested further information on the action taken by the Government with respect to the introduction in the country of the Race Relations Bill. It was also noted, in this connection, that while the Government was contemplating the introduction of the Race Relations Bill, it had decided to refrain from asking people to state what ethnic group they belonged to, and it was asked how a race relations act could be effective if information on the racial composition of the population was no longer kept. In addition, it was asked how the laws of Mauritius dealt with groups or organizations which practised racial discrimination as distinct from their individual members and whether there were still in the country private clubs that excluded individuals on racial grounds. With reference to section 77 of the Criminal Code dealing with abuse of authority by a public officer, it was asked whether a superior who ordered an arbitrary discriminatory act could be brought to account.

257. With regard to article 5 of the Convention, it was noted that, at the last general elections in Mauritius, one community, "the General Population", had been found to be underrepresented and that four members of that community had been appointed to readjust the electoral balance. It was asked, in this connection, who made up the "General Population", how large it was, and what was, in detail, the procedure which made it possible for the electoral balance to be readjusted after elections had been held. Explanations were also requested with regard to religious marriages, marriages between Mauritians and foreigners, and in respect to the freedom of the press and association after the end of the state of emergency in Mauritius, in 1978. Moreover, further details were requested on the amendments to the Constitution to make it possible to nationalize any sector of the economy. It was asked, in particular, whether the amendments affected any of the human rights provisions of the Constitution and whether any of the conditions which were normally imposed on the compulsory acquisition of property had been dispensed with. Members of the Committee also wished to know whether all groups of the population were affected by unemployment more or less equally, what was the progress made with regard to the proposed establishment of a national employment agency, whether the people had the right to form trade unions in both private undertakings and State companies and what were the Government's efforts in the field of education, particularly those aimed at providing equal access for all to education and promoting literacy among the various groups of the population.

258. With reference to article 6, it was asked whether there had been any court cases relating to the abuse of authority, especially where allegations of discrimination by a public official were involved, and, if so, how they had been dealt with, and whether any of the cases in which legal aid had been provided to indigent litigants involved racial discrimination, and, if so, how they had been settled.

259. Further details were requested on the Mauritian Government's efforts to implement article 7 of the Convention. It was asked, in particular, whether there were any special programmes to make citizens aware of their basic rights under the Constitution and the Convention, and whether training was provided to sensitize officials to the need for racial tolerance.

260. Replying to some of the questions raised during the Committee's consideration of his Government's report, the representative of Mauritius provided further details on the demographic composition of his country's population and stated that Hindus represented 51 per cent of the population, Muslims accounted for 18 per cent, Chinese 2 per cent, and the General Population, who were descendants of Europeans, Africans or persons of mixed origin, and were all Christian, 29 per cent. A public debate was in progress on the question whether Mauritius should continue the classification based essentially on religious considerations. Opponents of the system were mainly the younger members of the population, and its supporters were primarily older persons. The advantages of the system were: firstly, that it helped to preserve the cultural and religious identity of the diverse groups; secondly, that while church and State were separate, freedom of conscience was guaranteed by the Constitution and each religion received a State subsidy determined by the number of its adherents; and thirdly, that eight seats in the Assembly could be filled by representatives of minorities with the highest number of votes among those communities which were underrepresented or not represented at all. He pointed out that the members of each community were dispersed throughout the country and for this reason there was substantial intermingling of the population.

261. Referring to article 5 of the Convention, the representative stated that freedom of expression and freedom of the press were guaranteed by the Constitution and their suspension required, in addition to a proclamation of a state of emergency, the suspension of article 16 of the Constitution, which prohibited discrimination on grounds of race, caste, place of origin, political opinions, colour or religion. Under the Constitution, the state of emergency could be proclaimed in certain circumstances, in particular, in cases of natural disasters. The Governor-General proclaimed the state of emergency, which must be approved by two thirds of the members of Parliament. It could last no longer than six months and could be terminated at any time by the Governor-General or Parliament. Furthermore, he explained that freedom of association was considered a basic right under article 13 of the Constitution which provided that everyone had the right to associate freely and, in particular, to establish and join trade unions, and that the right of citizens to defend their legitimate interests by going on strike was also guaranteed.

Denmark

262. The sixth periodic report of Denmark (CERD/C/106/Add.9) was considered by the Committee after an introductory statement by the representative of the reporting State, who informed the Committee that a treaty had been signed recently with the European Economic Community (EEC) providing for the termination of Greenland's association with the EEC on 1 January 1985. He also informed the Committee that immigrant residents in Denmark had been granted the right to vote in local elections provided that they had been residing in the locality for at least three years.

263. The Committee noted with satisfaction that the report had been prepared in accordance with its guidelines and that it had taken into account the suggestions made by members during the consideration of previous reports. It was pointed out that the information contained in the report confirmed the earlier impression that Danish legislation was in keeping with the provisions of the Convention.

264. With regard to the demographic composition of Denmark, members of the Committee requested further data, particularly on the composition of the population of Greenland in order to permit an assessment of the participation of the Eskimos in local policies. Clarification was also requested regarding ethnic minorities since one part of the report stated that persons were not registered according to their ethnic origin, while another part stressed that all ethnic minorities had equal access to education.

265. In relation to the information concerning Greenland, it was observed that powers and responsibilities in various fields had been transferred to the indigenous population and that the Home Rule Act was based on the philosophy that the population of Greenland did not want independence but rather better opportunities to develop and strengthen the identity of Greenland. Members emphasized some of the positive aspects of the Home Rule Act which provided, inter alia, that Greenlandic should be the main language, while retaining the use of Danish on an equal footing with Greenlandic for official purposes. While Greenland authorities were given jurisdiction over fields such as social welfare, education and cultural affairs, the Danish national authorities continued to be responsible for implementing the Convention in Greenland. It was asked whether the Constitution of Denmark made provisions for the possibility of an eventual declaration of independence in Greenland. Further information was requested about the negotiations between Denmark and the European Economic Communities concerning the withdrawal of Greenland from the EEC. Clarifications were requested on Denmark's position with regard to the natural resources of Greenland and to what extent the Greenland authorities were prepared for taking over the production and sales activities of the Royal Greenland Trade Department as stipulated under the Royal Greenland Trade Act.

266. The Committee observed that the Board dealing with problems concerning the jurisdiction of the central authorities and the home rule authorities comprised seven members, three of whom were judges in the Supreme Court. Within this context, it was asked whether those judges could take any action in cases where the representatives of the home rule authorities accepted an interpretation that was not entirely in conformity with the Constitution and the Home Rule Act, with a view to avoiding a financial burden; and whether the Rigsbudsmand could intervene in such cases. In this connection, it was asked whether it was possible for the population of Greenland to have a representative in the Supreme Court. More data was needed on the economic situation of Eskimos, their rate of literacy, percentage of Greenlanders in higher education, and on measures taken to put into effect the principle of equality between Danes and Eskimos. Comparative figures would also be needed to assess in particular the economic and social position of Danes in Greenland. More detailed information was requested on the representation of Greenland in bodies and institutions other than the Government and the Parliament, in order to ensure that the indigenous population did not feel that it had been relegated to an inferior position particularly with regard to sovereignty over natural resources. Questions were posed concerning how the plan to make Greenlandic one of the two official languages was being implemented.

267. Information was also requested concerning the demographic composition of the Faroe Islands as well as data on the educational and income levels of their inhabitants.

268. With reference to Denmark's immigration policy, the Committee observed that it seemed to be firmly based on the principle of respect for human rights and combined the preservation of the cultural identity of the immigrants with their integration into their new social environment. It praised the Government's progressive policy for granting the right to vote in local elections to immigrants as well as for allowing entry to immigrants' families on humanitarian grounds. It emphasized the efforts made to achieve de facto equality. Further information on the new legislation in question should be provided in the next report. Clarifications were requested as to whether, as a result of the 1981 local government elections, many immigrant leaders now participated in local government. It was also asked how long an immigrant had to have resided in a district in order to be able to vote in local elections held there, since it was assumed that the question of permanent residence was in the realm and not in the district. Noting that Denmark had imposed a ban on immigration in 1973, clarification was requested as to whether persons residing illegally in the country could appeal against deportation or had the possibility of acquiring residence. In this connection, reference was made to the report and it was asked what was meant by the words "third countries". It was also asked whether Denmark was taking into account the situation under which foreign workers tried to remain in the country, tried to obtain permanent residency and eventually citizenship, thus forming ethnic minorities and what steps were being taken in order to preserve their language and culture. In this connection, information concerning the procedure to acquire Danish nationality for immigrants was requested. Members were also interested to know whether immigrants' family members were allowed to work. The Committee commended the rapid and effective action taken by the Danish authorities against acts of racial discrimination, but expressed concern at cases of xenophobia, of violation of the right of access for aliens to public places, and tendencies of discrimination in certain schools. It was asked whether steps had been taken to make potential victims of discrimination aware of their rights.

269. With reference to article 3, members commended Denmark for its contributions to many funds to assist Namibia. They regretted, however, that the report did not contain detailed information on Denmark's policies regarding the apartheid régime and the practices of racial discrimination in south Africa, especially as Denmark had made appreciable efforts in that area.

270. With regard to article 4 and the dissolution of associations pursuing illegal goals, it was asked whether the police had ever been requested to open investigations with a view to dissolving an association.

271. In connection with article 6, the Committee noted that there was a system of juridical and administrative resources guaranteeing respect for the rights of the individual, in particular, the role of the ombudsman.

272. Replying to questions raised concerning the demographic composition of Denmark, the representative of the reporting State indicated that the term "immigrant" used in the report denoted all non-citizens resident in the country who had immigrated. A detailed breakdown of that population - including their ethnic origin - was given in the report.

273. Referring to the questions posed with regard to Greenland, he stated that until 1953 Greenland had been a colony. The 1953 Constitution had made Greenland an integral part of the realm having equal status with other parts. The people of Greenland were Danish and had the same rights and obligations as other Danish

citizens. The Home Rule Act of 1978 had preserved the unity of the realm and competence in such spheres as foreign affairs, defence and currency policy remained vested in the national authorities in Copenhagen. The national authorities of Denmark continued to have responsibility for the implementation of the Convention in Greenland. The indigenous language and Danish were the official languages of Greenland. He explained that when Denmark entered the European Economic Community, the Faroe Islands had enjoyed home rule for over 20 years, but not Greenland which had therefore automatically become a member. Following the adoption of the 1978 Home Rule Act, Greenland had decided to hold a referendum to determine whether it should remain in the Community. That referendum had been held two years ago and a majority of the population had voted in favor of withdrawal. The treaty of withdrawal had been signed recently. Concerning the questions raised in connection with the establishment of a Board, under the Home Rule Act, for the purpose of settling any disputes that might arise between the national and the home rule authorities, he said that if the four political appointees on the Board agreed, then the matter was settled. If they did not, then the question would be decided by the three judges on the Board. The Constitution did not provide for the possibility that Greenland might acquire independence.

274. With regard to questions raised relating to immigrants, the representative of Denmark explained that the residency requirement for immigrants to vote in local elections referred to residency in the realm. In order to vote, a person had to be resident in the locality in which the vote was to take place and be registered on the list of those eligible to vote. Immigrants could become Danish citizens subject to certain requirements, including seven years' continuous residence, knowledge of Danish and approval by a parliamentary committee. Referring to the ban on immigration, he said that the term "third countries" covered all countries other than the members of the EEC, whose nationals were protected by the Treaty of Rome, and the Nordic countries, with whom Denmark had signed a passport union. Most of the immigrants from other countries were joining their families; they could work provided that they obtained a work permit. The ban did not extend to refugees, for whom the Government had a separate policy.

275. In relation to the implementation of article 3, he informed the Committee that Denmark had long been in the forefront of the struggle to eliminate apartheid. At the thirty-eighth session of the General Assembly, Denmark had indicated that it favoured the adoption of mandatory economic sanctions against South Africa.

276. In connection with the implementation of article 4 and the question what constituted violence, he stated that any form of racial discrimination, including verbal, was outlawed. The actions of an organization which practised verbal discrimination were considered a form of violence and could be prosecuted under the law.

277. The representative assured the Committee that all the questions raised during the consideration of the sixth periodic report of Denmark would be conveyed to his Government which would provide further information in its next periodic report.

Papua New Guinea

278. The initial report of Papua New Guinea (CERD/C/101/Add.4) was introduced by the representative of the reporting State who drew the Committee's attention to certain passages of the report and explained his Government's position with regard to the implementation of articles 3 and 4 of the Convention.

279. The Committee commended Papua New Guinea for the substantial efforts it had made in the preparation of its initial report and for the quality of the information it contained concerning the implementation of the various provisions of the Convention.

280. Members of the Committee pointed out that it would be useful to receive information regarding Papua New Guinea's demographic composition as well as more detailed information about the nationality of those described as Asians and Africans. It would be also interesting to know the ethnic composition of its work-force, and to receive data concerning the different groups in schools, universities and posts held in the Government. Clarification was requested with regard to the statement in the report that with the advent of independence, discrimination on grounds of race had virtually disappeared. In this connection, it was observed that discrimination could be based not only on race but on ethnic background. The Committee noted with interest the Government's philosophy that by encouraging people to take part in cultural activities they would become more aware of each other's culture and thereby create a harmonious society.

281. In relation to article 3, members of the Committee commended Papua New Guinea's record in the struggle against the racist régime in South Africa, and it was pointed out that the country had prohibited economic relations with South Africa at some economic sacrifice to itself. A clarification, however, was requested in connection with the Customs Law prohibiting trade with South Africa and a statement made by the Prime Minister in that respect.

282. With regard to article 4, clarification was requested concerning the statement in the report that no addition to or variation of existing laws was necessary to give effect to that article. The Committee underlined the importance of that article and pointed out that article 4 established an obligation for States parties to enact legislation even if a reservation had been made. Members recalled that several States parties had entered the same reservation (as Papua New Guinea) but a number of them had later come to accept the position taken by the Committee. Within this context, the attention of the State party was drawn to some inconsistencies in the report which stated, on the one hand, that the provisions of the Convention were directly enforceable by the courts, and, on the other, that the Government's acceptance of the Convention did not imply the obligation to go beyond the Constitution. The Committee wished to know why the Government considered some of the provisions of its Constitution as being in conflict with article 4, and appealed to the Government of Papua New Guinea to reconsider the matter once again and to review its interpretation of the reservation with a view to adopting appropriate legislation.

283. Concerning the implementation of article 5, clarification was requested about the distinction drawn in the Constitution between rights guaranteed to all persons and additional rights guaranteed only to citizens, which seemed to be in conflict with that article. Information was requested with regard to education, whether it was free; what was the official language and what plans had the Government made for the use of other national languages. A query was made as to whether the Government had made any declaration of intent regarding the possible amendment of the law on adultery which had been considered to be discriminatory.

284. In reply to questions posed with regard to the demographic composition of Papua New Guinea, the representative of the reporting State indicated that over 90 per cent of the population was Melanesian. In addition, a large number were of

Asian, African and European origin. Diversity was a feature of a free democratic society, and his Government considered that national legislation must ensure that all groups lived together in harmony. He stated that the practice of racial discrimination had been eliminated when the country attained its independence. However, the issue was more complex when one discussed people's attitudes, for indeed, discrimination of some sort existed in every society. As to the observation that ethnic groups must be protected, he pointed out that his Government was very cautious in this regard, since protection of one group might be considered discrimination against others.

285. With respect to article 4, he acknowledged the concern expressed by the Committee regarding the reservation his Government had made to that article and requested the Committee to bear in mind that his country was still adjusting to its new status as an independent nation. He pointed out that the Law Reform Commission responsible for reviewing the laws inherited from colonial times, some of which were in conflict with the Constitution, would endeavour to adapt the national legislation to reflect the view that racial discrimination must be totally eradicated from Papua New Guinea.

286. As to the question raised in connection with the implementation of article 5, he indicated that the traditional Western legal system did not apply with regard to the law on adultery. Where the customs of the parties applied, the matter was referred to village courts, which comprised elders familiar with the traditions of the people. Education at the primary and secondary levels was essentially financed by the State, although a small contribution was made by parents. University education was subsidized by the Government. English was the language used for international communication and in schools, while Melanesian pidgin and Hiri Motu were the official languages in Parliament and were used in the press as well as in schools. The preservation of all the country's languages was actively encouraged.

Qatar

287. The Committee considered the fourth periodic report of Qatar (CERD/C/104/Add.1) after a brief introduction by the representative of the reporting State.

288. Members of the Committee expressed appreciation for the replies provided by the Government of Qatar to the questions raised by them during the consideration of the previous report. They suggested, however, that future reports of that State party should conform to the guidelines adopted by the Committee (CERD/C/70/Rev.1) for the submission of reports. They also expressed the wish to receive information on the results of the census to be conducted in Qatar in March 1985 and, in particular, on the ethnic composition of the population and on any change in the number of foreign workers living in the country.

289. The Committee took note of the recognition by Qatar that the Convention contained provisions which could not be enforced without enactment of special laws and hence the Government's request to the Committee to draft model legislation in this respect, which could be used as guidelines for the formulation of its internal legislation. In this connection, various opinions were expressed by the members on the types of assistance which might be provided to Qatar for the preparation of its own legislation to give effect to the provisions of the Convention. It was pointed out that the report of the Secretary-General on the reporting obligations of States parties under the Convention and other relevant instruments (A/38/393) indicated,

among other things, the types of technical assistance and co-operation which the Committee or the relevant organs of the United Nations might provide to States parties and it was agreed that the subject under discussion could be analysed when the report of the Secretary-General was considered.

290. With regard to the status of migrant workers in Qatar, information was requested on seasonal immigration, on whether families could accompany immigrants during their stay and on the opportunities available to immigrant workers to change jobs. It was asked, in particular, whether immigrant workers were informed of the limitations and restrictions inherent in their status and of the rights which they enjoyed; what the Government's policy was with regard to wages, social security, housing and the relations between employers and employees and whether any government body existed to deal with such matters. Information was also requested on the clandestine employment of immigrant workers in Qatar and on how illegal workers could defend themselves if they were arrested.

291. With regard to article 5 of the Convention, members wished to know how certain provisions, especially those contained in paragraphs (d) and (e) of that article, were implemented by Qatar. Clarification was requested with regard to article 3, paragraph (i) of Act No. 20 of 1980, which provided, inter alia, that persons eligible for entry in the provisional role of lawyers must hold the nationality of an Arab State. It was also asked whether a non-Arab lawyer might not be eligible to practise in the courts of Qatar in certain cases. In addition, members wished to be informed about the general treatment of aliens, in particular, whether an alien could acquire citizenship of Qatar and what legal requirements had to be met in order to do so; whether a person must be of the Muslim faith, in addition to being a national of Qatar, in order to enjoy civil rights, particularly the right to inherit, or whether all Qatar nationals were in fact Muslims. Reference was made to the statement in the report that, because companies were still in the early stages of development, the prevailing feeling among workers was that there was no need for trade unions, and it was asked why the labour force in Qatar had not demanded that right, especially in view of the country's rapid economic development and its trade relations with other countries; whether the right to form trade unions existed within Qatar's legal system even though it was not exercised in practice, how the workers had been consulted in order to elicit their opinion on the establishment of trade unions and whether trade union legislation or a register of associations existed which might ultimately be used to form such unions. It was also asked what substantive laws the Labour Court, which had been established in Qatar in 1962, applied and whether the Government of Qatar had promulgated laws governing labour relations or whether the general principles of the shari'a were applied in that area. Furthermore, specific information was requested about guarantees of the right to housing, health schemes, immunization programmes, hospitals and health services for mothers and children. It was also asked how education was provided, how many schools there were in Qatar and whether education was free.

292. In connection with article 7 of the Convention, it was asked what measures Qatar had adopted to inform the public of the provisions of the Convention.

293. Replying to questions raised by members of the Committee, the representative of Qatar stated that the existing laws, namely the shari'a, were adequate to meet the requirements of article 4 and that no special laws were considered necessary. His Government's request regarding a model legislation related to assistance in such matters as the extradition of those accused of the crime of racial

discrimination and that if the Committee considered that such a model would be beneficial, Qatar was ready to accept that initiative.

294. As regards employment practices in regard to foreign workers, they fell into two categories. The first was a system based on agreements between countries with a large organized labour force; that system was regulated by special requirements and conditions. The other system covered private employment and was regulated by the provisions of labour contracts. In Qatar there were no regulations in certain areas such as the minimum wage.

295. with regard to article 5 of the Convention, he explained that the law in Qatar regulated the legal profession, and in addition, the shari'a, which was the principal source of Islamic legislation, required that lawyers should have a profound knowledge of Islamic law. Such training was usually provided in law faculties throughout the Arab world, and it therefore followed that Arab lawyers found it easier to exercise their profession in Qatar. As for the right to inherit, an alien could invoke the laws of his own country. In such a case, the alien could be aided by a lawyer from his home country, and the latter would be assisted by a Qatar lawyer who would handle language difficulties or any other problems relating to a lack of knowledge of the laws of Qatar. The representative also pointed out that the entire population of his country was Muslim, but it was not necessary to be of the Islamic faith in order to become a citizen of Qatar. After a brief reference to the respect of various civil rights in Qatar, the representative stated that the need to form trade unions had not yet been felt because commercial enterprises were very small and generally family-owned and large transnational corporations did not exist in the country. Furthermore, the laws of Qatar provided that every citizen had the right to housing, and that right was implemented in a variety of ways, for example, through the granting of interest-free loans and free plots of land. Housing needs were not left in the hands of market forces alone and health care was completely free, both for citizens and aliens. Primary, secondary and university education were also completely free and scholarships were provided for study abroad.

296. In conclusion, the representative of Qatar stated that all the questions raised by the Committee would be transmitted to his Government and full information would be provided in his country's next periodic report.

Italy

297. The third and fourth periodic reports of Italy, submitted in one document (CERD/104/Add.2), were introduced by the representative of the reporting State who pointed out that, in 1978, the Italian Government had established the Interministerial Committee on Human Rights to deal with Italy's reporting obligations under the various international human rights instruments. The Committee, wishing to improve the punctuality of its reporting, had analysed the causes of their late submission and had concluded that the intervals between reports was too short. Moreover, States parties were required to report on a number of partially overlapping instruments. It would be desirable, therefore, for the next report to be submitted in four, rather than only two, years. The representative indicated that important bills were being discussed by Parliament, including a bill on the employment of foreign workers and 12 bills relating to minority groups, concerning respectively the German, French, Catalan, Slovene, Croation, Albanian, Greek, Provençal, gypsy, Ladin, Friulian and Serbian. Those bills envisaged, inter alia, the possibility for those minorities to use their

mother tongue in dealing with the administrative and legal authorities and the introduction of complete bilingualism in the Sardinian, Friulian and Slovene regions. Concerning the nomad community, the Government had taken steps in 1983 in co-ordination with the municipalities in order to provide nomads access to municipal health services and to consider the possibility of equipping special camping areas.

298. The Committee commended Italy for its clear and comprehensive report and for the wealth of substantial information it contained. It noted that the Committee's guidelines had been followed in the drafting of the report and underlined the active participation of the Interministerial Committee on Human Rights in its preparation. It was pointed out, however, that the Committee had exceptionally allowed Italy to combine two reports in one document covering a four-year interval, but that the States parties, under article 9 of the Convention, were obliged to submit a report every other year.

299. The Committee expressed appreciation at the fact that Italy was not only implementing the Convention, but also many other human rights instruments. Italy had made the optional declaration referred to in article 14 of the Convention and its ratification of the various international human rights instruments meant that their provisions were incorporated in the Italian legal system. Within this context, it was pointed out that the Italian legal system was exemplary; its Constitution was based on pluralism and respect for human rights and it embodied the principle of equality and non-discrimination.

300. With regard to article 2 and the protection of minority groups, the Committee welcomed the realistic approach which the Italian Government had adopted in dealing with ethnic groups coexisting in its territory. It requested additional information on the participation of minority groups in the social and economic development of the country and on matters affecting their welfare and the protection of their rights. It was asked whether minority groups had opportunities equal to those available to the rest of the population in the economic sphere. In that connection, the next periodic report should contain a comparative socio-economic analysis of the various minorities and ethnic groups coexisting in Italy. Such an analysis would permit it to determine for which of those groups it was necessary to adopt measures to ensure their adequate development. Further information was requested regarding the Slovene minority and whether the 40,000 figure mentioned in the initial report of Italy had increased or decreased. The Committee noted that the protection of the German-speaking minority, a very positive example of the protection provided to a linguistic minority, was defined in the 1946 Agreement between Italy and Austria, which constituted an annex to the Treaty of Peace between Italy and the Allied Powers. The provisions of the Agreement had been implemented within the context of the 1971 Special Autonomy Statute of the Trentino-Alto Adige region. In this connection, further information was requested on attempts to set up other autonomous regions. It was also asked whether the representation of the German-speaking minority in the Italian Parliament was due to the numerical preponderance of that minority over other ethnic groups or to other reasons. Further details requested concerning the Catalan minority, the nomad groups and whether the conventions, mentioned in the report, for radio and television broadcasting in French and television broadcasting in Ladin and Slovene were already fully operational. The Committee wished to know whether the languages of minority groups were used in schools and public offices and whether the situation, as described in the report, in relation to the cultural traditions of minority groups accorded with reality. The Committee observed that

the Slovene minority in Trieste had a special status in that its members could use the Slovenian language in the Courts whereas in areas outside Trieste the Slovene minority could not do so. It would also be useful to know whether the least numerous ethnic groups were also represented at the municipal, provincial and regional levels. As to the court decision which applied to persons who, being able to speak Italian refused to do so, the Committee asked whether it applied to the inhabitants of an autonomous region.

301. The Committee observed that the situation of migrant workers in Italy was not improving. The report indicated that there had been an increase in the number of foreign workers residing in Italy for reasons of employment and that foreigners had been subjected to exploitation, particularly those who lacked residence permits. Clarifications were requested regarding the situation of foreign workers from countries which were not members of the European Economic Community and about workers from countries with a regular contract employment. More details were requested regarding the extent to which article 3 of the Italian Constitution applied to foreigners. Members of the Committee expressed the hope that the bill relating to clandestine migration and the employment of irregular foreign labour, which was being prepared, could be enacted and promulgated as soon as possible and that the next report would contain information on that subject.

302. In relation to article 3, detailed information was requested with regard to the economic and trade relations between Italy and the régime of South Africa.

303. Concerning article 4, the Committee noted that Italy was one of the few States which had taken the necessary measures to implement that article; that the obligations under article 4 were guaranteed in Italy under Law No. 654 of 1975, together with other provisions of the Italian penal legislation; and that heavy penalties were provided for cases of racist behaviour. A clarification was therefore requested regarding the interpretative statement made by Italy upon ratification of the Convention, in particular whether that statement was necessary in the light of Law No. 654 which followed very closely the text of article 4. With regard to the isolated cases of racial discrimination which had been reported, it was asked why the four young persons referred to in the report had been acquitted. The Committee wished also to know in what circumstances such cases could arise and against which groups discrimination might be directed. It was also asked whether there had been specific cases involving the prohibition of racist organizations.

304. In relation to article 5, members expressed the hope that the next periodic report would specify the laws relating to the implementation of the economic, social and cultural rights not only of minorities but of the entire Italian population, and that it would contain statistical tables providing information in particular in regard to housing, social security and education.

305. With regard to article 6, the Committee underlined the autonomy of the juridical branch and the fact that judges had security of tenure so that it was possible to implement article 6. The hope was expressed that the next report would provide a full description of the remedies available at the domestic level through the civil, administrative and penal systems to the individual seeking redress or satisfaction in cases of racial discrimination.

306. With reference to article 7, although the Committee welcomed the manner in which the Italian Government was implementing that article as well as the numerous

programmes aiming at preventing ethnic discrimination, detailed information was requested about the specific measures which had been adopted to eradicate the prejudices leading to racial discrimination.

307. In reply to questions raised, the representative of the reporting State explained that the problem facing minorities, which represented less than 1 per cent of Italy's total population, was not the assimilation of their members, since they were completely integrated into the Italian society and had the same economic and political rights as the rest of the population, but the preservation of their cultural identity and languages. The German-speaking minority was represented in Parliament since it alone had enough votes for that purpose; it could choose between instruction in Italian and in German, in a public or private establishment. The Slovene minority included approximately 40,000 persons; the exact number would be provided in the next report. The Catalan minority was extremely small and lived in only one locality in Sardinia. There was a law which not only protected the Sardinian-speaking Catalan but even obliged the region to protect all dialect-speaking groups as well. Agreements on radio and television programmes in French and television programmes in Ladin and Slovene were being planned in addition to the already existing radio and television broadcasts in German and the radio broadcasts in Ladin and Slovene. The norm required all Italian citizens to express themselves in Italian before the courts. But the law established a distinction between the "acknowledged" minorities, numerically quite large, whose members did not speak Italian and other minorities, smaller and much integrated, who spoke Italian and for whom there was no linguistic problem.

308. In relation to questions asked with respect to foreigners, the representative explained that foreign workers did not constitute a problem at present, but might later become one. The Government was following the situation very closely and was preparing a bill consistent with the Constitution, democracy and the country's way of life. The Government must handle the problem internally, in particular by seeing to it that migrant workers were not exploited. With respect to the interpretation of article 3 of the Italian Constitution, which provided that all citizens were equal before the law, the Constitutional Court held that that article referred not only to citizens per se, but also to foreigners and stateless persons. The law also provided for free legal assistance for Italians, foreigners or stateless persons with insufficient means. Foreigners could have an interpreter free of charge.

309. Regarding article 3 and the relations with the régime of South Africa, the representative stated that Italy implemented in full Security Council resolutions 311 (1972) and 418 (1977) which mainly concerned arms supplies; the trade relations which Italy maintained with South Africa were quite insignificant.

310. In connection with questions raised about the implementation of article 4, the representative informed the Committee that there were no known cases in Italy of organizations preaching racial discrimination. As for the Jama case, which had been tried in Rome in 1979, the four youths had been convicted in the first instance, but in the second instance had been found not guilty for lack of evidence. Concerning illegal organizations, the representative pointed out that it was a tribunal rather an administrative authority which decided whether an organization was legal or not.

311. With regard to the implementation of article 5 and the statistical information requested by the Committee about economic, social and cultural rights for the

entire Italian population, the representative pointed out that detailed information had already been submitted under the provisions of another international instrument. The representative informed the Committee, however, that social security coverage was enjoyed by the entire population without distinction.

312. Replying to questions in connection with article 6 and judicial remedies, the representative explained that there were in Italy courts of first instance and courts of second instance. Appeal could be made against the judgements of the courts of first instance before those of second instance for reasons of law or fact. The decisions of courts of second instance could only be appealed before the court of cassation with regard to questions of law. There was also a Constitutional Court which decided on the constitutionality of laws and texts having the force of law. A citizen could ask a competent judge to refer a case to the Constitutional Court.

Peru

313. The fifth and sixth periodic reports of Peru, submitted in one document (CERD/C/90/Add.7), were considered by the Committee together with the introductory statement made by the representative of the reporting State, who highlighted the provisions of the new Constitution of Peru relevant to the Convention and focused on his Government's policy for the elimination of racial discrimination both internally and internationally. He informed the Committee, in particular, that on 24 July 1984 the Government had promulgated a new Civil Code, which would enter into force in November 1984, and that Peru had recognized the jurisdiction of the Human Rights Committee under article 41 of the Covenant on Civil and Political Rights, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. Furthermore, he stated that, in keeping with its policy of rejecting any form of racism and racial discrimination, his country had taken various measures to combat apartheid.

314. The Committee commended the Government of Peru for the report submitted and for the great efforts it was making to promote the equality of all human beings within a framework of non-discrimination and to chart a political course on democratic lines. It was pointed out that the report of Peru was particularly important for the Committee because a new Constitution and many enactments and decrees had recently come into force. In this connection, members agreed that more specific information should be provided on the legislation that had been enacted since the submission of the present report and that such further developments should be incorporated in the next periodic report. They requested, in particular, the text of those provisions of the new legislation that were relevant to the implementation of articles 4, 5, 6 and 7 of the Convention.

315. With reference to article 2, the Committee wished to be provided with more detailed information on the situation of indigenous populations; members asked whether any other languages, apart from Quechua and Aymara, were being developed as local languages, or whether Spanish was being introduced in the areas where such languages were spoken, and what practical measures in the field of education and information the Government had taken to put the Constitutional principles based on justice, freedom and equality into effect in the daily lives of the people. Information was requested on the effect of Peru's external debt on the living conditions of the indigenous populations in the country. Further information on the progress being made to eradicate illiteracy, especially among the indigenous populations, was requested in the next periodic report, together with relevant

statistics. Moreover, it was asked how the law was being applied in regions inhabited by indigenous populations and which settlers from other regions had been permitted to acquire land in those regions: whether tax incentives to the newcomers might have the effect of encouraging exploitation of indigenous populations; and how the indigenous populations benefited in the shares of revenue from concessions made in respect of natural resources such as oil, timber and ore deposits. Clarifications were requested on the way in which the rights of indigenous communities in respect of the agricultural development of forest areas were guaranteed when forest areas were thrown open to settlement in the interest of more modern farming. Some information was also required regarding the relative size of the indigenous populations and an explanation of the reasons for any increase or decrease in the size of particular groups. Referring to such expressions as "primitive peoples, Indians and semi-civilized persons" used in the Penal Code, members expressed the view that, at the current stage of development of the Committee's work, such words were out of place in the report of a State party to the Convention. Some information was requested on the situation of foreign workers, in particular, whether any measures had been taken to guarantee their rights.

316. More information on the implementation of article 4 was needed. A copy of the relevant provisions of the Penal Code would be welcome, especially of those provisions which give discretionary power to courts dealing with indigenous peoples and which concern the implementation of article 4 (b).

317. In connection with article 5, the Committee asked for additional information regarding freedom of movement in Peru, with particular reference to the forfeiture of community member status under article 8 of Legislative Decree No. 20653 and the legal status of any community member who chose to leave the community territory; and it was asked whether that Legislative Decree restricted the movement of some citizens, as well as their right of equal access to and free choice of employment. Clarification was also requested on the right of all strata of the population to take part in public affairs.

318. with regard to article 6, some members, referring to the report which stated that citizens could appeal to international bodies if they felt that they had suffered from any form of discrimination, requested information on the Government's policy concerning the possibility of making the declaration under article 14 of the Convention.

319. Furthermore, it was asked what measures had been taken in the field of education and information (art. 7), namely whether the teaching of human rights also included international instruments.

320. In replying to questions raised by the members of the Committee, the representative of Peru provided additional information concerning the new legislation adopted since the submission of his country's fourth periodic report in 1979. Those included some provisions of the new Political Constitution of 1979, the Habeas Corpus and Amparo Act, the Act Establishing the Court of Constitutional Guarantees, the General Education Act, the Employment of Physically, Sensorially and Intellectually Handicapped Persons Act and Regulations made thereunder.

321. Referring to Peru's ratification of the International Covenants on Human Rights, the representative pointed out that, in accordance with the Constitution, all the international instruments ratified by Peru formed part of domestic law and

could be invoked directly before the courts. He also said that Peru was giving effect to the International Covenant on Economic, Social and Cultural Rights through job creation, house building, health plans and development of social security, in addition to the literacy programmes. However, Peru was a developing country and that imposed a number of constraints on the possibility of meeting all the needs of its people. Until a new international economic order was brought into being - and Peru was working with other interested countries to achieve that objective - it would be impossible to give effect to human rights in the third world countries.

322. With reference to the language question, he said that Spanish was the official language but that, according to the law, Quechua and Aymara were also official languages in those areas. In accordance with the Constitution, the indigenous populations had a right to receive primary education, which was compulsory, in their own language. In those communities whose mother tongue was not Spanish, after primary education in the indigenous language, the students gradually learnt Spanish so as to acquire the socio-cultural characteristics of modern society. In accordance with the Constitution and the Code of Penal Procedure, every person had the right to use his own language in judicial proceedings and, where necessary, the court would provide interpreters. Furthermore, Peru considered the right to education and to culture as inherent to the human being. For that reason, a systematic study of the Constitution and of human rights was compulsory in all educational centres. The main aims of education were to enable every person to be fully aware of his rights and obligations, to eradicate illiteracy and to teach him the true meaning of the national character. Under the Five Year Education Plan 1980-1985, illiteracy had been reduced by 15 per cent and by the end of 1985, some 55 per cent of illiterate persons aged between 15 and 40 would have been taught to read and write.

323. Referring to the question of how rural communities were guaranteed their land tenure, he said that the Constitution contained an express provision to that effect. Such communities had legal personalities and were free to organize their work and the use of their land, as well as their economic and administrative matters, within the limits laid down by law. The State respected and protected the traditions of rural and indigenous communities, and the land of rural and indigenous communities was inalienable, except when it was appropriated for reasons of public utility and where a majority of two thirds of the members of a community voted in favour of selling the land. In accordance with the interests of society and within the limits laid down by law, the State was providing economic and technical support to agriculture in general and to agro-industries in particular by carrying out irrigation work, land reclamation and other such activities. He also pointed out that agrarian reform was the instrument for rural restructuring with the aim of bringing about a fair and equitable system of ownership, land tenure and agricultural work in the interests of the economic and social development of the whole nation.

324. As to the phrase "primitive peoples, Indians and semi-civilized persons" mentioned in the Penal Code, he pointed out that the Code had been enacted on 10 January 1924 and that his Government was currently drawing up a new Penal Code, more in keeping with modern conditions and the aim of social rehabilitation.

325. With reference to questions raised under article 5, the representative stated that the Constitution granted all persons aged 18 and over, including illiterate persons, the right to take part in public affairs, provided only that they were

entered on the electoral register. He said, in particular, that all such persons were supplied with simplified ballot papers in the general elections of 1980 and in the municipal elections of 1983, and that the same would also be the case for the elections of April 1985 for a new President and Legislature.

326. Referring to foreign workers, the representative stated that under Peruvian law such workers could not make up more than 20 per cent of the work-force of any commercial or industrial undertaking.

327. He said that his Government was studying the question of making the declaration provided for in article 14 of the Convention and assured the Committee that he would transmit its interest in the matter to his Government.

Australia

328. The fourth periodic report of Australia (CERD/C/88/Add.3) was introduced by the representative of the reporting State who referred to the multi-cultural nature of Australian society and emphasized that, besides English, which was the most widely spoken language, over 300 languages, including some 200 Aboriginal languages were spoken in his country. He stated that his Government recognized that Australian Aboriginal citizens constituted a group for whom special and concrete measures were required to promote their development and protect their rights and that the Minister for Aboriginal Affairs had tabled a resolution in Parliament on 8 December 1983 providing a set of principles intended to guide government policy towards Aborigines. In recent years, there had been growing Aboriginal participation in policy formulation and programme delivery concerning Aborigines and the Australian Government had developed a range of programmes to remedy the effects of Aboriginal disadvantage and discrimination; these programmes had brought new opportunities in education, the purchase and ownership of land, housing, employment and the provision of medical and legal services. The 1983/1984 national budget had allocated 341 million dollars for this purpose and over 900,000 square kilometres, over 11 per cent of the Australian territory, had been handed over or was in the process of being returned to Aborigines.

329. The representative also provided information on Australia's immigration programme which had profoundly changed the composition of Australian society over the past 40 years. He pointed out that his Government remained firmly committed to maintaining a global non-discriminatory migration programme under which priority was given to family reunion, minimizing adverse effects on the labour market, and humanitarian obligations. In recent years, an average of 80,000 people had been entering Australia annually for settlement, with a significant proportion being admitted under the Refugee and Special Humanitarian Programmes, which made provision for people whose human rights had been prejudiced in their own country.

330. Furthermore, the representative stated that it was the Federal Government policy to act as standard bearer in the field of racial discrimination legislation and to encourage and co-ordinate the constructive developments that had been taking place independently in the states of Australia. He referred, in this connection, to a decision of the High Court in the Commonwealth versus Tasmania of 1 July 1984, to the Equal Opportunity Bill which would outlaw racial discrimination and to a series of major human rights initiatives taken by the Government elected in March 1983.

331. The representative pointed out that, from 1 July 1983 to 30 June 1984, the Australian Human Rights Commission established in 1981, the functions of which were described in some detail in the report, had dealt with 467 complaints under the Racial Discrimination Act and that the majority of them had been resolved.

332. With regard to his Government's policy of opposition to the apartheid régime of South Africa, the representative informed the Committee that in April 1984 the Australian Government had decided to refuse entry visas to South Africans holding official positions if the principal purpose of their visit was to promote apartheid doctrine or policies. At the same time, the Government had strengthened significantly its policy on the limitation of sporting contacts with South Africa; it was taking positive steps to assist victims of apartheid and had permitted the establishment in Australia of information offices for the African National Congress and the South West Africa People's Organization. The representative also pointed out that Australia continued to maintain formal diplomatic relations with South Africa since the Government considered that its presence in Pretoria enabled it effectively to impress upon South African Government its opposition to apartheid.

333. The Committee congratulated the Australian Government on its frank and comprehensive report which had been prepared in accordance with the Committee's guidelines and which showed how conscientiously Australia was endeavouring to meet all its obligations under the Convention. It also praised the Australian representative's introduction which provided useful updated information.

334. Members of the Committee noted that Australia was developing a system of multi-culturalism and efforts were being made in the country to reduce the gap between the different segments of the populations and to eliminate racial discrimination. However, problems remained to be solved with regard to the most disadvantaged groups of the population, in particular, the Aborigines, and they raised a number of questions on specific measures that the Australian authorities had taken or had planned in respect of those groups.

335. In this connection, members of the Committee made reference to the provisions of articles 2 and 5 of the Convention and inquired how the Aboriginal people could be helped to achieve in practice their full political and civil rights, in view of the many political and cultural differences which existed between them and other Australians, and how they would benefit from equal status with other Australians if for instance, in Western Australia, the state Government had not enacted any specific anti-discrimination legislation. They wished to know, in particular, how administrative institutions established in the Northern Territory since 1978 were composed, how they actually functioned, whether government-nominated persons were members of those bodies and whether the indigenous system of customary laws were employed in implementing self-government measures. It was also noted that restrictions on overseas travel for certain classes of Aborigines had been removed and it was asked whether they were taking advantage of that opportunity, whether the Australian Government was helping them to participate in conferences dealing with problems of indigenous populations and whether Aborigines had the right to choose their place of residence.

336. Members of the Committee felt that further information was needed with regard to the land handed over to Aboriginal people by the Federal Government of Australia. They asked, in particular, what criteria had been used in relocating Aboriginal families from one region to another, how land tenure arrangements worked, especially in Queensland, whether Aborigines could acquire land and

maintain ownership of it. They also inquired about the meaning of the expression "where disallowance is in the national interest" (referred to in the report with regard to provisions concerning mining on Aboriginal land) and the content of the guidelines being drafted by the Australian Petroleum Exploration Association for the protection of Aboriginal interests in respect to mining, and asked whether any land had been appropriated in the Northern Territory and, if so, how the affected Aboriginals had been compensated or resettled.

337. Members of the Committee also wished to know whether disadvantaged ethnic groups were able to enjoy freedom of thought, opinion and expression and what measures the Australian Government had taken to improve the access of Aboriginals to employment and education including university education. In this connection, they expressed the view that it would be useful to have a comparative picture of the situation with regard to employment opportunities in order to assess progress. It was asked, in particular, if Aboriginals were employed in the mines, what the recruitment procedures for them were and what their living and working conditions were like. It was also asked what proportion of the total number of Aboriginals had not been provided with housing.

338. Attention was also focused on questions relating to immigrants who were an important component of Australian society. It was noted that the Ethnic Affairs Commission, established under South Australian legislation, reported and made recommendations to the Government on matters relating to the avoidance of discrimination on the basis of ethnic origin and it was asked how many instances had been reported and what sort of action had been recommended and taken. Furthermore, information was requested on legal progress made with regard to equal opportunities for ethnic groups in New South Wales and on when the Ethnic Affairs Commission Bill of the State of Victoria would be implemented. It was asked, what percentage of employment in the public sector was offered to racial minority groups, how the New South Wales Discrimination Act was being followed in practice in respect to equal opportunity in public employment, what the tasks of the Ethnic Affairs Commission in New South Wales were and what action it had taken to improve conditions for non-English-speaking people who appeared to receive different treatment. In this connection, members wished to know what differences were discernible in the relations between immigrant groups and between those groups and the previous inhabitants, whether the earlier-established peoples accepted some immigrant groups more readily than others, whether any studies had been made of the various attitudes noted and the need to ensure that new immigrant groups adopted the right attitude with regard to Australia's Aboriginal peoples. More information was requested, in particular, on the Immigration Review Panel and on the measures taken to improve the status of immigrants from South East Asia. It was also asked why some migrants had not yet accepted Australian citizenship, what action was being taken in this regard, what their current status was, whether the failure to apply for citizenship was related to any constraints imposed by the Australian Citizenship Act 1948, whether any changes were envisaged in the Act after the report by the Australian Human Rights Commission in 1982, how the Australian Government was promoting bilingual education programmes for immigrants and what was meant by the appointment, in New South Wales, of a member of the medical board to represent immigrants and ethnic minority groups. Details were also requested on the action taken by the Attorney General's Department to amend all remaining discriminatory legislation in the field of immigration.

339. Members of the Committee paid particular tribute to the Australian Government's humanitarian measures concerning refugees. In this respect, questions were

asked about the status of refugees from Indo-China, how many had acquired Australian citizenship, whether there were any stateless persons among them, whether they were under the responsibility of the commonwealth Government or of the state Governments of Australia and what the policy was with regard to their movement within Australia and outside the country.

340. Turning to article 3 of the Convention, members of the Committee wished to know whether the increase in trade with South Africa referred to in the report implied an increase in investment, whether the Australian Government was doing anything to prevent private firms from investing in South Africa, whether it had any special programme to help the front-line States to reduce their dependence on South Africa and improve their economic status and whether it had taken any measures to restrict relations with South Africa in the cultural field. Members of the Committee also expressed scepticism about Australia's view that the maintenance of diplomatic relations with South Africa enabled Australia to convey its opposition to the apartheid régime more effectively to the South African Government.

341. with reference to article 4 of the Convention, members of the Committee wished to receive more information on the co-operation between Federal and State authorities in tackling racial discrimination and on how the Federal Government could co-ordinate the different provisions dealing with racial and ethnic discrimination which existed in the Australian states. They also expressed the hope that the Australian Government would abandon its reservation with regard to article 4 (a) of the Convention and that it would be in a position to announce new measures in compliance with that article in its next report.

342. In connection with article 6 of the Convention, reference was made to the action taken by the Australian Human Rights Commission concerning complaints under the Racial Discrimination Act and it was asked which areas of human rights those complaints had touched upon, whether, apart from attempting to bring about conciliation, any other follow-up action had been taken, whether statistics could be made available on case law arising from the conciliation procedure, what results the complainants had achieved, what happened when the conciliation procedure failed to produce a solution, whether the dissatisfied party had recourse to the courts, whether the Convention could be legally invoked as part of the internal law of Australia and whether Australia would consider the possibility of accepting an international recourse procedure by making the declaration provided for in article 14 of the Convention.

343. with reference to article 7 of the Convention, information was requested on the promotional work of the Australian Human Rights Commission and the work of the Ministry of Immigration and Ethnic Affairs and the positive steps achieved by them. It was also asked what legal instruments were available to the Law and Education Committees to preserve the right of free speech and criticism while continuing to combat racial incitement.

344. Replying to the questions raised by members of the Committee, the representative of Australia stated that the Aboriginal people had the same political and civil rights at law as other Australian citizens, including the right to vote, freedom of movement and residence and the rights to freedom of thought, opinion, expression and belief. With regard specifically to Western Australia, the representative informed the Committee that the Western Australian Government had introduced the Western Australian Multicultural and Ethnic Affairs Commission Bill on 8 November 1983 and that the Commission had been established on 1 July 1984. An

Aboriginal land inquiry was also due to begin at the end of 1984. The representative also stated that the Northern Territory Legislative Assembly comprised 25 elected members. Aboriginals were entitled to vote and to stand for election and one Aboriginal had recently been elected. The Northern Territory had its own court system, including a Supreme Court with five resident judges, and appeals from it went to the Federal Court of Australia. An Aboriginal Mission Justice Programme had been established in 1973 under which a magistrate and an anthropologist were assigned to particular Aboriginal communities to discuss and set penalties in criminal matters, and aspects of Aboriginal customary law were recognized in a number of statutory laws of the Northern Territory.

345. The representative explained that no restrictions existed on overseas travel by Aboriginals and funds for travel were available to them directly from the Commonwealth Government or from Aboriginal organizations funded by the Government. The Victorian Ethnic Affairs Commission Bill had come into effect in November 1982.

346. The representative then provided some additional information on the question of Aboriginal land rights. The representative stated, in particular, that the Aboriginal Family Resettlement Programme had been applied in eight towns and cities in the State of New South Wales since its commencement in 1972 in order to assist Aboriginals to resettle, if they so desired, in centres offering better opportunities, to provide general counselling, material and medical assistance to families and to assist those families to find employment and housing in their new communities. Aboriginals could choose where to live and could purchase land in the same way as other Australians, and special programmes were available to them for the acquisition of land. Mining activity in the Northern Territory, including exploration for minerals, could not be carried out on Aboriginal land unless the traditional Aboriginal owners of that land consented. There were some exceptions with respect to mining projects already existing when the land had become Aboriginal. The terms permitting mining were aimed at compensating people for damage to their land and for interference with the social and cultural life of the community.

347. Regarding employment and education of the Aboriginal, the representative stated that on a country-wide basis, according to the census of 1981, the Aboriginal unemployment rate was more than four times the rate for non-Aboriginals. The low labour force participation rates occurred in those States having a proportionately high Aboriginal rural population and reflected the lack of job opportunities in those areas. A lack of conventional education and vocational skills was the major problem faced by Aboriginals seeking employment but in the last decade, educational and training opportunities had been widely extended to Aboriginal people by the Government. In education, the Government's emphasis was on involving Aboriginals in the development of projects to help increase educational levels. Key elements in Aboriginal participation in policy and programme development were: the National Aboriginal Education Committee, Aboriginal Educational Consultative Groups in the Northern Territory, and the encouragement in all States of education authorities and institutions which sought meaningful involvement of Aboriginal people at the community level.

348. As regards immigrants in Australia, the representative provided detailed information on post-arrival measures concerning immigrants which had been adopted in July 1982 and reviewed in September 1983. The representative pointed out that some new initiatives had been introduced, notably in relation to the current discussion on languages and the expansion of multicultural television services. He

also made reference to a wide range of programmes and services for refugees administered both governmentally and non-governmentally and explained that there were no separate records kept in Australia on refugee acquisitions of citizenship. However, there were general statistics on the acquisition of citizenship and from July 1983 to January 1984, 11,925 grants of citizenship had been made to persons from Asia including China, the Lao People's Democratic Republic, Malaysia, the Philippines, and Viet Nam, representing over 19 per cent of the total grants. A large number of those people were of refugee origin.

349. With reference to article 3 of the Convention, the representative stated that Australian exports to South Africa had been \$A 184 million in 1981, \$A 184 million in 1982 and \$A 165 million in 1983, which seemed to reflect a levelling off of the increase. Besides, the Australian Government was considering the introduction of a code of conduct for Australian companies operating in South Africa.

350. In connection with article 4 of the Convention, the representative referred to the complexities of Federal State legal structures in Australia and stated that the Commonwealth had made clear its wish that each state should develop human rights legislation and that such legislation should be consistent with Federal legislation. Where it was not consistent, the Commonwealth Act prevailed. If state laws were consistent with the Act and with Australia's international obligations, those laws could stand alongside the Commonwealth legislation.

351. With regard to article 6 of the Convention, the representative stated that most complaints submitted under the Racial Discrimination Act had been satisfactorily resolved through conciliation procedures. As for the details of the complaints and information on what happened when conciliation procedures failed, the representative referred to the reports of the Commissioners for Community Affairs and, in particular, to the 1982-1983 report. The question of making the declaration under article 14 of the Convention was periodically reviewed by the Australian Government, but no decision had been taken.

352. The representative finally referred briefly to a number of other questions raised by the members of the Committee and stated that comprehensive replies to those questions would be included in Australia's next report.

Viet Nam

353. The initial report of Viet Nam (CERD/C/101/Add.5) was considered by the Committee together with the introductory statement of the representative of the reporting State who highlighted some points in the report and provided the Committee with some additional information, in particular, on the implementation of the political and socio-economic rights as well as on measures taken to promote better understanding, tolerance and friendship among all the nationalities which made up Viet Nam.

354. The Committee welcomed Viet Nam's initial report as the first step taken towards entering into the control system provided for by the Convention and paid tribute to the heroic struggle which the people of Viet Nam had waged for their freedom and independence. It expressed regret, however, that the report was not fully in keeping with the Committee's guidelines (CERD/C/70/Rev.1) concerning the form and contents of reports to be submitted by States parties and recommended that the Government take them into account in preparing its future periodic reports.

355. Members of the Committee asked for clarification on how the situation with regard to law had developed in Viet Nam after its reunification; whether the laws and decrees of Viet Nam had been replaced automatically by those of the Socialist Republic or whether a differentiation had been made between the laws depending on their political or technical background; whether there was any legislation regarding habeas corpus or its equivalent in the case of the contravention of human rights; whether the Convention constituted internal law in the country; and which of the three Constitutions of 1946, 1959 and 1980, mentioned in the report, was at present effective.

356. Much of the discussion revolved around the Government's policy for the ethnic minorities. Referring to the statement that there were 50 ethnic minorities in Viet Nam which accounted for 12.3 per cent of the population, members asked for more details on the country's demographic composition. They also asked whether the various organs specifically responsible for the affairs of minorities, mentioned in the report, still existed or whether the Council of Nationalities had taken over the work done by all the other organs; what criteria governed the election of the deputies representing the ethnic minorities in the National Assembly, what the results of that Council's work were in regard to ethnic minorities and their current degree of development; and whether there were allocations of deputies to minorities or whether the deputies were chosen by a single party. In addition, the members requested the text of Decree No. 229/SL of 1955, which outlined the Government's policy with regard to ethnic minorities, as well as more details regarding its implementation. Further information was requested on the machinery for drawing minorities into the political process in compliance with articles 1, paragraph 4, and 2, paragraph 2, of the Convention and on how that principle was being implemented, with particular emphasis on the removal of disparities between ethnic groups and other social strata. It was asked whether the Montagnards who had fought against the forerunners of the present Government of Viet Nam in the civil war came under the protection of the State and whether Viet Nam was treating them with clemency. Furthermore, an explanation as to which group constituted the feudalists who had oppressed the minorities in the past was also requested. Questions were also asked about the level of education and the standard of living, health and housing enjoyed by the minorities as compared with the level of income and education of the country as a whole, as well as on official languages and the languages in which education was available. Since Viet Nam was a multinational State, some members inquired whether people of foreign extraction who took Vietnamese nationality enjoyed the same rights as Vietnamese nationals, whether there were laws to enforce protection of those rights and what the legislative, administrative and judicial effects of implementation of those laws might be. Regarding foreign immigrant workers, it was asked whether there were any specific regulations to protect their rights, and what the situation was in regard to the practical implementation of any such regulations. Some members regretted that the report did not mention the flow of refugees from Viet Nam in the late 1970s and early 1980s. In this connection, information was requested about the current situation of refugees and the attitude of the Government towards the solution of that problem. One member observed that that problem was the consequence of the domestic and foreign policies carried out by the Government. Clarifications were asked for concerning the difference between nationalities and what were referred to as ethnic minorities.

357. With reference to article 4, it was stressed that the information provided in the report was insufficient to assess the Government's compliance with its obligations under that article to enact specific legislation prohibiting certain

acts of racial discrimination. It was suggested that the relevant information should be included in the next report.

358. With respect to the implementation of article 5, members pointed out that the extracts from the Constitution set out in annex III of the report did not fully cover the information required under subparagraphs (d) (ii), (iii), (viii) and (ix), (e) (iii), (v) and (vi) and (f). The relevant information was requested in the next report. It was also asked whether people enjoyed the right to choose their work freely; whether there were trade unions in Viet Nam and, if so, what freedoms they enjoyed; whether the inhabitants of Viet Nam had the right to leave the country and return to it; and whether they had the right to own land and to inherit.

359. In connection with article 6, members of the Committee noted that, although in accordance with article 73 of the 1980 Constitution, citizens could submit complaints regarding unlawful acts, it was not clear whether they had judicial recourse and which bodies investigated their complaints. Complaint procedures needed to be further clarified, as did the measures taken to secure the legal equality of citizens.

360. With regard to the implementation of article 7, further information was requested in the next periodic report. It was suggested, in particular, that the Government of Viet Nam might wish to consult the guidelines concerning that article and the study prepared by a former member of the Committee.

361. In replying to some questions raised by members of the Committee, the representative of Viet Nam stated that, in accordance with article 91 of the Constitution, the functions of the Council of Nationalities were to study questions relating to nationalities and to make proposals on them to the National Assembly and the Council of State and to assist the National Assembly and Council of State in supervising the implementation of policies on nationalities.

362. With regard to the languages spoken by ethnic minorities, he said that in many parts of Viet Nam the local ethnic minority language was the first language, Vietnamese being only the second.

363. With regard to the problem of refugees, the representative explained that in 1954, at the end of the war with France, some 800,000 persons had followed the French army to the south of Viet Nam and that that exodus had been a political operation carefully prepared by foreign secret services. In 1975, when the United States forces had left Viet Nam, only 150,000 persons had left the country. Their numbers had included officers and high-ranking officials, rich merchants and industrialists of the previous régime and persons who had no real reason to flee but who had been afraid of a blood bath as a result of United States psychological warfare. In 1978, in a political operation designed to discredit Viet Nam and to worsen its economic situation, persons had been incited to flee by a foreign country. Furthermore, the representative said that, after the war, Viet Nam had been left with a ruined economy and a perverted society, with over 3 million unemployed and large numbers of orphans, prostitutes and drug addicts, but no one had been expelled, since his country needed manpower for reconstruction. In 1979, his Government had declared its readiness to allow persons who wished to leave the country to depart, and an agreement to that end had been reached with the Office of the United Nations High Commissioner for Refugees. His Government considered that, except for a small minority, all Vietnamese who had left the country were

compatriots, and, if they wished to return to Viet Nam, their applications would be settled on a case-by-case basis.

364. With regard to the implementation of article 5, he stated that, according to the Constitution, the Confederation of Trade Unions was a mass organization of the Vietnamese working class, a school of economic management and state administration, and that the trade unions took part in the conduct of state affairs, supervised the work of state bodies, participated in the management of factories and protected the interests of the workers.

365. With regard to the complaints procedure and remedies available to victims of discrimination, he pointed out that article 73 of the Constitution stipulated that citizens had the right to lodge a complaint or denunciation with any state authority regarding a transgression of the law by any state body. Moreover, a decree of the Council of State of 1981 indicated that citizens had the right to lodge complaints with any level of the Administration; such complaints must be examined and dealt with in due course and a reply must be given to the person concerned within one month.

366. In conclusion, the representative assured the Committee that he would forward all the questions raised and comments made to his Government, so that it could respond fully in the next periodic report.

Seychelles

367. The third periodic report of the Seychelles (CERD/C/103/Add.3) was introduced by the representative of the reporting State, who outlined the main ethnic origins and cultural characteristics of the population of his country and pointed out that his Government prohibited South African aircraft from landing on the islands of the Seychelles as a means of combating apartheid, although that constituted a heavy sacrifice for his country's economy which was based on tourism.

368. The Committee congratulated the Government of the Seychelles on its excellent report submitted in accordance with the Committee's guidelines. It noted with appreciation that, although the Seychelles was a small country, its reports were submitted regularly according to the periodicity established by the Convention and that its Government had been able to send a representative, thus showing the importance it attached to the dialogue with the Committee.

369. The members of the Committee would like to receive a statistical breakdown of the linguistic distribution of the people of the Seychelles. They asked, in particular, what proportion of the population spoke each of the country's three languages and how many people speaking each of the three languages occupied positions of power in the Seychelles.

370. With reference to article 3 of the Convention, members of the Committee took note with appreciation of the action taken by the Government of the Seychelles, at great economic cost, against the racist régime of South Africa. However, it was noted that certain limited trade relations still existed between the Seychelles and South Africa and it was asked what proportion of the country's total trade such transactions represented.

371. With reference to article 4 of the Convention, clarification was requested about the provision of section 50 of the Penal Code of the Seychelles concerning

the prohibition of certain publications. It was asked, in particular, whether that provision concerned publications published outside the country only or whether it could also affect those published inside the country and whether the presidential prerogative provided for in section 50 was in any way controlled by the judiciary.

372. The Committee expressed disagreement with the statement in the report that, since there was no racial discrimination in the Seychelles, legislation in accordance with article 4 of the Convention was not a priority issue in the country. The Committee recalled that there was a clear obligation for States parties in that regard under article 4 of the Convention and hoped that the Seychelles Government, as promised in paragraph 11 of its report, would soon enact appropriate legislation in accordance with its obligations under the Convention. In this connection, it was observed that the Seychelles was a newly independent country and it could be asked whether in fact all traces of colonialism had been completely eradicated. Lack of legislation preventing any resurgence of racial discrimination might, therefore, prove dangerous to the State and lead to racial conflict in the future. Similarly, the Committee felt that specific legislation should be adopted in the Seychelles to implement fully the various provisions of articles 5, 6 and 7 of the Convention. It was observed that obiter dicta and judgements of the Supreme Court such as that in the Laporte case, referred to in the report, were not really an adequate substitute for specific legislation implementing articles 4 and 5 of the Convention.

373. Referring to article 5 of the Convention, members of the Committee wondered whether the preamble of the Constitution of the Seychelles represented an adequate protection of the rights to freedom of thought, movement and residence and the right to leave and return to the country. It was also asked to what extent the Government had acquired land in pursuance of the 1983 Land Acquisition Amendment Act and how it had been parcelled out or developed. In addition, specific information was requested on the measures being taken by the Government in the field of housing and education.

374. In connection with article 6 of the Convention, it was asked what recourse, if any, was available, in the Seychelles, to persons wishing to express individual grievances and whether the provisions of the Convention could be enforced in the courts.

375. In connection with article 7 of the Convention, clarification was requested on school curricula in the Seychelles.

376. In reply to some of the questions raised by members of the Committee, the representative of the Seychelles explained that Creole was a national language in his country; business could be conducted in Creole in the Government; it was taught in primary schools and parents who did not know how to read and write Creole were being taught the language, which they could use if they wished. The first obligatory language in school was Creole, from the age of six onwards; the second language was English. No one spoke English as a mother tongue in the Seychelles; the tradition of French was maintained by some. All children went to public school, which was free; from there they went on to the national youth service, where those able to follow academic pursuits did so. Others carried on vocational training leading to polytechnics.

377. The representative assured the Committee that he would convey its comments to his Government and that all the points raised would be dealt with in his Government's next periodic report.

Uganda

378. The initial report of Uganda (CERD/C/71/Add.2) was considered by the Committee without the participation of a representative of the reporting State.

379. The Committee commended the Government of Uganda for its initial report prepared in accordance with the Committee's guidelines and congratulated Uganda for its policy on national reconstruction, unity and development after the long period of military dictatorship and violence. However, members requested that detailed information should be included in the next periodic report on how that policy was being implemented, taking into account the statement in the report that the Government's efforts to ensure security had been hampered by recourse to violence by certain isolated political groups and that the Government had not promulgated a law to enforce the Convention in domestic legislation. The Committee also pointed out that it was difficult for it to assess the situation in Uganda since, although various provisions of the Constitution and national legislation were cited in the report, it did not give an authentic picture of the prevailing situation in the country, or a description of the practical measures adopted to enforce those provisions. The Committee requested further information on that point. Moreover, members agreed that specific information should be provided on the demographic breakdown of various ethnic groups, especially since the previous régime had fomented ethnic antagonisms, and on the multi-ethnic institutions, movements and organizations existing in the country and their functions. It was also asked whether Uganda had signed any treaties with its neighbours; whether political exiles were accorded refugee status; what steps had been taken to bring the Bagandans into the mainstream; how many Asians had applied for repossession of their property; how many had been found eligible for certification to possess property in Uganda; and how many had received compensation.

380. The Committee drew particular attention to the question of refugees in Uganda and the way in which the Government was resolving that massive and serious problem. A member noted that there was a large flow of refugees between Uganda and Rwanda and that the Office of the United Nations High Commissioner for Refugees (UNHCR) had been involved in negotiations regarding movements of refugees across the frontier between Rwanda and Uganda and within Uganda itself. However, in the absence of a representative of the State party the Committee did not know precisely what had happened. He suggested that the Committee should adjourn its consideration of Uganda's report to a later date so that the necessary information could be obtained. After an exchange of views the Committee agreed to adjourn the discussion of the report, on the understanding that the decision would not set a precedent.

381. At a later meeting, the member proposed that, in accordance with article 9, paragraph 1, of the Convention, the Government of Uganda be requested to furnish the Committee with additional information as to whether the manifestations "of ethnic antipathy", mentioned in paragraph 18 of the report of Uganda, concerned the movements, in October 1982, of thousands of refugees and displaced persons which had caused UNHCR to make special appeals to the Head of State in the interest of securing guarantees for the safety of the affected persons; and, if that were the case, why and to what extent "enforcement measures to ensure security and tranquillity for all" were necessary in order to control those movements.

382. Another member stated that, while he had no objection to a request being directed to the Ugandan Government in that regard, such a request should be made

routinely through the Committee's report. He said that the situation must be seen in perspective. From 1971 to 1979, Uganda had suffered widespread destruction and its people had been subjected to worse treatment than in an armed conflict. The régime of Idi Amin had been based on ethnic differences which had resulted in massive violations of human rights. The present Government had assumed power after a war and when undisciplined soldiers were still on the rampage. It was committed to national reconciliation but faced a difficult situation and must be given credit for its efforts. As for the refugees, if the problem had arisen as a result of ethnic differences, it was unfortunate and the Government must be called upon to correct that situation.

383. On a proposal by the Chairman, the Committee agreed that the Government of Uganda should be requested to include, in its second periodic report, replies to all the questions and requests for clarification raised during the discussion of its initial report and that the various points raised during that discussion would be reflected in the relevant summary records and summarized in the Committee's annual report to the General Assembly, which the Secretary-General would bring to the attention of the Government of Uganda when requesting the submission of its second periodic report.

384. In connection with the implementation of article 4, members regretted that there was no reference to special articles in the Penal Code to punish and prevent racist acts. It was noted that the provisions of the Penal Code, summarized in the report, covered only incitement to violence but did not take into account the requirements of article 4 (a), (b) or (c) of the Convention. The Committee expressed confidence that new criminal legislation would be enacted to provide for the punishment of acts of racism and racist organizations.

385. With reference to article 5, the Committee requested more specific information on the provisions of the Constitution which provided a legal basis for a set of fundamental rights and the practical evidence of their implementation concerning, in particular, the freedom of the press.

386. In connection with article 6, information was requested on action taken in cases where the administration had failed to offer protection to the life and property of vulnerable groups, whether the Government contemplated holding official inquiries in such cases, whether the groups received adequate compensation, whether there were any rehabilitation programmes for those made homeless as a result of ethnic tension and whether non-citizens of Uganda could claim compensation.

Republic of Korea

387. The third periodic report of the Republic of Korea (CERD/C/113/Add.1) was introduced by the representative of the reporting State who highlighted the main points dealt with in his Government's report, in particular, the composition of the Korean population, the legal effect of the Convention on Korean domestic law, the rights enjoyed by foreigners residing in the Republic of Korea, the action of the Korean Government against the policy of apartheid and the provisions of the 1980 Constitution relevant to the implementation of the Convention.

388. Members of the Committee expressed their appreciation of the comprehensive report of the Republic of Korea, which had been drafted according to the Committee's guidelines and welcomed the presence of the Government's representative which was an indication of the co-operation of the Korean Government with the

Committee. Noting that the Korean population was composed of a completely homogeneous group, one member of the Committee asked for clarification as to whether that homogeneous group in former times had been composed of tribes, clans or other types of social organization, each with its own characteristics and distinct social levels.

389. Furthermore, members of the Committee noted that while the Convention was incorporated into Korean domestic law, no specific legislative measures had been taken to enforce its provisions. They observed, in this connection, that certain legislative measures were necessary to give effect to the mandatory provisions of the Convention. Under article 4 of the Convention for instance, there was an absolute obligation for the States parties to enact certain legislation to prevent and punish any violation of its provisions. The Convention as such was not sufficient, because it did not express the sanctions and penalties to be imposed. It was stated in the report that the provisions of article 4 of the Convention were endorsed by article 10 of the Korean Constitution; however, members of the Committee wished to know whether any legal measures existed in the Republic of Korea to enforce the provisions of article 10 of the Constitution.

390. With reference to article 5 of the Convention, members of the Committee noted that, according to the report, the provisions of the Korean Constitution dealing with the right to freedom of movement included the right to leave the country and return to it and those dealing with the right to work included the right to equal pay for equal work. They pointed out, in this connection, that in the Constitutions of many States a distinction was made between freedom of movement within the frontiers of a State and the right to cross the frontier and that the right of equal pay for equal work was not generally included in the right to work, but required a special provision. They asked, therefore, whether the information provided was based on the judgement of a court and whether the Exit and Entry Control Act, which regulated the right to leave the country freely, applied to foreigners only or to everyone living in the Republic of Korea. They asked also whether Korean citizens had the right to choose their work and to form trade unions; whether conditions existed in the Republic of Korea to permit groups of diverse orientation, such as workers, students and professional classes, to meet within their own organization and to put forward their demands in relation to their work and with respect to the Government; whether the Republic of Korea had any immigrant workers and, if so, how they were protected legally, economically and with regard to health; whether there were any special legal measures for the protection of foreigners resident in the Republic of Korea and how long they had to reside in the country before they could become citizens.

391. With regard to article 6 of the Convention, members of the Committee wished to know whether judicial guarantees in the Republic of Korea covered acts of racial discrimination in penal, civil or administrative courts, and what kind of recourse would be available if the rights mentioned in article 20 (2) of the Korean Constitution were violated.

392. Replying to questions and comments by members of the Committee, the representative of the Republic of Korea provided some information on the ethnological and political process through which the Korean people became a homogeneous group. He explained that all the international agreements ratified by the Republic of Korea and promulgated in accordance with its Constitution had the same effect as domestic laws in the sense that they were implemented by or reflected in domestic legislation more than incorporated into it. He also stated

that the homogeneity of the Korean people had made it unnecessary to provide for penalties for acts of racial discrimination although there was a relevant provision in the Korean Penal Code.

393. Referring to the right to leave and enter the country, the representative pointed out that every male Korean citizen had a duty to do a period of military service and that every Korean male, wishing to travel abroad, was required to provide evidence that he had fulfilled his duties. There were however exceptions to that rule; students, for instance, were allowed to pursue their studies in foreign universities and to postpone their military service until the age of 26. The Government formed in 1980 had abolished all restrictions on the right to return based on political reasons which had been applied in the past. On the other hand, the Exit and Entry Control Act placed restrictions on the right of foreigners to enter Korea and on the duration of their stay in the country. However, every foreigner allowed to live in the country was free to engage in commercial, social and economic activities. There were about 27,000 permanent foreign residents in Korea: Chinese, numbering some 20,000, were the largest foreign community followed by Japanese and Americans.

394. With regard to the right to work and to form trade unions, the representative referred to the relevant provisions of the Constitution and of the Labour Standard Act. He stated that 16 industrial trade unions were affiliated to the Federation of Trade Unions and that industrial undertakings employing 10 or more workers were obliged by law to subscribe to the labour insurance scheme. In 1982, 88 labour disputes had occurred and 79 of them were settled through a labour-management reconciliational process. There were practically no immigrant workers in Korea, but some 200,000 Koreans worked abroad in 76 countries. Almost 160,000 of those migrant workers were employed by Korean business firms and the remaining 40,000 by foreign firms.

395. The representative of the Republic of Korea finally stated that further information regarding the questions put by the Committee, in particular those raised in connection with article 4 of the Convention, would be provided in his Government's next periodic report.

Mozambique

396. The initial report of Mozambique (CERD/C/111/Add.1) was considered by the Committee without the participation of a representative of the reporting State.

397. Members of the Committee welcomed the fact that Mozambique had acceded to the Convention and had agreed to enter into a dialogue with the Committee. However, the Committee agreed that the current report was excessively short and inadequate, and that the Government of Mozambique had not followed the Committee's guidelines (CERD/C/70/Rev.1). The Committee was aware that, as a front-line State subjected to the destabilizing activities of South Africa, Mozambique had had difficulties in preparing and submitting its initial report.

398. In accordance with rule 65 of its rules of procedure, the Committee decided that a communication should be sent to the Government of Mozambique, enclosing copies of the Committee's guidelines concerning the form and contents of reports by States parties under article 9, paragraph 1, of the Convention, of the summary record of the current meeting and of the pertinent part of the Committee's annual report to the General Assembly, requesting the Government to submit further

information by 31 December 1984, for consideration by the Committee at the thirty-first session. In this connection, several members suggested that the Government of Mozambique could, if it wished, benefit from United Nations technical assistance.

Namibia

399. The initial report of Namibia (CERD/C/101/Add.7), prepared and submitted by the United Nations Council for Namibia in its capacity as the legal Administering Authority for Namibia, was considered by the Committee in conjunction with the introductory statement of the Council representative.

400. In introducing the report, the representative of the Council recalled that Namibia had acceded to the Convention in 1982 and pointed out that while the Council had de jure authority over Namibia, it did not exercise de facto control over that country. It therefore had difficulties in reporting on the current situation and gaining access to full information, and its ability to ensure implementation of the Convention was necessarily restricted.

401. The Council for Namibia had been unable in practice to perform the task of administering Namibia until independence, owing to South Africa's refusal to terminate its illegal presence in that Territory. The persistent threat or use of the veto by some of the Security Council's permanent members had enabled South Africa to persist in its attitude and had, in practice, paralysed effective action by the Council in the administration of the only Territory for which the United Nations had direct responsibility.

402. The representative recalled, in this connection, that in its 1971 advisory opinion, the International Court of Justice had not only declared that the Mandate of South Africa over Namibia had been validly terminated by the General Assembly in 1966, but had also declared the invalidity of most South African legislation with regard to the Territory and the duty of all other States not to extend any kind of recognition to it. The International Court of Justice had found that it was the policy of racial discrimination and apartheid practised by South Africa in Namibia that constituted the fundamental breach of its obligations under the Mandate to develop the Territory for the benefit of its inhabitants, as well as of the obligations it had assumed under the Charter of the United Nations.

403. The representative then informed the Committee that, according to the census conducted in Namibia by the South African authorities in May 1980, the total population of the Territory was over 1 million and included only 75,000 whites. The white 7.5 per cent of the population owned over 40 per cent of the land, while approximately the same land area was shared by the rest of the population. The remaining 20 per cent of the land was South African Government property where most of the Territory's mineral wealth was to be found.

404. Referring to article 2 of the Convention, the representative stated that, while the South Africa administration claimed to have abolished racial discrimination in Namibia in 1978, the introduction that year of the Turnhalle Constitution with its three-tier system based on "ethnicity" proved the opposite. Although legislation which, in theory, abolished racial discrimination on matters falling within the competence of the Territorial Government had been enacted, racial discrimination remained entrenched in practice.

405. As regards article 3 of the Convention, the representative stressed that the South African Government, far from condemning racial discrimination, had fostered and maintained the structure of discrimination and segregation.

406. In regard to article 4 of the Convention, he stated that no measures had been adopted in Namibia to eradicate and to declare punishable by law the dissemination of ideas based on racial superiority or hatred or to declare illegal organizations promoting such ideas. On the contrary, both the South African administration in Namibia and the second-tier authorities practised institutionalized forms of racial discrimination.

407. With reference to article 5 of the Convention, the representative stated that, in Namibia, although there was ostensibly equal treatment before the organs of administration and justice, equality before the law was not applied in reality. The imposition of martial law in the northern part of the Territory, where most of the black population lived, had imposed a harsher system of justice as well as more severe penalties. In addition, the treatment of black and white offenders in the Territory's jails differed widely in practice. The representative provided detailed information on the discrimination still existing in Namibia in the field of civil and political rights, including the right to leave or return to the country and the right to own property. Security legislation, including ordinances and laws providing for arrests without warrants, detention without trial, and severe sentences for acts judged to be detrimental to the security of the State, as well as the state of emergency in the northern part of the country, had also severely restricted the right to freedom of peaceful assembly and association. In this connection, he informed the Committee that in June 1984, 40 members of the South West Africa People's Organization (SWAPO) had been arrested while requesting the release of political prisoners.

408. As regards the rights relating to employment, the representative pointed out that the formal abolition of apartheid had had no effect on employment practices inasmuch as job reservation in Namibia had never been statutory but had been the result of institutionalized custom. He provided ample information on customary job reservation, which was effective because of the influence of white trade unions and the rejection by whites of blacks from positions of authority, and which continued to block the advancement of blacks to higher grades and to a greater share in the national wealth. He also gave detailed information on discriminatory practices applied in Namibia with regard to the right to housing, public health, medical care, social security and social services. With regard to the right to education, he pointed out that, although education had become free for all children between the ages of 6 and 16 since 1981, it was compulsory for white children only. Moreover there was a common national curriculum which in practice contained a marked emphasis on tribal identity. The use of the mother tongues as the medium of instruction until the age of 10 and the disparity in resource allocation placed black children at a very serious disadvantage on entry to secondary schools with all the consequences that that entailed for their future employment opportunities. In addition, he stated that discrimination in respect of transport, hotels, restaurants, cafés, theatres and parks had been officially abolished, but it was unclear how far integration had gone in practice and how effective the rather modest fine for non-compliance had been in ensuring non-discriminatory access to such public facilities.

409. In concluding his introduction, the representative emphasized that the Council for Namibia was deprived of any direct means of affecting the situation. It,

nevertheless, attempted to improve the human rights status of Namibians through various projects, subsidized by the United Nations Fund for Namibia, and to improve the educational skills of Namibians for the day when Namibia would achieve self-determination and independence. The United Nations Institute for Namibia at Lusaka, the new vocational training centre for Namibians in Angola, and the various training programmes and scholarships available under the Nationhood Programme for Namibia were designed for that purpose.

410. The Committee stated that the fact that the United Nations Council for Namibia had been able to submit the initial report of Namibia constituted a significant landmark in the protracted struggle of the Namibian people. It also congratulated the representative of Namibia on his extremely enlightening, lucid and comprehensive description of the situation in that country.

411. In expressing its solidarity with the cause of the Namibian people, the Committee affirmed that the horrifying situation in that country was contrary to all the principles of the Convention and its continuation was a matter of deep concern. The Committee referred to the various resolutions concerning Namibia adopted by the United Nations over the years and expressed its firm condemnation of the illegal occupation of Namibia by the Government of South Africa, the imposition of apartheid on the African population and the South African Government's refusal to allow the Council for Namibia to establish itself in the Territory. Regret was also expressed over the use of the veto in the Security Council which had negated the endeavours of the international community to apply sanctions against South Africa.

412. The Committee recalled that, although the United Nations Council for Namibia had been faced with serious difficulties, it had done some highly commendable work, particularly in persuading States to take effective measures to provide information on Namibia and to isolate the racist régime of South Africa. The Committee expressed the hope that the Council would continue to monitor the situation in Namibia and to intensify its activities and that the next periodic report of Namibia could be prepared and presented by a government enjoying both the full de jure and de facto powers over the independent State of Namibia.

413. Turning to the provisions of the Convention, members of the Committee wished to receive information, in particular, on the ethnic groups which composed the populations of Namibia, on whether there was a danger that any indigenous group might be exterminated or experience a decline in its population, and on the situation with regard to Namibian refugees.

414. Members of the Committee also requested detailed information on the basic illegal legislation enacted by the South African authorities in Namibia, on the expropriation of land for mining purposes, on the bantustan policy and on how the bantustans of Namibia resembled or differed from the bantustans of South Africa. It was noted that, under the terms of Proclamation AG-8 of 24 April 1980, Namibian society was divided into 11 mutually exclusive groups on the basis of racial origin, and more information was requested on the nature of the groups, their comparative strength and their relative representation in administration and in the public services. It was also observed that detailed information should be provided with regard to those countries and agencies which gave assistance to the racist régime of South Africa in Namibia.

415. In addition, further information was requested on the effectiveness of the measures taken by the United Nations Council for Namibia in connection with article 7 of the Convention.

416. The representative of Namibia referred to the questions raised by the members of the Committee and pointed out that it was not possible to provide adequate replies in every case because of the fundamental difficulties involved in acquiring accurate information concerning the actual conditions in Namibia. However, with regard to the ethnic composition of Namibia, he explained that according to the 1980 census, the largest ethnic group was the Ovambos, with a population of 516,600, followed by the Kavangos, with 98,000, the Damaras, with 83,000, and the Hereros, with 63,000. Other groups, including the Namas, East Caprivians, Bushmen, Rehoboth Basters, Kaokovelders and Tswanas, totalled some 153,000. Furthermore, according to available statistical information, there were 83,000 Namibian refugees: 65,000 in Angola and the rest in Zambia with a few in Botswana.

417. The representative stated that the bantustans in Namibia were not intended to be independent like those in South Africa. As regards the ethnic areas created in Namibia, he stated that the occupants of those areas would not lose their Namibian nationality and they also enjoyed a greater degree of movement in the sense that there were no pass laws of the kind in operation in the Republic of South Africa. With regard to the actual identity of countries with links to the Government of South Africa and with policies which militated against the objective of independence for Namibia, he referred to relevant action being pursued in other forums. He expressed the view that information on the subject could be submitted to the Committee and stated that he would bring the matter to the attention of the Council for Namibia.

418. The representative then referred to the consultation missions which had been despatched on behalf of the Council for Namibia to a number of countries in order to explain the case for Namibian independence and elicit support for its decolonization. He informed the Committee that in 1984, missions had gone to the Benelux countries and the European Economic Community, Argentina, Trinidad and Tobago, Australia, New Zealand and Japan. Furthermore, seminars had been held in the United Republic of Tanzania, Yugoslavia and Canada and one was to be held at Geneva at the end of August 1984. A special session of the Council had been held at Bangkok in May 1984.

419. Upon concluding its consideration of the report, the Committee was of the opinion that it should take a strongly worded decision on the situation in Namibia so that the appropriate organs of the United Nations could take the necessary action and the Council for Namibia could let the people of Namibia and the world know how the Committee felt on the question of racism in that country. On the proposal of its Chairman, the Committee agreed to appoint a working group consisting of Messrs. Ghoneim, de Pierola y Balta, Karasimeonov, Sherifis and Yutzis to draft a decision on Namibia to be submitted to the Committee for adoption.

420. At its 693rd meeting, on 20 August 1984, the Committee adopted by consensus, with some amendments, the draft decision presented by the Working Group. For the text, as adopted, see chapter IX, decision 1 (XXX).

Iraq

421. The seventh periodic report of Iraq (CERD/C/107/Add.2 and Add.6) was considered by the Committee together with the introductory statement made by the representative of the reporting State. He referred to his Government's policy against racial discrimination and focused on recent Iraqi legislation and measures adopted to deal with racist ideas and attitudes in his country.

422. Members of the Committee expressed general appreciation of the report, which was in conformity with the Committee's guidelines, and congratulated the Iraqi Government on its impeccable record of opposition to apartheid and on its policy for promoting equal rights for women.

423. Much of the discussion revolved around the Government's policy and practical measures on the implementation of article 1, paragraph 4, article 2, paragraph 2, and article 5, concerning the ethnic groups. In this connection, additional information was requested regarding the ethnic, linguistic and religious minorities, including, for each group, the percentage of resources allocated to education, housing and social security in respect of the various groups as well as whether there were any marked social differences between those groups.

424. Further clarification was requested regarding opportunities for Kurds to participate in government and central decision-making processes and the relationship between the autonomous institutions and the departments of the central authority. It was asked whether there had been a special reason for changing the number of members of the Legislative Council of Kurdistan from 80 to "not less than 50", what happened if the member appointed by the President of the Republic did not meet with the confidence of the Kurdish Legislative Council and whether elections to the Council had been held at the intervals established. The Committee also asked whether the Kurdish language was taught in regions outside Kurdistan where there were Kurds in substantial numbers and how the dissolution of the Kurdish university at Sulaymaniyad had influenced the number of young Kurds who had the opportunity to attend university.

425. With regard to the right to own property in Kurdistan, information was requested on the ceiling provided for agricultural landholdings; whether provision was made for compensation in respect of the acquisition of excess land; whether land reforms had been carried out in Kurdistan; and if the relevant laws applicable in that region were in any way different from those in other parts of the country. Furthermore, information was sought on the extent to which the legal framework for autonomy had been applied in practice.

426. With reference to article 4, it was noted that, while article 200 of the Penal Code covered "dissemination of ideas based on racial superiority" and the "incitement to racial discrimination" referred to in article 4 (a) of the Convention, it did not provide a penalty for "acts of violence or incitement to such acts" as required in paragraph (b) of that article. Further information was requested on that point.

427. With regard to implementation of article 5, some members pointed out that various rights, such as equality of opportunity, freedom of conscience and religion, security of person, freedom of movement and opinion and the right to form political parties and trade unions were enjoyed within the limits of the law, and that unless the Committee had the text of the laws in question, it would be

difficult to examine the extent to which full compliance had been given to article 5 of the Convention. The hope was expressed that in the next report the text of various laws regulating rights mentioned in that article would be provided to the Committee. Information was also requested on whether, in the organization of labour unions, there were separate unions for Kurds and for the majority or whether the Kurds collaborated within labour unions for all.

428. With reference to article 6, it was stated that ratification of the Convention did not automatically give citizens access to the courts, because the competent courts and applicable conditions still had to be specified. Detailed information concerning the recourse procedures available to citizens in civil, penal and administrative areas was therefore requested in the next periodic report.

429. In replying to questions by the Committee, the representative of Iraq stated that there was no geographical segregation in his country, in the sense that any region was considered Arab or Kurdish or the exclusive preserve of any particular ethnic minority, and that religion did not play a divisive role, since Islam recognized and respected other religions. In the economic field, there was no difference between or discrimination against any minority. In drawing up its economic plans, the central Government paid equal regard to the needs of every area of the country.

430. The representative stated that the cultural rights of minorities had been greatly developed since the 1968 revolution. Currently there were television broadcasts and newspapers in Kurdish, which was the language of instruction in schools in the region. In universities, the language of instruction varied according to the subject: both Arabic and Kurdish were used but some subjects such as engineering were taught in English. Within the framework of the overall plan for higher education, students were free to attend the university of their choice in any part of the country. Furthermore, relations between the central Government and the Kurdish regional authorities were regulated by the Act providing for the establishment of the autonomous region of Kurdistan. Iraqi Kurdistan was an autonomous region and not an independent country and it followed that the central Government necessarily had the final say over all national policy matters. The rights of the autonomous region vis-à-vis the central Government were protected by the institution, in every ministry, of a council of which the regional head of the department concerned was a member. Members of the regional Executive Council had the status of ministers and took part in the deliberations of the Council of Ministers at Baghdad. If any of them was not satisfied with a decision of the central Council of Ministers he could in the last resort appeal to the Supreme Court. Kurds were fully protected by an independent judiciary which applied the same rules throughout the country. Referring to the economic, social and cultural rights of minorities, the representative stated that there were no distinctions between the various ethnic groups. In particular, the autonomous region was able to collect taxes and to prepare and implement regional plans within the framework of national policy as a whole which was guided by socialist principles.

431. The problem of the implementation of article 4 would be included in the eighth periodic report.

432. In reply to questions raised in connection with article 5, he stated that the right to leave the country was fully respected in Iraq. For the past two years, however, because of the armed conflict and the country's economic circumstances, exits for tourism and leisure purposes had been forbidden. Citizens were,

nevertheless, still entitled to leave the country for medical treatment. Referring to the right to return, he said that some Iraqi citizens abroad had fallen prey to foreign propaganda and had refused to return home. They had a right to do so, but thousands had returned to take up their rightful places as free and equal citizens. The charges of persecution by some groups of exiles against the Government in Baghdad were unfounded and in most cases were simply excuses to remain abroad. Some of those refugees were students, while some Kurds belonging to the Barzani groups had fled to the Islamic Republic of Iran.

433. On the question of freedom of trade-union associations, he stated that trade unions were grouped in a central federation and legal provisions existed guaranteeing their freedom and activities irrespective of the ethnic group to which their members belonged or their political opinions. Elections by secret ballot to the governing bodies of the trade unions were held at all levels. Every worker, irrespective of his ethnic group, was free to stand as a candidate.

Chad

434. The third periodic report of Chad (CERD/C/87/Add.2) was considered by the Committee without the participation of a representative of the reporting State.

435. The Committee was mindful of the situation existing in Chad which was involved in an internal and external war at the same time. It therefore expressed its understanding of the Government's difficulties in providing a satisfactory report. The Committee commended the Government of Chad for its frank attempt to depict the true situation in the country. In that connection, it expressed the hope that the Government would be able to achieve national reconciliation, to implement fully all the provisions of the Convention and to submit a more substantive report soon in accordance with the Committee's guidelines (CERD/C/70/Rev.1).

436. Commenting on the information provided, the Committee stated that further information was needed with regard to the demographic composition of Chad and the relations existing among the many ethnic groups forming the population of the country. The Committee also observed that it could not accept the statement in the report to the effect that there was no need for legislation to implement the Convention in Chad because there was no trace of racial discrimination in the country. It pointed out that States parties had to enact specific legislation in order to fulfil their obligations under the Convention. In addition, it was noted that the 1962 Constitution of Chad, which contained guarantees with regard to human rights, had been repealed and that the Fundamental Act of the Third Republic served as the Constitution, and it was asked whether the Fundamental Act maintained some of the provisions of the 1962 Constitution in force. Clarification was also requested on legislative, judicial, administrative and other measures which existed in Chad to give effect to the provisions of article 6 of the Convention.

437. The Committee finally noted from the report that numerous United Nations documents had disappeared in Chad as a result of the armed conflict. In order to help the Government of Chad to comply with the Convention and to produce a satisfactory report, the Committee requested the Secretary-General to transmit to the Government the summary record of the proceedings relating to its consideration of the report of Chad, the Committee's guidelines as well as all other relevant documentation relating to the Convention.

Argentina

438. The eighth periodic report of Argentina (CERD/C/118/Add.1 and Add.16) was considered by the Committee together with the introductory statement of the representative of the reporting State, who pointed out that the report had been prepared on the basis of material emanating from the de facto authorities that had been in power before 10 December 1983. The new Government was engaged in the arduous task of reconstructing the country to enable it to emerge from the profound political, social and moral crisis prevailing at the moment. She also stated that the Government was paying special attention to the position of the indigenous communities and had adopted various measures, including an emergency programme, to enable them to settle on their own land under their own organization. Moreover, the representative informed the Committee about several other political, juridical and socio-economic measures taken to implement the Convention to reaffirm respect for individuals, as well as to help low-income sectors of the population.

439. The Committee congratulated the representative of Argentina on the full and comprehensive information which she had provided, especially with regard to the question of the indigenous population, and noted with interest the considerable efforts being made by the Government of Argentina to establish a system in which all people would have equal rights with due respect to national unity. Members looked forward to closer co-operation with the Government of Argentina and expressed the hope that the next periodic report would be even more substantive.

440. Members of the Committee paid tribute to the humanitarian approach of the new Government which was designed to ensure rapid improvement in the condition of the indigenous population in conformity with article 1, paragraph 4, and article 2, paragraph 2, of the Convention. However, some members wished to receive new data on the ethnic groups in the country and a complete picture of the demographic composition of the nation in order to ascertain whether the position of particular groups had improved or deteriorated. Members asked whether, and to what extent, the vulnerable sectors of the population had better access to government jobs at the district and higher level; whether they were confined to traditional activities, such as handicrafts and subsistence agriculture, or whether they were able through education to enter the mainstream; and whether there were any specific measures for indigenous groups relating to the marriage laws. Additional information was requested on the new Government's strategy regarding national minorities, in particular on reservations for indigenous groups, and it was asked whether the Government planned to maintain such reservations or whether it would attempt to put an end to them so that their inhabitants could live like other citizens.

441. The Government was invited to inform the Committee in its next report of the specific areas in which foreigners were assigned a role in exploiting natural resources and how the exploitation of national resources by foreigners would affect the land and resources of indigenous groups.

442. Additional information was requested on the position of the Argentine Government regarding the Falkland Islands (Malvinas), particularly as to whether it differed from that of the previous régime.

443. With regard to article 3, the Committee welcomed the fact that Argentina had maintained its decision not to grant visas to representatives of South African sports organizations and that flights by its national airline to South Africa had

been discontinued. The hope was expressed that the new Government would go a step further in that direction so as to comply fully with the many General Assembly resolutions on the subject.

444. In connection with article 4, members of the Committee looked forward to receiving information in the next periodic report on the outcome of the consideration by the Congress of the Nation, in December 1983, of the scope of the specific measures referred to in that article.

445. With regard to implementation of article 5, the Committee requested information on the questions raised during consideration of the seventh periodic report concerning the right to freedom of conscience and religion, freedom of thought and freedom of opinion and expression, as well as on what action the Government could take if private educational establishments, which adhered to the official education system, indulged in discriminatory procedures. One member asked for information on the question of the missing persons.

446. With reference to article 6, members recalled that, during its consideration of Argentina's seventh periodic report, the Committee had requested information on action against governmental acts of racial discrimination. In this connection it was asked whether any progress had been made or was contemplated beyond the stage obtaining at the time of the consideration of the seventh report, and whether any measures were being taken to educate persons in vulnerable positions about their rights and the remedies available.

447. In reply to questions raised by members of the Committee, the representative stated that it was the Government's policy to ensure full participation by the indigenous communities in all plans and programmes devised for them, that her Government was fully aware that the indigenous population was entitled to reparation on historical grounds and that such reparation would be based on the granting of land rights to indigenous groups. A preparatory meeting had already been convened for a National Meeting on Indigenous Policy to be held soon, which was expected to be fully and effectively representative of all communities. She also said that her Government was conscious of the need to obtain and analyse demographic data and the bill envisaged for that purpose would contain a section concerning the registration of individuals belonging to indigenous communities. The representative assured the Committee that the aim of her Government's educational policy for indigenous communities was to ensure their integration in national life while strictly preserving their identity through the teaching of indigenous languages and special educational curricula. There was no question of their being completely absorbed into the mainstream of society with the consequent disappearance of the indigenous culture.

448. In reply to the question concerning Argentine policy towards the Falkland Islands (Malvinas), she stated that one of the main bases of her Government's policy was the defence of its national sovereignty and it had absolutely no doubt with regard to its legitimate sovereign rights over the Falkland Islands (Malvinas), South Georgia and South Sandwich Islands. At the same time, her Government supported the principle of the peaceful solution of international disputes and fully endorsed General Assembly resolution 38/12. In a desire to negotiate for peace, her Government had sent representatives, at the invitation of the Swiss Government, to a meeting held at Bern on 18 and 19 July 1984. Unfortunately, the Government of the United Kingdom had not been prepared to negotiate on the sovereignty of the Falkland Islands (Malvinas) at that meeting.

However, she assured the Committee that her Government would continue to employ all peaceful means for a solution until its legitimate rights to the Falkland Islands (Malvinas) were recognized.

449. So far as article 3 was concerned, she said that Argentina had always condemned apartheid and been in favour of self-determination for the people of Namibia. Its national airline had discontinued flights to South Africa and the Government would continue to refuse to issue visas to South African athletes.

450. Concerning the provisions of article 4, the representative pointed out that as soon as the bill became law a copy would be sent to Committee members for study so that they could assure themselves that it covered all aspects of that article.

451. With regard to questions on the right to education, there were absolutely no elements in the curricula of the private schools mentioned in the report which might be conducive to racial discrimination. Those schools received Government subsidies and their programmes were approved by the Ministry of Education which would never accept the inclusion of such elements.

452. Replying to another question, she stated that the Committee was familiar with the problem of missing persons; unfortunately many of those missing persons were refugees from neighbouring countries who had been subjected to repression by the military authorities, but the Government was doing its utmost to find a solution to the problem. Many concrete measures had also been taken by the Government for the return of Argentine exiles. A national commission for the return of exiles had been set up and an agreement had been signed with UNHCR and the Intergovernmental Committee for Migration (ICM), as a result of which a programme of repatriation of Argentine refugees had begun.

453. The representative of Argentina finally assured the Committee that her Government would be ready to provide more comprehensive information even before its next periodic report was due.

Jordan

454. The fifth periodic report of Jordan (CERD/C/105/Add.3 and Add.6) was introduced by the representative of the reporting State. He referred to the main points dealt with in his Government's report and stated, in particular, that, in Jordan, the rights of all religious and ethnic minorities were preserved and that those minorities were allowed to have their own schools, societies and courts. Furthermore, his Government firmly opposed the policy of apartheid and had no economic, political or other relations with South Africa. The representative pointed out that the Parliamentary system had recently been re-established in Jordan and elections had taken place in which, for the first time, women had the right to vote and to stand as candidates. There was a woman Minister in the Government. He also referred to the activities of the Royal Commission on Administrative Development, the task of which was to revise and modernize the administrative and legislative systems of the country, and to the Law of Legal Procedure and the Law of Enforcement of Foreign Judgements of 1950, which ensured protection of Jordanian citizens and aliens against discrimination.

455. Members of the Committee commended the Government of Jordan for its report, whose format complied substantially with the Committee's guidelines; it provided ample information on the implementation of article 7 of the Convention, and broadly

responded to the points raised during the Committee's consideration of previous reports. They were also grateful for the additional information concerning articles 3 and 5 of the Convention provided by the representative, whose presence testified to the importance that his Government attached to the Committee's work.

456. One member of the Committee observed that articles 6, paragraphs 1 and 2, and 23 (a) of the Jordanian Constitution did not seem commensurate with the comprehensive definition of racial discrimination contained in article 1 of the Convention. Another member asked what measures could be taken if there was a discrepancy between the Constitution and the conduct of the administration.

457. With reference to article 2, paragraph 2, of the Convention, members of the Committee wished to know whether small ethnic groups living in Jordan had been assimilated or whether they preserved their identities, what their demographic composition was, whether they had equal opportunities, whether Bedouins in Jordan received any special attention, what the living conditions of minority groups such as the Circassians, Assyrians, Armenians and Turkish were, whether they were subject to discrimination or whether they were participating in national life. It was also asked how many Palestinian refugees in Jordan still had refugee status and how many had acquired Jordanian citizenship or had been otherwise absorbed into national society.

458. In connection with article 3 of the Convention, one member of the Committee wished to know the attitude of the Jordanian Government to the Namibian question and to the many resolutions of the General Assembly, the Security Council and the various international organizations on the subject.

459. With regard to article 4 of the Convention, the Committee reiterated its view that, despite assertions that no racial discrimination existed in a country, specific legislation should nevertheless be enacted by States parties to deal with such discrimination, and especially to prevent racist attitudes since there was no way to guarantee that they could never occur. It was observed that the report gave no indication of specific legislation enacted in Jordan to give effect to the provisions of article 4 of the Convention and it was asked whether it might be possible for the Government of Jordan to review its legal system, especially the Penal Code, with the aim of transferring the most important elements of the Convention into its legislation and implementing fully, in particular, articles 4 and 6 of the Convention.

460. Turning to article 5 of the Convention, members of the Committee, while congratulating the Government of Jordan on its measures to ensure equal enjoyment of the rights covered by that article, wished to receive further information on the type of political parties and societies allowed under article 16 (b) of the Jordanian Constitution. They also referred to article 15 (a) and (b) of the Constitution dealing with the right to freedom of opinion and expression and requested clarification of the phrase "within the limits of the law" contained in that article. In addition, reference was made to article 5, paragraph (e) (ii), of the Convention in conjunction with article 1, paragraph 4, and information was requested on the possibility of or options or conditions for the establishment in Jordan of unions or groups associating persons with common interests with a view to being represented and petitioning the authorities as a group. It was also asked what role the unions played in industrial development, how workers were protected and how ethnic groups among workers were treated. Concerning equal enjoyment of the right to education, members of the Committee wished to have some clarification

on whether the small ethnic minorities of Jordan actually had their own schools and organizations. They noted that some persons in remote areas had not had an opportunity to take advantage of educational services to the same extent as the populations of towns and villages where services were more accessible and they observed that, since those persons probably belonged to an ethnic minority, it was important to know how numerous they were, where they lived and what means would be taken to redress the situation. They also asked what cultural level the ethnic minorities had attained, what percentage were literate, what the overall literacy rate was in Jordan 10 years ago and currently and what efforts had been made to combat illiteracy.

461. With reference to article 6 of the Convention, it was asked whether more expeditious measures were available to foreigners in Jordan to exercise a right of redress before having recourse to the courts, and what recourse the Jordanian citizen had if he thought that his civil liberties or political rights were not respected or that he was being discriminated against for racial reasons.

462. Replying to the questions and comments of the members of the Committee, the representative of Jordan stated that the various ethnic groups in his country were part and parcel of Jordanian society and enjoyed the same rights and had the same duties as all other citizens. That applied also to the Bedouins who were essentially nomads, but who had settled in specific areas. In Jordan, some 55,000 Bedouins currently lived in their own villages as a settled people. The representative also stated that Jordan was a patriarchal society, where there was easy access to the authorities and it had been possible to handle any specific problem concerning those minorities by direct contact between them and the competent authority. If a Circassian or a Christian felt aggrieved, he would approach the Circassian or Christian member of the Government, Parliament or local authority concerned. In addition, the various ethnic groups had their own associations which could act in their defence. The representative then retraced the history of the Palestinian people who had had to leave their land as a result of the Israeli occupation and stated that the 350,000 Palestinian refugees who went to Jordan from the West Bank were taken care of by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

463. In connection with article 3 of the Convention, the representative expressed his Government's support for the people of Namibia and the many resolutions of the United Nations on that question.

464. With reference to article 4 of the Convention, he welcomed the suggestion that his country's legal system and Penal Code should be reviewed in the light of that article. He stated that he would bring the Committee's comments on that point to the attention of his Government which would certainly give serious consideration to that suggestion, particularly since a reform commission was examining the whole administrative structure of Jordan. The Committee would be fully informed of its work and recommendations.

465. Referring to article 5 of the Convention, the representative pointed out that in his country there were clubs, associations and schools run by the various ethnic groups, which were free to organize such bodies provided that their objectives were in accordance with the law and that they were registered with the appropriate authorities. There were also 192 bodies in the nature of trade unions or professional associations as well as other organizations grouping people sharing a common interest. Workers from the ethnic groups were treated in the same way as

other workers without any discrimination whatsoever. With regard to education, the representative explained that the Ministry was required by law to open a class in any area where the parents of at least 15 children so demanded. In the case of nomadic Bedouins, however, no such group lived in the same area long enough for such a class to be opened. The inequalities which existed between the nomadic tribes and the urban dwellers were therefore inevitable, but the Government was doing its utmost to reduce them and to make social services equally available to all the inhabitants of the country. He pointed out that schools run by the ethnic minorities did not accept only children belonging to a certain minority, but were also open to children of other ethnic groups.

466. In connection with article 6 of the Convention, the representative stated that foreign individuals and organizations or business companies had access to the appropriate authorities to solve their problems, such as the Ministry of Commerce or the Chamber of Commerce. If those procedures failed to give satisfaction, they could always have recourse to the courts.

467. The representative of Jordan finally assured the Committee that his Government's next periodic report would answer in detail all the questions raised by the Committee members.

Guatemala

468. The initial report of Guatemala (CERD/C/111/Add.2) was considered by the Committee together with the introductory statement made by the representative of the reporting State. He referred in particular to the national election of 1984 and stated that voting in Guatemala was compulsory for literate and optional for illiterate citizens and that the Supreme Electoral Court, which was the fourth power in the State, had been set up by the military Government to remove the electoral process from the influence of the Executive, certain groups of which had monopolized power over the past 12 years. Moreover, in addition to drafting the new Constitution of the Republic, the Constituent National Assembly would have to draft the Habeas Corpus Act and the Electoral Act under which Guatemala would elect, in 1985, the next constitutional President and the Legislative National Assembly which would promulgate laws in keeping with the spirit of the Convention.

469. Some members of the Committee welcomed the fact that the Government of Guatemala had acceded to the Convention. Nevertheless, despite the additional information the representative had provided and in the light of a complicated situation in that country under the existing state of emergency and against the background of the resolutions of United Nations organs, it was difficult for the Committee to form a clear idea of how far the Government had actually proceeded in starting to implement the Convention. Moreover, it was pointed out that, while it might be true that there was no de jure racial discrimination in Guatemala, it could exist on a de facto basis. In this connection, the Committee requested information on the place occupied by the Convention in the legal system of Guatemala, on the legal measures that had been taken to prohibit racial discrimination and to punish offenders, and, in particular, on whether the Government Statute, which referred to human rights as the fundamental basis of the internal organization of the nation, had replaced the guarantees and individual rights provided for in the suspended Constitution.

470. The Committee also wished to know whether Guatemala's obligations under article 2 were effectively applied in relation to the indigenous populations, for

instance, whether the Government was taking effective measures to review its policies and law with special reference to the indigenous populations and other vulnerable sectors of society; how far the indigenous populations enjoyed the right to freedom of expression and the use of their own languages; whether the right to freedom of religion, thought and conscience and the right to freedom of assembly and association were guaranteed for indigenous groups; whether there was any bilingual system of education which would help the indigenous populations to preserve their language and develop their culture; whether literacy in Quiché was taught in the same way as literacy in Spanish or whether persons knowing only Quiché were considered fully literate; and whether the level of services in housing was the same for indigenous groups as for the remainder of the population. Concerning the implementation of article 2, paragraph 2, of the Convention, information was requested on the social and economic plans to improve the status of the indigenous populations and preserve their cultural identity, customary laws, traditions, arts and crafts. More information was requested on the rights of women, who were likely to suffer more from social oppression, and whether there was legislation to ensure the rights of workers and the status of peasant farmers. The Committee also requested information on the demographic breakdown of the different indigenous groups.

471. With respect to the implementation of article 3, members of the Committee asked what position the Government of Guatemala had adopted with regard to South Africa and whether it maintained diplomatic, political, cultural or commercial relations with that country.

472. In connection with the implementation of article 4, it was pointed out that the report merely stated that acts of racial discrimination were prohibited, without any reference to penalties. Members asked about the relevant legislation providing penalties for incitement to racial discrimination and related offences, the redress afforded to persons against whom such offences were committed and the restraints on public authorities and institutions regarding incitement to racial discrimination.

473. As far as the implementation of article 5 was concerned, the Committee requested specific information as to how the Government of Guatemala proposed to comply with its obligations under article 5 (d), which was of especial importance in cases where the national constitution had been suspended; whether subparagraph (d) (i) concerning freedom of movement was still valid; what action had been taken at the local level against officials who, even in a state of emergency violated human rights and inflicted bodily harm. In this connection, reference was made to Commission on Human Rights resolution 1984/53, paragraphs 2 and 7. Additional information on social and economic rights, including respect for the right to communal ownership of land, was also requested.

474. In relation to article 6, the Committee noted that the report did not make clear what legal redress was available to a person who thought that his human rights were being infringed in any way. It was also not clear whether there were provisions in the penal procedure to punish Government officials who contravened legislative provisions on the implementation of the Convention and whether there were any other recourse procedures available if acts of racial discrimination had been committed.

475. Concerning the implementation of article 7, the Committee wished to obtain additional information, in particular, on what effective measures had been taken to

combat the prejudices which inevitably existed where there were indigenous populations, how the subject of human rights was presented and taught in schools and other educational establishments, and what steps Guatemala had taken to promote international understanding.

476. Replying to questions raised by members of the Committee, the representative of Guatemala explained that the population of Guatemala was composed largely of Indians and Mestizos in roughly equal proportions and that the Government had not spared any effort to preserve the cultural identity and languages of those minorities. He also stated that, without access to the real facts and as a result of a subtle campaign directed against Guatemala, the world was presented with a distorted picture of developments in his country. There was nothing in law, in the administration of justice or in administrative practice which would qualify as racial discrimination. All Guatemalans without distinction had the effective enjoyment of all human rights and fundamental freedoms. Besides Indians and Mestizos, there were also people of African and Asian origin living in the country, but no complaint of racial discrimination had ever been received by the Government. Allegations of racial discrimination had been made by subversive elements to serve their own political ends and to overthrow the Government and the existing political régime of the country.

477. Turning to the question of freedom of religion, he said that all the inhabitants of Guatemala, whether Mestizo, Indian or of another ethnic origin, had the right to practice the religion of their choice.

478. As to freedom of movement, he said that every citizen of Guatemala was free to leave the country and to return, whenever he so desired, without having to obtain an entry or exit visa on his passport. The only exceptions were specifically laid down by the law, for example persons who had been judicially deprived of their civil rights.

479. Referring to the compulsory resettlement of indigenous groups he stated that the villages of the indigenous populations consisted of houses widely scattered in the mountains and that isolation made it easy for subversive elements to seize control of the villages. The Government had had no option but to resettle them in new areas. However, those actions had been represented abroad as a forced movement of the population.

480. As far as the system of land tenure was concerned, the representative explained that the disadvantage of the existing system of land tenure was that it led to the setting up of farms with excessively small holdings, since the father's land was divided among all the children and the indigenous population had a much higher fertility rate than those of mixed blood. The Government had therefore introduced an agrarian reform programme some 30 years previously. Very large areas of land had thus been distributed and substantial areas had been granted as co-operative holdings, and the original land titles issued by the Spaniards had been respected. No one could be dispossessed without proper compensation.

481. With regard to the indigenous population's right to education, he said that the Government had begun a bilingual education programme, but since there were over 20 dialects in the country a substantial investment was needed and the Government could ill afford it in view of the requirements in other fields, such as health and social services. The national language of Guatemala was Spanish and the expectation was that it should be a unifying force for the inhabitants. The

illiteracy rate was high despite the efforts being made to reduce it and it was higher among adults than among children. Primary education was compulsory, but for various reasons school attendance was not 100 per cent.

Kuwait

482. The eighth periodic report of Kuwait (CERD/C/118/Add.3) was considered by the Committee together with a brief introduction by the representative of the reporting State.

483. Members of the Committee congratulated the Government of Kuwait for its satisfactory report which conformed to the Committee's guidelines, and for its regularity in the submission of reports which showed the Government's wish to maintain a fruitful dialogue with the Committee. Members of the Committee also noted with appreciation that Kuwait duly complied with various provisions of the Convention, in particular those contained in articles 1, 2 and 3, and that the many different nationalities composing its population lived together without racial discrimination.

484. With regard to the incorporation of the Convention into Kuwaiti law in accordance with article 70 of the Kuwaiti Constitution, it was noted that the Convention could enter into force in Kuwait only through the promulgation of legislative acts and confirmation of such promulgation was requested. It was also asked what would happen in case of conflict between the Convention and the national legislation and which of the two would prevail. Further information was also requested on the demographic composition of the country, including any nomadic communities, on literacy levels, cultural aspects and income distribution.

485. With reference to article 4 of the Convention, members of the Committee reiterated their appeal, made to many other States parties, that Kuwait should adopt specific legislation to prohibit racial discrimination and to meet fully all the requirements of that article.

486. Regarding article 5 of the Convention, members of the Committee wished to know, in particular, the scope of the legislation which protected the rights and freedoms set forth in articles 36 to 39 of the Kuwaiti Constitution and they requested the text of that legislation. They would also like to receive information on the participation of women in the various strata of Kuwaiti society and on the situation concerning voting rights for women, on the measures taken by the Government to prohibit commercial agencies and transnational corporations from acting contrary to the interests of migrant and foreign workers working in Kuwait, on the difference between the remuneration of native Kuwaitis and foreigners doing the same work, on the reasons why foreign workers did not stay in Kuwait for long periods and why there was a constant change in the composition of the labour force.

487. Members of the Committee observed that the provisions of article 6 of the Convention did not seem to be fully covered in Kuwait by adequate measures. The Constitutional Court and the General Court referred to in the report did not appear to deal with matters of racial discrimination and it was asked whether there were any other courts in Kuwait to which a citizen or alien whose rights had been restricted or violated could have recourse.

488. With reference to article 7 of the Convention, further information was requested on educational and cultural activities in Kuwait aimed at combating racial discrimination.

489. Replying to questions raised by members of the Committee, the representative of Kuwait made it clear that any Convention ratified by his country automatically had the force of law and, if there was conflict between the Convention and national law, the Convention superseded national law which then had to be modified. As regards the demographic composition of his country, he stated that Kuwaitis comprised between 40 and 50 per cent of the population. After them came the Arabs; there were about 300,000 Palestinians, followed by Iraqis, Egyptians, Jordanians, Syrians and Lebanese, with a very few from North Africa. Non-Arabs included Indians, Pakistanis and, starting during the 1970s, workers from the Republic of Korea and the Philippines. He also stated that his country was reputed to stand among the best with regard to literacy and education in the Arab world and it was the highest in per capita income. He provided some information in that respect.

490. With reference to article 5 of the Convention, the representative said that women in his country held high posts in nearly all fields, however they had not yet gained political rights. Furthermore, he pointed out that his Government did its best to avoid dealing with recruitment agencies exploiting migrant workers or allowing them to have agents in the country. The reason why migrant workers did not remain in Kuwait was that they came on the understanding that they would do a certain job and then leave.

491. With regard to article 6 of the Convention, the representative stated that the General Court in Kuwait dealt with complaints concerning employment and that the Constitutional Court dealt with violations of rights covered by the Constitution. However, there was no other court in Kuwait dealing specifically with complaints relating to racial discrimination and there were no penalties in law for acts of racial discrimination. He assured the Committee that he would draw his Government's attention to those points in particular.

Finland

492. The seventh periodic report of Finland (CERD/C/107/Add.3) was considered by the Committee together with the introductory statement made by the representative of the reporting State. She informed the Committee about some new developments aimed at strengthening the provisions of the Convention, especially some measures taken to enhance the living conditions of the Samis and the Romany population, the two ethnic minorities in Finland.

493. The Committee congratulated the Finnish Government for its comprehensive and satisfactory report and for its successful efforts to eliminate all forms of racial discrimination.

494. With reference to the implementation of article 1, paragraph 4, and article 2, paragraph 2, members commended the Government's interest in the welfare of the small minorities. However, they requested further details on the type of opportunities afforded to the Finnish minorities to exchange their culture with the minorities of other Nordic countries as well as any measures taken to help the Sami communities retain their language and culture. It was asked whether many Finnish emigrants to Sweden including gypsies had returned to Finland and to what extent and at what level the ethnic minorities participated in the central Government. Information was also requested about the Swedish minority living in Finland. The Committee hoped to receive the Romany history text book and the book on Romany traditions when they were issued, in order better to understand the Romany people. A demographic breakdown of the population of Finland as well as the conclusions and

recommendations of the investigation of the historical rights of the Samis to land were also requested.

495. With reference to article 3, members noted with satisfaction that, in general, the Finnish Government maintained no relations with South Africa and condemned apartheid. Further clarification was requested, however, on whether diplomatic relations were still maintained, whether Finland had any investments in South Africa and Namibia and what attitude the Finnish Government had adopted on the question of Namibia.

496. With respect to the implementation of article 4, members of the Committee inquired whether the relevant articles of the Penal Code which referred to persons also applied to organizations. It was asked whether the fines and sentences referred to in the report had been implemented or whether the sentences had been suspended. The Committee reiterated its interest in receiving the contents of the Ombudsman's report to the Government.

497. Replying to questions raised by members of the Committee, the representative of Finland stated that the Swedish-speaking population did not constitute a different racial group. She also pointed out that Swedish was one of the two official languages by virtue of the Constitution. Concerning minority languages, she said that, of the three Sami dialects, Northern Sami was being developed through Nordic co-operation since that dialect was also spoken in Sweden and Norway. She added that an agreement had been passed in 1979 on a uniform spelling for teaching the dialect in schools. Concerning the migratory movements of gypsies, she said that, while there were statistics regarding people returning to Finland, they did not give an ethnic breakdown, since all Finns were regarded as having the same rights and duties.

498. Regarding the political rights of the Sami and Romany groups, she said that, in accordance with the Constitution, all Finns were equal before the law, whatever group they might belong to, and that they were well represented in local and communal government there.

499. With reference to the implementation of article 3, the representative stated that Finland observed the sanctions adopted by the Security Council, and had given details in previous reports about the joint Nordic Programme of Action against South Africa. While Finland did have diplomatic relations at the chargé d'affaires level, that did not imply Finland's support for the apartheid régime, but was intended to safeguard the rights of any Finns who might be resident in South Africa and as a means of prevailing upon the South African Government to discontinue its apartheid policy.

500. With regard to article 4, she said that the Finnish Societies' Act prohibited the forming of societies whose aims were contrary to good morals and to the law, which included the laws on racial discrimination. Under the Act such societies could be dissolved.

501. In response to the question whether the fines or sentences provided for under the Penal Code had been duly imposed, she said that all such penalties had been implemented. However, it was possible to appeal to higher courts of justice.

502. The representative reaffirmed the readiness of her Government to continue co-operating with the Committee and assured its members that their request would be taken into account in the next report of Finland.

Norway

503. The seventh periodic report of Norway (CERD/C/107/Add.4) was introduced by the representative of the reporting State who highlighted the main points dealt with in their Government's report. He pointed out that close attention was being paid in Norway to the need to prevent discrimination against immigration. That was emphasized in the programme of action for the integration of immigrants, adopted by the Norwegian Government in 1984, which was aimed basically at achieving equal rights for immigrants in everyday life through a number of special measures. Among other things, the programme laid down the principle of limited and controlled immigration to Norway in the years to come.

504. The Contact Committee between immigrant representatives and the Norwegian authorities was appointed by the Ministry of Local Government and Labour in March 1984. One of its main tasks was the revision of the legislation regulating the entry and sojourn of aliens. The Contact Committee had already submitted its proposals for an overall revision of the Aliens Act of 1956. On the basis of those proposals and comments on them by several institutions and organizations, the Ministry of Justice would submit a Bill to Parliament. The new Act should express the rights and duties of individuals more directly. The present system with parallel procedures to obtain a work permit and a resident's permit should be simplified to provide for only one permit, namely a resident's permit with or without the right to work. Aliens resident for more than three years should have the right to obtain a permanent resident's permit, thus providing greater protection against expulsion. The Contact Committee had also proposed new provisions on the organization of second instance review with regard to expulsion and administrative procedures more favourable to aliens, such as making it the special duty of the authorities to inform aliens about their rights, including the right to legal aid and to request information connected with a hearing in court. In addition, it had proposed provisions concerning the status of refugees and the establishment of a new independent commission to decide upon matters relating to refugees, such as the granting of asylum.

505. The representative also informed the Committee that the Committee on the legal rights of the Sami people, mentioned in the sixth periodic report of Norway, had recently submitted its first report. One of its main conclusions was that the Sami language, culture and society should be protected by separate Acts. A majority within that Committee was of the opinion that the principle of protection should also be stated in the Constitution. The Act on Sami questions should set up a special representative body for the Sami elected by and among the Sami people. Its competence should be mainly consultative. A majority also proposed that Sami committees should be set up in municipalities and counties to ensure that the views of the Samis were heard. The Committee was of the unanimous opinion that the new Act should regulate the authorities' work in formulating and implementing policy concerning the Sami people. The Committee was currently continuing its work concerning the right to land and water in areas in northern Norway and would later discuss similar questions relating to the rest of the country.

506. The Committee congratulated the Government of Norway on its excellent report and expressed particular appreciation of the steps that it had taken to protect immigrants, to facilitate the introduction of foreign residents in the country, to support the cultural and economic development of the Sami and Romany minorities and to implement article 7 of the Convention.

507. The judgement of the Supreme Court referred to in the report gave rise to discussion as to whether religious discrimination was covered by article 1 of the Convention. The views were expressed, on the one hand, that an attack on a religion did not breach the Convention but that an attack on an identifiable national or ethnic group did; on the other hand, that good grounds could be found for extending the Convention to cover attacks on religion.

508. With reference to article 3 of the Convention, one member of the Committee asked whether Norway had diplomatic, trade and other relations with South Africa and whether there was any Norwegian investment in South Africa and Namibia.

509. With regard to article 4 of the Convention, members of the Committee stressed the particular importance of a judgement rendered by the Supreme Court of Norway in 1981 concerning statements of a discriminatory character contained in three leaflets issued by the Organization against harmful immigration into Norway. They also stressed the importance of two decisions adopted by the Norwegian Press Council during the period June 1982 to June 1983 in respect of two cases concerning racial discrimination mentioned in newspapers. They noted that, in the case judged by the Supreme Court, a penalty had been imposed on the author of the statements under article 135 (a) of the Norwegian Penal Code and they asked what specific measures or action had been taken by the Government to enforce article 135 (a) in connection with the distribution of racist propaganda in schools, who was entitled to institute proceedings before the courts under article 135 of the Penal Code and in what circumstances the Public Prosecutor could institute proceedings in the case of acts of racial discrimination perpetrated in public. Some members of the Committee expressed the view that the judgement of the Supreme Court as well as article 135 of the Penal Code were good examples of implementation of article 4 of the Convention which could be taken into account by other States parties, especially those which had political, social and legal systems similar to those of Norway. It was significant that the Court had struck a balance between freedom of expression and the ban on incitement to racial discrimination. Though the defendant was held entitled to express certain general views, she had broken the law when she had directed her remarks against specific ethnic groups. Noting that the Penal Code could be applied to individual members of an organization, but not to an organization as such, as required by article 4 (b) of the Convention, it was asked whether Norwegian legislation contained some other provision prohibiting organizations that practised racial discrimination.

510. In connection with article 5 of the Convention, it was asked whether, in addition to the steps taken in Norway to improve the situation of immigrants and national minorities, any studies of public attitudes towards them had been made by sociologists, social psychologists or social anthropologists. Furthermore, clarification was requested on whether data concerning foreign nationals contained in the report referred to residents or immigrants. Information was also requested on the participation of immigrants in the elections held in September 1983. As regards the proposal to grant a single permit to immigrants, under the Aliens Act, with or without the right to work, it was observed that that kind of permit might be unsatisfactory since it could discourage immigrants or members of their families from residing in Norway if they were not allowed to work there. With reference to matrimonial agents who arranged for marriage partners to come from the third world to Norway, it was asked whether they would be permitted under the proposed revision of the Aliens Act, whether the situation had been studied and whether there had been problems with such marriages.

511. In connection with article 7 of the Convention, further information was requested on measures to disseminate information against racial discrimination outside schools.

512. In reply to questions put by members of the Committee, the representative of Norway stated that his Government did not have diplomatic relations with South Africa, but it did have a consulate general in Cape Town. Norway's financial and commercial engagements were not important either in South Africa or Namibia, and Norwegian investment in those countries were very limited. No licences were given; there was no State promotion of Norwegian investment in South Africa or Namibia or of Norwegian exports to South Africa. There were no Norwegian production plants or units in South Africa or Namibia and only a very few firms had representatives there. Trade could not be described as significant, nevertheless, a working group had been established to find alternative markets with a view to further reducing the trade between Norway and South Africa. There were no bilateral sports contacts between Norway and South Africa.

513. The representative then referred to comments and observations relating to the implementation by Norway of article 4 of the Convention and pointed out that cases of racial discrimination were rare in Norway and not representative of public opinion in general. Cases of racist propaganda in schools had been reported to the police and, as a consequence, persons had been charged and judicial proceedings were under way. As to who would institute proceedings under the provisions of the Penal Code, the representative stated that, in practice, initiatives would usually come from individuals, whether directly affected or not, who would report the case to the police; however, the public prosecution itself might also take the initiative. With regard to the question of organizations practising racial discrimination, the representative referred, in particular, to article 330 of the Norwegian Penal Code which prescribed punishment for anyone who established or participated in an association with the aim of committing or promoting offences and he stated that, in accordance with that article, a person establishing an organization with the aim of promoting racial discrimination was subject to punishment.

514. In connection with article 5 of the Convention, the representative stated that no extensive studies had been made on Norwegian attitudes towards immigrants; however, polls had been conducted which showed that, although there was a small minority of negative attitudes, depending on the way questions were asked, the vast majority of Norwegians were quite favourable towards immigrants. The representative also stated that no distinction was made in Norway between foreign nationals and immigrants and he provided information on the movement of immigrants into the country which showed a slow increase since July 1983. He informed the Committee that preliminary figures concerning the elections held in September 1983 showed that participation by foreigners was lower than that by Norwegians and he provided a breakdown of those figures by nationality. He pointed out, in this connection, that immigrants from distant countries had been more interested in the elections than citizens from countries more closely related to Norway, and that a report was in preparation on the way in which immigrants had received information about the elections and would be included in Norway's next periodic report. The representative explained that the proposal concerning the new permit for immigrants had an exception clause: even if admitted without the right to work, the alien might apply later for a permit with the right to work. The situation on entry would not necessarily be final. He also stated that the revised Aliens Act would probably not prevent the work of matrimonial agents, but public debate was currently in progress on that question.

515. In connection with article 7 of the Convention, the representative referred to various research projects envisaged by the Government to eliminate any cause of discrimination and racism in Norwegian society. He said that seminars and conferences would also be organized to increase knowledge about racism and discrimination and to develop measures against them and that considerable Government grants had been given to Norwegian and immigrant organizations for activities against racism and discrimination.

516. The representative of Norway finally assured the Committee that he would convey its comments to the Government.

Ethiopia

517. The fourth periodic report of Ethiopia (CERD/C/104/Add.3) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who explained that, since the last periodic report of Ethiopia, developments in political, socio-economic and educational fields had been accelerating, that the most prominent progress in relation to the Convention was the establishment of the Institute for the Study of Ethiopian Nationalities in March 1983 and that essential efforts had been made to reduce illiteracy.

518. The Committee welcomed the report of Ethiopia and congratulated the Government on the positive steps it had taken to implement the provisions of the Convention. Particular satisfaction was expressed with the transformation of Ethiopia from a feudal, backward and autocratic society into a modern socialist State as well as with the progress in the literacy campaign.

519. In connection with the implementation of article 2, members expressed the view that the Ethiopian Government had been quite right to adopt the principle of starting from the "periphery to the centre" in formulating its development strategy. They requested further information on how that strategy was applied in practice, and whether the official goal was national integration with people moving from different areas to work together. Details were also asked for in the next report concerning, in particular, the number of nationalities, the national regions and local languages in the country, and on how Ethiopia was tackling its refugee problem.

520. The Committee noted with satisfaction that the position expressed by the Ethiopian Government in connection with article 3 was quite consistent. One member, however, asked what relations, if any, it had with the racist régime in South Africa in the diplomatic, military and commercial fields.

521. Noting the indication in the report regarding "the enactment of a number of basic laws", it was observed that there was no information on the implementation of article 4, which was one of the most important provisions of the Convention. The hope was expressed that the relevant information would be included in the next periodic report.

522. As far as article 5 was concerned, members welcomed the information in the report on the organization of peasants' associations and the establishment of small-scale industries. Further clarification was requested regarding trade unions and the content of the educational programme, in particular, whether workers had the right to found trade unions in addition to the right to membership and how the literacy campaign was linked to the question of employment. With regard to the

political, religious and cultural autonomy of the various nationalities referred to in the report, it was asked whether members of the proposed regional councils would be elected or appointed by the Government.

523. With reference to article 6, the Committee pointed out that procedures should be established whereby anyone whose rights were violated could seek just reparation from a tribunal in accordance with international norms. The hope was expressed that appropriate information thereon would be included in the next periodic report. It was asked what remedies were currently available to victims of racial discrimination and the procedures they had to follow to obtain redress.

524. Regarding the implementation of article 7 the Committee noted with satisfaction the Ethiopian Government's emphasis on the importance of preserving and promoting the various languages of the country. More information was requested on the teaching of the purposes and principles of the United Nations, on the action taken to promote the various cultures and on how the various ethnic or linguistic groups were informed about one another's language and culture.

525. In reply to the questions raised by members of the Committee, the representative of Ethiopia stated that the Government had stressed the importance it attached to the strategy for economic development; the National Supreme Revolutionary Council had referred to the need for short-term, medium-term and long-term development programmes. A system of yearly planning had been adopted, on a flexible basis, with adjustment depending on the progress made, including regional development. Other practical measures taken in connection with the question of nationalities had been the national literacy campaign using 15 different languages. It was difficult to state how many different nationalities there were in the country; once the census currently being prepared with United Nations assistance had been completed, a better picture would be available.

526. With regard to refugees, the Government's efforts to alleviate the situation included attempts to reach suitable agreements with neighbouring countries. Pursuant to an agreement with Djibouti, some 26,000 of the roughly 30,000 Ethiopian refugees in that country had already been repatriated, with the assistance of UNHCR. In considering the refugee problem and Ethiopia's efforts to fulfil its relevant obligations under the Convention, it should be borne in mind that there were over 5 million displaced persons throughout the region and that further enormous difficulties had been caused by the drought.

527. In connection with article 3, the representative said that Ethiopia's second periodic report had already enumerated the measures the Government had taken against apartheid. They included prohibition of trade with South Africa, refusal of access to Ethiopian ports for South African shipping, non-recognition of the independence of bantustans and the severing of sporting ties. Since the submission of its previous report, the Ethiopian Government had adopted further measures to strengthen its stand against apartheid.

528. Replying to other questions, he explained that the Government had taken measures relating to trade unions which acknowledged the right of trade-union members to organize trade unions, to vote and to conduct meetings and activities.

529. Finally, the representative of Ethiopia assured the Committee, that the questions raised by the Committee members would be referred to his Government for a comprehensive reply in its next periodic report.

The Netherlands

530. The sixth periodic report of the Netherlands (CERD/C/106/Add.11) was introduced by the representative of the reporting State who referred to the main points dealt with in the report and provided some additional information in that respect. With regard to the demographic composition of his country, he stated that the number of non-nationals in the country had increased by 0.4 per cent in January 1983, compared to January 1980, representing 3.8 per cent of the total population. Figures for January 1984 showed that about 555,000 non-nationals, 3.9 per cent of the total population, lived in the Netherlands. He also referred to a judicial case, still sub judice, in which the Platform of Democratic Organizations of Migrant Workers had requested the Government to terminate its subsidy to the Foundation Scientific Institute Centrum Partij on account of a discriminatory document written by the Director of the Institute. The Minister for Home Affairs had endorsed the plaintiff's view that the Netherlands was obliged, pursuant to article 2, paragraph 1 (b), of the Convention, to deal with the matter and a preliminary judicial investigation was in progress to establish, inter alia, whether article 429 of the Criminal Code, dealing with participation in or financial assistance to activities involving racial discrimination, had been breached.

531. With regard to his Government's policy on minorities, the representative stated, in particular, that the first progress report on a long-term project to revise any provisions in the Netherlands laws and regulations which drew an unjustified distinction between nationals and non-nationals was expected to be sent to Parliament by the middle of 1985. Furthermore, a Bill was to be submitted to Parliament, before the end of 1984, to deal with non-national residents' rights to vote in municipal council elections and stand as candidates. The Bill should become law in time for the municipal council elections scheduled for 1986. He also stated that the Government budget for its policy on minorities for 1984 amounted to f. 700 million with the same amount being provisionally allocated for each year up to 1988 and he provided details concerning the financial support of various projects.

532. In addition, the representative highlighted the main points of an instruction recently issued in the Netherlands by the attorneys-general to the district courts, with regard to cases of discrimination. He recalled that his Government had made the declaration required under article 14 of the Convention and that any individuals or groups in the Netherlands which might feel that the Government did not fulfil its obligations under the Convention had the opportunity to seek international redress.

533. Members of the Committee commended the Government of the Netherlands for its excellent report which provided comprehensive and frank information, for its efforts to fight racial discrimination and to improve the status of minorities and migrant workers, and for the very progressive measures it had taken to implement, in particular, articles 4, 5 and 6 of the Convention. They also expressed appreciation for the additional information provided by the representative of the Government in introducing the report.

534. Members of the Committee made some general comments and raised some general questions relating to the implementation of the Convention in the Netherlands. It was noted that, according to the information provided, legislation in the Netherlands offered sufficient guarantees against racial discrimination; however,

the report stated that legislation alone was not sufficient to combat and eliminate all forms of discrimination and it also raised some doubts as to whether the victims of racial discrimination could obtain redress through the courts easily. Clarification was requested on the apparent discrepancy between those points. With reference to the interministerial study on anti-discrimination measures and their effectiveness in countries comparable to the Netherlands, one member wished to receive information on follow-up action on the basis of the study, another member wished to know why socialist countries had been excluded from the study and whether documents of the Committee had been used as sources of material. It was also asked whether provision was made in the Netherlands for co-ordination of the activities of the various organs referred to in the report to ensure more effective implementation of the Convention and what exactly the remaining obstacles mentioned in the report were which had to be removed in the country with regard to discrimination. In addition, it was asked whether the apparently small number of non-nationals residing in the Netherlands was due to widespread naturalization over the years. One member asked for information on the relationships between the Netherlands and the Netherlands Antilles, whether there were any plans to grant independence to those islands and whether there was any pro-independence movement there. Information was also requested on the demographic composition of the population of the islands, its level of education and illiteracy and unemployment rates and on the language or languages used as the medium of instruction in schools.

535. In connection with article 2 of the Convention, reference was made to the request addressed to the Government of the Netherlands by the Platform of Democratic Organizations of Migrant Workers. It was noted that the Government acknowledged its responsibility under article 2, paragraph (b), of the Convention, but that its action depended on a judicial finding in respect to the violation of article 429 of the Penal Code and further information was requested on that point. In connection with article 2, paragraph 1 (c), of the Convention it was asked whether the Government intended to amend or rescind the regulations containing distinctions based on nationality or place of residence. In addition, clarification was requested about the wording of the recommendations contained in the study of problems in minorities legislation referred to in the report. It was also asked what the Government's response to those recommendations was.

536. Members of the Committee drew particular attention to the social and economic status of ethnic minorities in the Netherlands. They wished to know, in particular, whether the Government had tried to ascertain the reasons for the 35 per cent unemployment rate among ethnic minorities, whether it was the effect of ethnic discrimination in the labour market, and whether the amended version of article 429 quater of the Criminal Code meant that ethnic discrimination on the labour market, including the private sector, was explicitly prohibited. They also asked in which sectors of the economy ethnic minorities were predominantly employed, how many people belonging to minority groups were enrolled in the police force, whether minorities had opportunities for upward mobility in their jobs and for competition on an equal footing with the Dutch and how the agreement concerning housing policy in Rotterdam, which had been reached between the welfare organizations for minorities and the municipal authorities, was actually being enforced. In addition, further details were requested on the activities of the participation bodies referred to in the report with a view to understanding how they promoted the welfare of the Moluccans and Surinamese and how effective the recommendations they made on Government policy were. Furthermore, members of the Committee wished to know whether educational programmes to prepare minorities for integration into the existing education system were envisaged in the Netherlands on

a comprehensive scale, what the illiteracy rate was among ethnic minorities and in which groups it was highest, how per capita expenditure on the education of minority groups compared with that provided for Dutch children at the primary and secondary levels, and whether they were eligible for the same type of education.

537. In connection with article 3 of the Convention, clarification was requested on whether the Netherlands had diplomatic or commercial relations with South Africa or whether there were any Dutch investments in South Africa or Namibia.

538. Turning to article 4 of the Convention, members of the Committee wished to know on what specific grounds the criminal courts in the Netherlands could deprive a voter of the right to vote or to stand for office and whether those grounds complied with article 4 (a). In this connection, it was asked what effect the Judicial Department's interpretation of section G.3, subsection 3a of the Franchise Act had had on the registration of individual candidates or candidate lists. It was also noted that the Bill submitted to Parliament on 11 June 1982 proposed amendments to the Civil and Criminal Codes which would make it easier to take action against persons whose aims or activities were contrary to public order or morality and an explanation was requested with regard to its impact on members of extreme right-wing parties. With reference to article 140 of the Criminal Code, which made participation in a prohibited organization a punishable offence, it was asked how many organizations, if any, had been banned, which they were, whether there had been cases of discriminatory behaviour other than those described in the report and whether there were other examples of practical implementation of the measures adopted.

539. In connection with article 5 of the Convention, members of the Committee focused their attention on the status of migrant workers in the Netherlands. They wished to know, in particular, the results of the scientific studies of the problems of immigrant workers in the Netherlands, whether any steps would be taken to follow them up, why foreign workers migrated to the Netherlands and why the Government did not take measures to limit their entry, whether the former system whereby permits for immigrant workers were tied to jobs was still in force, whether there was any provision for care of non-nationals who had lost their jobs and wished to remain in the Netherlands, and whether an employer who showed reluctance to hire an immigrant worker could be punished under the revised article 429 quater of the Criminal Code.

540. With reference to article 6 of the Convention, members of the Committee welcomed the study undertaken by the Government of the Netherlands on the further steps that could be taken to assist individuals in instituting legal proceedings in cases of racial discrimination. However, they wished to know whether, apart from some kind of legal assistance, any other measures were planned by the Government of the Netherlands to protect the right of victims of discrimination to obtain redress through the courts and what possibilities existed, particularly for an individual immigrant, if he were denied employment on grounds of his immigrant status. It was also asked whether the ombudsman acted only as an intermediary between individuals and the public authorities or whether he also dealt with relations between individuals, whether the ombudsman's report referred to in the Government's report was published and whether it contained information which might be useful to the Committee. In addition, information was requested on the work of the national non-governmental centre to be established in 1984 in order to assist victims of discrimination.

541. In respect of article 7 of the Convention, it was asked whether people had become more aware of discrimination in the Netherlands only as a result of information provided through the media, such as reports on individual cases, or as a result of information activities by public or other authorities, whether studies had been made in the country to ascertain how attitudes had developed and whether any steps had been taken with a view to understanding relations between the various ethnic groups as well as between them and the Dutch population.

542. Replying to comments made and questions raised by members of the Committee, the representative of the Netherlands said that, in his view, there was no contradiction in the statements that there was sufficient legislation in the Netherlands to combat racial discrimination and that the Government believed that legislation alone was not enough. He stated in that connection, that it was necessary to inform the public and to raise the level of awareness and consciousness so that people would indeed make use of their legal rights in cases of racial discrimination. His Government's study on anti-discrimination measures had not referred to the experience of socialist countries because it had dealt with the experience of countries comparable to the Netherlands with a view to finding solutions applicable in that country. Regarding co-ordination among the organs involved in combating racial discrimination, he explained that at Government level co-ordination was provided by the Department on Co-ordination of Minorities Policy of the Ministry for Home Affairs. In addition, the attorneys-general of the five district courts co-ordinated detection and prosecution procedures in connection with racial discrimination. At the local level, there was co-ordination between the municipality, the police and the public prosecutor who reported regularly on their triangular consultations to the Municipal Council, the Public Prosecution Department and the attorneys-general. Non-governmental organizations also had a great variety of co-ordination forums. The representative, then, informed the Committee that the total number of people in the Netherlands with a Suriname background was generally considered to be some 180,000, but since the majority had Dutch nationality they were not included separately in demographic data. With regard to the relationships between the Netherlands Antilles and the Netherlands, he explained that, since the Statute of the Kingdom of the Netherlands had come into force in 1975, the General Assembly had decided that the Netherlands Antilles could no longer be regarded as a colony but was an autonomous part of the Kingdom of the Netherlands. He stated that the information requested on the Netherlands Antilles could be found in the report submitted by his Government in 1983 under the International Covenant on Economic, Social and Cultural Rights (E/1980/6/Add.33).

543. In connection with article 2 of the Convention, and with particular reference to the judicial inquiry concerning a possible breach of article 429 of the Penal Code of the Netherlands, the representative pointed out that the judiciary would not decide on the termination of the subsidy, its decision would deal only with the legality of the alleged action of the Institute and, depending on that decision, the Government might or might not terminate the subsidy. He also informed the Committee that the Act of 1858 which set certain conditions for application for a job in the public sector would be repealed in the near future.

544. Referring to specific questions on ethnic minorities, the representative stated that unemployment statistics did not differentiate between the unemployed according to their origin and that it would not be possible to provide information on the rates of unemployment of the various minorities. He also said that article 429 quater applied throughout society and that, if any private firm were to show discrimination, the case would be brought before the courts. Furthermore, he

informed the Committee that the Amsterdam police had received inquiries or applications from 160 Turkish and Moroccan nationals and that the implementation of the agreement between the Rotterdam municipal authorities and minority organizations concerning housing policy was ensured by regular contact between those authorities and the minority groups. In addition he provided information on the advisory role of the participation bodies and gave examples of their advice having been taken into account by the Government. He also stated that in order to make education equally accessible to all and to eliminate the disadvantages from which minorities suffered, his Government had decided to enact legislation incorporating existing circulars on the matter. He provided details on the main relevant provisions.

545. With regard to article 3 of the Convention, the representative referred to his Government's position on the question of apartheid which had been expressed in various international forums.

546. As regards article 4 of the Convention, he indicated that there had been no cases of discriminatory behaviour in the Netherlands other than those referred to in the report.

547. In connection with article 6 of the Convention, the representative stated that victims of discrimination had access to the courts in the Netherlands. He also made it clear that the ombudsman in the Netherlands dealt only with relations between the individual and the Government. He published a yearly report, which was submitted to Parliament and received a great deal of attention in the media. In addition, the representative stated that his Government had decided in favour of the establishment of the National Centre to Assist Victims of Racial Discrimination and had postponed setting up an Anti-Discrimination Institute as that would involve the introduction of a completely new procedural system. It was hoped that the Centre would become operational in January 1985 and it would receive a Government subsidy for the first five years. A decision on the Anti-Discrimination Institute would be taken in the light of the work of the Centre.

548. The representative of the Netherlands finally assured the members of the Committee that comprehensive information relating to their questions would be provided in his Government's next periodic report.

Sri Lanka

549. The initial report of Sri Lanka (CERD/C/101/Add.6) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who highlighted some points in the report and clarified his Government's approach to questions relating to the policy on minorities and the application of the Constitution and other legislative and practical measures to strengthen national unity among all sectors of the population. He stated, in particular, that the efforts of a small minority to divide the State of Sri Lanka into separate racial entities had seriously hampered the Government's efforts to achieve racial integration of the various communities, and that Sri Lanka's problems arose out of its Government's determination to preserve Sri Lanka as a nation consisting of different races but living as an integrated unit.

550. Members of the Committee commended the Government of Sri Lanka for its well-organized report, which showed that the Government was ready to co-operate with the Committee, and took note with interest of the information provided therein

on the demographic composition of the population and on many practical measures dealing with the actual situation and the rights of various ethnic groups in the country.

551. In connection with the implementation of article 1, paragraph 4, and article 2, paragraph 2, it was pointed out that the definition of racial discrimination mentioned in the report was narrower than that in the Convention and that discrimination based on colour might manifest itself at a later date. Since the concept of descent formed part of the definition of racial discrimination in article 1, its deletion in article 12 (2) of chapter IX of the Constitution seemed to fall short of the requirements of that article of the Convention. Clarification was requested on the reasons for the criteria of descent being deleted. Further details were also requested on such "affirmative action" by the Government as a "quota system" for regulation of admissions into institutes of higher education. Referring to the information in the report concerning the All-Party Conference of January 1984 on the rights of minorities, some members asked to be informed about the results of that dialogue and any other measures being taken to encourage integrationist multiracial organizations and movements as a means of eliminating racial barriers. Regarding information on acts of terrorist groups and army confrontations in northern Sri Lanka, it was asked whether the central Government felt that it had complete control over the army units dispersed throughout the northern province or whether they were to some extent acting on their own initiative and whether the Government had any further concrete measures in mind to solve that dangerous problem and to restore harmony.

552. Some members asked for clarification of the difference between the Sri Lankan Tamils and the Indian Tamils: whether they inhabited different geographical regions, or whether they were ethnically the same; what was the geographical distribution of the Sri Lankan Moors; and whether they had any grievances similar to those of the Tamils. Further information was requested on the immigrant workers who lived in Sri Lanka.

553. As far as article 3 of the Convention was concerned, members pursued the stand of Sri Lanka against apartheid both in the United Nations and in the Movement of Non-Aligned Countries. It was noted that many of the acts which constituted the crime of apartheid were common crimes punishable under the Penal Code or other enactments in Sri Lanka. Inquiries were made as to what measures the Government envisaged in order to prevent incidents of that kind arising, perhaps through education or information. Information on relations with South Africa would also be welcome, in particular, whether Sri Lanka was no longer economically dependent on the export of tea to South Africa, a consideration which had previously prevented Sri Lanka from complying with sanctions.

554. With respect to the implementation of article 4, additional information was requested on the provisions of the Penal Code relating to that article, on special legislation concerning the results of the investigations of the communal incidents of July 1983 and any action taken under article 2, paragraph 1, and article 4 (c) of the Convention.

555. With regard to the information provided on the implementation of article 5, the Government was requested to submit the relevant extracts of the articles on fundamental rights incorporated in chapter III of the Sri Lankan Constitution in its next report as well as information on how far the emergency regulations adopted in connection with the current security situation derogated from the rights

guaranteed under article 5. In particular, it was asked whether the freedoms provided for under article 14 of the Constitution included freedom of the press and whether freedom of association included the holding of political meetings. It was noted that, in view of the destruction of life and property during communal violence, it was important to have more information on the implementation of article 5 (b) of the Convention, including any government measures to control private armies fomenting trouble and any specific measures for the rehabilitation of victims of communal violence. In view of Sri Lanka's liberal tradition, further information was requested on the rights of stateless persons, particularly their economic, social and cultural rights, their rights to just and favourable conditions of work, equal pay for equal work, housing, public health, medical care, social security and the right to education, and on the remedies available to them to redress grievances, since most of them were not represented in Parliament or in local government. Concern was expressed that under the new Constitution Sinhala had been declared the only official language although both Sinhala and Tamil were national languages. Questions were asked about how those disadvantages could be overcome and whether there were sufficient provisions for translators; whether there would be any period of grace during which Tamil speakers would be given special facilities and whether they possessed freedom of movement. Regarding the setting up of District Development Councils, more details were asked for on the work of those Councils and the way in which the people concerned were able to participate in their administration. It was asked whether the councils were advisory or executive; what subject they dealt with; how they were funded and in what way the central Government assisted in their operation. Further information was requested on ongoing measures to defuse the tension arising from political differences and members asked whether the Government would be willing to agree to the establishment of a regional council with enhanced powers.

556. Members of the Committee voiced concern about the statement in the report that fundamental rights, such as the freedom of thought, conscience and religion, freedom from torture, cruel degrading or inhuman treatment or punishment, could only be altered by a two-thirds majority decision of Parliament. In this connection, it was asked whether that meant that freedom of opinion, for example, could be altered and abolished by a simple majority; if a guarantee was so worded that a right could be exercised only within the limits of law, then a simple law could restrict that right. Clarification was requested on that point.

557. With regard to article 6, information was sought on some specific cases of persons whose rights had been violated and who had obtained satisfaction. Clarification was also requested on the special procedures laid down by article 126 of the Constitution, in particular as to whether the time-limit for the completion of cases by the Supreme Court was mandatory or discretionary; how it affected a person who wished to complain of infringement of a fundamental right which had taken place while he was in detention; and what remedies were available for groups which were allegedly victims of racial violence or the abuse of state power. More details were requested on how the Parliamentary Commissioner's findings, reported to Parliament through the Public Petitions Committee, were acted upon.

558. Replying to the questions raised by members of the Committee on the omission in Sri Lankan legislation of any reference to skin colour, the representative said that in Sri Lanka pigmentation did not indicate a person's race and that there were, for instance, Sinhalese and Tamils whose complexion was fairer than that of the average conception of a Burgher's complexion. People could not be categorized by colour in Sri Lanka and that was why colour played no part in its legislation.

He also stated that there was no quota system in Sri Lanka for job opportunities, professions or any such matter; the only area in which there was some degree of differentiation, as opposed to pure selection by merit, was in university admissions. In areas, both Sinhalese and Tamil, where the level of education was considered below the national average, the results of students sitting for examinations were weighted to ensure that they were not excluded from university through no fault of their own.

559. In reply to questions concerning the All Party Conference, the representative explained that it identified specific issues regarding the rights of the minorities. The Conference resolved to set up two committees of experts representing the diversity of opinion within the Conference: (i) to work out the structure, powers and functions of the unit of devolution and (ii) to consider whether there were any inequalities in education, employment and exercise of language rights, and, if so, to consider the measures required to remove such inequalities. The Conference had been able so far to achieve consensus on the need to give increased power to grass roots democratic organizations with a view to getting active and direct participation of the people in the governmental process; on the need to settle approximately 90,000 so-called stateless people of Indian origin as citizens of Sri Lanka, if they were not accepted by India and wished to remain in the country; and on the need to eradicate terrorism. At the last meeting in July 1984, it had been proposed that the Second Chamber of the Sri Lankan Parliament should consist of 50 members elected on the basis of two for each of the 25 districts of Sri Lanka (including the Tamil-speaking districts) and about 25 members appointed from among persons of eminence in public life. In that manner, it was proposed to give increased representation in the Parliament to all ethnic and religious groups. Among the powers envisaged for the Second Chamber was the initiation of legislation of a provincial or district nature and conciliation and mediation in issues involving ethnic, religious or communal harmony.

560. Referring to other questions on minorities, he said that Indian Tamils differed from Sri Lankan Tamils in that they were the descendants of indentured labourers brought over from India under the British colonial régime. Sri Lankan Tamils had settled in the island very much earlier and did not necessarily wish to be identified with them. He pointed out that two of the 25 members of the Cabinet were Sri Lankan Tamils while a third minister was an Indian Tamil. The Cabinet also had three Moslem members. There was no difference in status between them and the majority community.

561. With regard to employment opportunities, in conformity with article 2, he said that the different groups were proportionately represented. As for university admissions, he quoted the note verbale submitted by Sri Lanka to the Commission on Human Rights (E/CN.4/1984/10), which provided a statistical table showing that the number of Tamils gaining admission to universities was in excess of the proportion of their numbers in the country. He stressed that a substantial percentage of Tamils lived outside the Jaffna district and were distributed throughout most parts of the island.

562. Replying to comments to the effect that the crime of apartheid was considered a "common" crime in Sri Lanka, the representative explained that the word "common" had not been intended to mean that such crimes took place frequently, but rather that they were punishable under common criminal law rather than by a specific law designed for that purpose. He did not know of any crime of apartheid committed in Sri Lanka, and he regretted that misunderstanding. Sri Lanka had a liberal economy

and consequently could not prohibit private firms from dealing with South Africa until such time as the international community decided to impose a ban on trading with that country. There were, however, no state trade or economic relations with South Africa.

563. With regard to article 4, he said that the Government had taken and continued to take all measures to bring to justice persons who had committed offences during the communal disturbances of July 1983. With regard to excesses committed by some members of the armed services, there was no positive identification beyond reasonable doubt of individual servicemen who had committed specific offences. In Sri Lankan criminal law, the accused was given the benefit of the doubt and the prosecution had to prove its case beyond reasonable doubt.

564. Referring to implementation of article 5, the representative stated that its provisions were ensured by article 14 of the Constitution which listed the fundamental rights in detail. His country recognized derogations of certain rights only in case of emergency or in the interest of the community as a whole or of racial or religious harmony. Parliament was jealous of its prerogatives and had the authority to amend any law by the prescribed majority but in some cases a referendum was required.

565. With reference to the question relating to stateless persons, in conformity with article 5, he said that it was accepted that those persons who had not been accepted by India would be granted Sri Lankan citizenship once the appropriate legislation had been prepared. The public service was open to non-Sinhala-speaking citizens provided that they acquired a degree of proficiency in Sinhala within a prescribed period. The requirement of proficiency in a particular language was not contrary to article 5 of the Convention. In any case, if a person failed to acquire proficiency in Sinhala he would not be dismissed but his chances of promotion would be considerably reduced.

566. With reference to the implementation of article 6, the representative stated that article 126 of the Constitution gave effective protection to fundamental human rights in his country. The Supreme Court had ruled that time-limits for legal sanctions against any violation of those rights were not mandatory. Therefore if a person was unable to file an application before a court of law because of torture, the time-limit would start on the day he became capable of doing so. About 85 applications had been filed under article 126 seeking redress for violations of rights. It was important that a large percentage of those cases had been withdrawn by the complainants because the Government had accepted responsibility and made reparation for the damage suffered. Applications to the courts had to be filed by one or more individuals but a group could seek redress by acting through one or more of its members. Because of procedural requirements, it would not be possible for a group to act as such.

567. In conclusion, the representative stated that his country's second periodic report would provide the Committee with all the information it wished and make good any deficiencies in his statement in reply.

V. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14 OF THE CONVENTION

568. Under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, individuals or groups of individuals who claim that any of their rights enumerated in the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee on the Elimination of Racial Discrimination for consideration. Ten of the 124 States which have acceded to or ratified the Convention have declared that they recognize the competence of the Committee to receive and consider communications under article 14 of the Convention. 7/ These States are Costa Rica, Ecuador, France, Iceland, Italy, the Netherlands, Norway, Senegal, Sweden and Uruguay. No communication can be received by the Committee if it concerns a State party to the Convention which has not recognized the competence of the Committee to do so.

569. Consideration of communications under article 14 of the Convention takes place in closed meetings (rule 88 of the Committee's rules of procedure). All documents pertaining to the work of the Committee under article 14 (submissions from the parties and other working documents of the Committee) are confidential.

570. In carrying out its work under article 14 of the Convention, the Committee may be assisted by a working group of not more than five of its members, which submits recommendations to the Committee regarding the fulfilment of the conditions of admissibility of communications (rule 87, para. 1) or on the action to be taken in respect of communications which have been declared admissible (rule 95, para. 1).

571. Within three months after a decision of the Committee declaring a communication admissible has been communicated to the State party concerned, the State party shall submit to the Committee written explanations or statements clarifying the case under consideration and the remedy, if any, which may have been taken by it (rule 94). No communication may, however, be declared admissible unless the State party has received the text of the communication and has been given an opportunity to furnish information or observations concerning the question of admissibility, including information relating to the exhaustion of domestic remedies (rule 92, para. 3).

572. The Committee concludes its consideration of a communication which has been declared admissible by formulating its opinion thereon in the light of all information made available to it by the petitioner and the State party. The opinion of the Committee is communicated to the parties together with any suggestions and recommendations which the Committee may wish to make (rule 95).

573. The Committee commenced its work under article 14 of the Convention at its thirtieth session. It is envisaged that the Committee will include in its annual report a summary of the communications considered by it and of the explanations and statements of the States parties concerned, together with the Committee's own suggestions and recommendations thereon (art. 14, para. 8 of the Convention). The Committee's work under article 14 of the Convention has not yet reached this reporting stage.

VI. 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

574. The Committee considered this item at its 672nd meeting (twenty-ninth session), on 20 March 1984, and at its 695th meeting (thirtieth session), on 21 August 1984.

575. The action taken by the Trusteeship Council at its fiftieth session, in 1983, 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 1982 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the annual report of the Committee on the Elimination of Racial Discrimination submitted to the Assembly at its thirty-eighth session. 8/ 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 1983, were contained in paragraph 524 of its report to the Assembly.

576. In resolution 38/21 of 22 November 1983, the General Assembly, inter alia, took note with appreciation of the report of the Committee on its twenty-seventh and twenty-eighth sessions, commended the Committee for its continuous endeavours towards the elimination of the policy of apartheid, racism and racial discrimination in southern Africa and the implementation of the United Nations resolutions relating to the liberation and independence of Namibia, called upon the United Nations bodies concerned to ensure that the Committee was supplied with all relevant information on all the Territories to which General Assembly resolution 1514 (XV) applied, and urged the administering Powers to co-operate with those bodies by providing all necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the Convention.

577. At its twenty-ninth session, the Committee was informed by the Secretary-General of the action taken by the Special Committee in 1983 in connection with article 15 of the Convention. At its 1242nd meeting, on 8 September 1983, the Special Committee, having regard to the information requested of it under article 15 of the Convention and in General Assembly resolution 37/46 of 3 December 1983, decided to request the administering Powers concerned to include the required information in their annual reports to the Secretary-General transmitted under Article 73 of the Charter. 9/ The Secretary-General was subsequently informed that no petitions falling under the terms of article 15 of the Convention were received by the Special Committee during 1983.

578. At its thirtieth session, the Committee was informed by the Secretary-General of the action taken by the Trusteeship Council at its fifty-first (1984) session in connection with article 15 of the Convention. The Trusteeship Council, at its 1576th meeting, on 29 May 1984, considered the item on the agenda of its fifty-first session entitled "Co-operation with the Committee on the Elimination of Racial Discrimination" together with the item concerning the "Decade for Action to Combat Racism and Racial Discrimination". The Council decided to take note of the statements made on the subject by its members (T/PV.1576). No further action

concerning the opinions and recommendations of the Committee referred to above was taken by the Trusteeship Council.

579. 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-ninth and thirtieth sessions the documents listed in annex IV below.

580. At its twenty-ninth session, the Committee approved the appointment of 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 thirtieth session. The Committee reviewed the membership of the working groups at its thirtieth session. The working groups which met during the thirtieth session of the Committee consisted of the following members:

(a) African Territories

Mr. de Pierola y Balta and Mrs. Sadiq Ali, with Mr. Oberg as Convener.

(b) Pacific and Indian Ocean Territories

Mr. Ghoneim, Mr. Roucounas and Mr. Song, with Mr. Karasimeonov as Convener.

(c) Atlantic Ocean and Caribbean Territories, including Gibraltar

Mr. Cicanovic, Mr. Sherifis, Mr. Starushenko and Mr. Yutzis, with Mr. Shahi as Convener.

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

581. In accordance with established practice, the Committee agreed, at its thirtieth 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 IV below, and

(b) That the "expressions of opinion and recommendations" which the Committee was required to submit to various United Nations bodies relating to the petitions and reports that it had received from them in accordance with article 15, paragraph 2 (a) and (b), of the Convention, were prepared not in separate texts, but in one integrated text, which would be submitted to the General Assembly in accordance with article 15, paragraph 3, of the Convention and also to the United Nations bodies concerned.

582. The reports of the three working groups mentioned above were considered by the Committee at its 695th meeting, on 21 August 1984, and were adopted paragraph by paragraph, with some amendments.

583. The opinions and recommendations of the Committee, based on its consideration of copies of reports and other information submitted to it in 1984 under article 15 of the Convention, as adopted by the Committee at its 695th meeting, on 21 August 1984, 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 article 15, paragraph 2, 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

At the outset the Committee wishes to state that it has not been provided with information relevant to its task in the reports received concerning a number of Trust and Non-Self-Governing Territories in the various regions.

A. African Territories 10/

1. Namibia

1. The Committee considered, under article 9 of the Convention, the initial report submitted by the United Nations Council for Namibia and adopted decision 1 (XXX) in that connection (see chapter IX).
2. The Committee reiterates its decision that, in the interim period until Namibia attains full independence, it will continue to take into account the information concerning Namibia furnished to it by other United Nations bodies under article 15 of the Convention.
3. Pending the attainment by Namibia of its full independence, the Committee reiterates its request to the United Nations to use every possible means to prevent the South African régime from pursuing its policy of apartheid in Namibia.
4. The Committee strongly condemns the racist régime of South Africa for its continuous defiance of the decisions and resolutions of the United Nations, particularly Security Council resolution 439 (1978) of 13 November 1978, in further intensifying its efforts to enhance the powers of the illegal local administration and in ignoring completely the claims of the vast majority of the population, represented by the South West Africa People's Organization (SWAPO), which is demanding the total abolition of apartheid and the exercise of its inalienable right to self-determination leading to genuine majority rule.

2. Western Sahara

1. The Committee, taking into account the situation in Western Sahara, welcomes and supports the efforts made by the Organization of African Unity and its Implementation Committee with a view to promoting a just and definitive solution to the question, and endorses the resolution of the United Nations reaffirming the inalienable right of the people of Western Sahara to self-determination in full co-operation with the Organization of African Unity.

2. The Committee, having noted that a referendum was planned in Western Sahara, in December 1983, requests information relating thereto.

B. Pacific and Indian Ocean Territories 11/

The Committee finds itself unable to fulfil its functions under article 15 of the Convention since the documents furnished by the competent bodies of the United Nations under that article do not contain relevant information. The Committee therefore reiterates once again its request to these bodies to furnish it with the material expressly mentioned in article 15 of the Convention, i.e. petitions as well as reports concerning the legislative, judicial, administrative or other matters directly related to the principles and objectives of the Convention applied by the administering Powers within the Territories mentioned in article 15, paragraph 2 (b), of the Convention.

C. Atlantic Ocean and Caribbean Territories, including Gibraltar 12/

1. Anguilla

Last year, the Committee requested that it be provided with the text of the human rights provisions of the new Constitution which came into effect on 1 April 1982. No such information has been received and, therefore, the Committee reiterates its request.

2. Bermuda

The Committee reiterates its request that it be provided with the text of the Human Rights Act as well as information on the activities of the Human Rights Commission in implementation of the relevant provisions of the Act. The Committee expresses the hope that the process of Bermudization will be accelerated.

3. Falkland Islands (Malvinas)

The Committee expresses its support for a peaceful solution of the dispute through the good offices of the Secretary-General in accordance with General Assembly resolution 37/9.

4. St. Helena

The Committee regrets to note that St. Helena continues to trade with South Africa despite its recommendation to put an end to commercial relations with the apartheid régime.

In conclusion, the Committee observed that the continued existence of colonial régimes was hampering the full implementation of the Convention in the Territories in question.

VII. DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

584. The Committee considered this item at its 673rd and 674th meetings (twenty-ninth session), on 22 and 23 March 1984, and at its 694th and 695th meetings (thirtieth session), on 21 August 1984.

585. For the consideration of the item the Committee had before it the following documents: (a) the report of the Second World Conference to Combat Racism and Racial Discrimination (A/CONF.119/26) 13/; (b) the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination approved by the General Assembly at its thirty-eighth session (resolution 38/14, annex); (c) the draft plan of activities for the period 1985-1989, prepared by the Secretary-General in accordance with General Assembly resolution 38/14 (A/39/167-E/1984/33); and (d) Economic and Social Council resolution 1984/43 of 24 May 1984 concerning the Second Decade.

586. At the twenty-ninth session of the Committee, the item was introduced by Mr. Lamptey, who represented the Committee, together with the former Chairman, Mr. Ingles, at the Second World Conference to Combat Racism and Racial Discrimination, held in Geneva from 1 to 12 August 1983. He summarized the Committee's contribution to the Second World Conference and referred to the commendation it had received from the Conference. Mr. Lamptey invited members to consider how the Committee could best contribute to the realization of the aims and objectives of the Second Decade.

587. At the same session, the Committee examined possible ways to contribute to the realization of the aims and objectives of the Second Decade. Several members of the Committee put forward a number of proposals that could be implemented during the Decade. Within this context, the Committee heard a statement by the Assistant Secretary-General for Human Rights indicating, inter alia, how the experience accumulated by the Committee since its inception in the implementation of the provisions of the Convention could best be utilized to further the objectives of the Second Decade. The Committee decided to give due consideration, at its thirtieth session, to the proposals put forward by several of its members as well as to the suggestions made by the Assistant Secretary-General.

588. It also agreed to recommend to the General Assembly that the two studies on articles 4 and 7 of the Convention prepared for the Second World Conference by the Committee (A/CONF.119/10 and 11) be issued as United Nations publications and given the widest possible distribution. In this connection, the Committee requested the Secretary-General, in accordance with rule 25 of its rules of procedure, to inform it at its thirtieth session of the financial implications of such a proposal.

589. At the thirtieth session, Mr. Sherifis introduced the draft proposal on publication of the Committee's two studies on articles 4 and 7 of the Convention. The Committee was also informed by the representative of the Secretary-General of the financial implications of its proposal.

590. At its 694th meeting (thirtieth session), the Committee unanimously adopted the draft proposal. For the text as adopted, see chapter IX, decision 2 (XXX).

591. At its 695th meeting (thirtieth session), the Committee decided to keep an item entitled "Second Decade for Action to Combat Racism and Racial Discrimination"

on its agenda throughout the entire Decade and requested the Secretary-General to keep the Committee informed of the activities which will be undertaken in accordance with the Programme.

592. The Committee examined relevant suggestions relating to its work contained in the draft plan of activities for the period 1985-1989 prepared by the Secretary-General, as well as in the Programme of Action for the Second Decade, approved by the General Assembly in resolution 38/14. In that connection, some members of the Committee supported the suggestion inviting the Secretary-General to compile and publish a consolidated volume of national laws designed to combat racism and racial discrimination. The Committee also noted the importance of studies concerning world peace, justice and racial discrimination and an assessment of the functioning of the International Convention on the Elimination of All Forms of Racial Discrimination.

593. The Committee recalled that its request to the General Assembly during the first Decade that one of the Committee's regular sessions be held in Africa had not proved feasible. It renewed that suggestion and requested the General Assembly to reconsider it and try to find the necessary financial resources to implement it during the Second Decade, in view of the positive effects that such a meeting could have for the elimination of racial discrimination in that region of the world.

594. The Committee stressed the desirability of giving greater publicity to its work and suggested the production of a documentary film on its activities which could be prepared in co-operation with the United Nations Department of Public Information.

595. Taking into consideration section D of the Programme of Action for the Second Decade and General Assembly resolution 37/46 of 3 December 1982, most members of the Committee reiterated that a study on the scope and implementation of article 5 (e) in conjunction with article 1, paragraph 4, and article 2, paragraph 2, of the Convention should be prepared. The study would concentrate on minorities, indigenous populations and other vulnerable groups. The Committee agreed that the modalities for conducting such a study could be discussed at its next session.

VIII. MEETINGS OF THE COMMITTEE IN 1986

596. The Committee considered this item at its 674th meeting (twenty-ninth session), held on 23 March 1984.

597. The Committee was informed of the consultations undertaken by the Secretariat in connection with the wishes expressed by the Committee concerning the dates and venue of its spring and summer sessions to be held in 1986 and of the dates suggested by the Department of Conference Services.

598. Taking into account the above-mentioned information, the following decision was taken by the Committee at its twenty-ninth session:

Thirty-third session

The Committee decided that its thirty-third session should be held at United Nations Headquarters, New York, from 3 to 21 March 1986.

Thirty-fourth session

The Committee decided that its thirty-fourth session should be held at the United Nations Office at Geneva, from 4 to 22 August 1986.

IX. DECISIONS ADOPTED BY THE COMMITTEE AT ITS
TWENTY-NINTH AND THIRTIETH SESSIONS

A. Twenty-ninth session

1 (XXIX). Views and recommendations of the Committee on the reporting obligations of States parties to the Convention

1. The Committee on the Elimination of Racial Discrimination appreciates the serious consideration given by the General Assembly to its request for assistance in getting States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to fulfil their obligations under article 9 of the Convention.

2. The Committee also wishes to record its thanks to the Secretary-General for his suggestions and recommendations in this regard.

3. The Committee having, at its twenty-ninth session, given very careful consideration to the opinions expressed in the General Assembly and at the ninth meeting of States parties to the Convention as well as the suggestions and recommendations of the Secretary-General on this matter has come to the following conclusions:

(a) The failure of certain States parties to submit the required reports under article 9 is due either to difficulties resulting from unavailability of personnel with the requisite competence in the field of human rights reporting, or a lack of political will to fulfil obligations flowing from the Convention. There may also be a problem of overload in the reporting system as a result of the present obligations of States parties under several international instruments in the field of human rights.

(b) In all three instances a change in the periodicity of the reporting obligations cannot be an answer. The reporting system is the most decisive element in the monitoring process with which the Committee is charged, and it is the principal means by which pressure is brought to bear upon States parties to fulfil the substantive obligation to eliminate racial discrimination in all its forms. The latent nature of racial discrimination, its persistence and its susceptibility to sudden flare ups and accentuation make it imperative that monitoring should be rigorous and, in this regard, a shorter period for reporting is more beneficial than an extended period.

(c) The formal extension, by any means, of the periodicity of reporting will have a negative effect on the main task of combating racism and racial discrimination, since it will weaken the obligations assumed by States parties under the Convention. The Committee cannot therefore support an amendment of the Convention.

(d) The formalization of a reporting system requiring a four-year substantive report and a two-year interim one will be equally dangerous since its effect will be the same as if the Convention had been amended. Support cannot therefore be given to this suggestion.

(e) The Committee under its own rules of procedure has adopted a flexible approach making it possible for reports to be combined on occasion without relieving the reporting State of the legal obligation to present its report within the time-frame stipulated by the Convention, and this flexibility is helping States parties which have the will to fulfil their obligations but which are temporarily burdened.

(f) With respect to those States parties whose difficulties appear to arise from a lack of personnel, the necessary assistance in terms of training and advisory services should be provided and the Committee will wholeheartedly support any action to be initiated by the Secretary-General in this respect. Collectively and individually the Committee is ready to contribute to this effort, which is considered the first task in the solution of the reporting problem.

(g) When training and advisory services have been provided, the Committee and the General Assembly will be in a position to determine which States parties have failed to report due to a lack of political will and appropriate action can be recommended at that time.

(h) With the increase in the number of States parties and their fulfilment of the reporting obligations the problem of the volume of work will arise for the Committee. The Committee is convinced that under its rules of procedure it has the means to change its method of work to respond adequately to this problem.

(i) The Committee gives its full support to the suggestion of co-ordinating meetings of the chairmen of the monitoring bodies of the human rights instruments, and has empowered its Chairman to participate in this activity.

673rd meeting
22 March 1984

B. Thirtieth session

1 (XXX). Initial report of Namibia

The Committee on the Elimination of Racial Discrimination,

Having examined the initial report of Namibia 14/ submitted by the United Nations Council for Namibia, as the legal Administrating Authority for Namibia until its independence,

Deeply concerned by references contained in the report regarding the inhuman policy of apartheid imposed in Namibia by the illegal administration of the Government of South Africa,

Gravely concerned by the continuous suffering of the Namibian people as a consequence of racism, racial discrimination, extension of apartheid, systematic human rights violations as well as the brutal repression carried out by the illegal and racist administration of the Government of South Africa,

Convinced that the self-determination and independence of Namibia are fundamental prerequisites for ending that untenable situation and that, to that end, the Government of South Africa must immediately comply with the pertinent

United Nations resolutions and decisions, particularly General Assembly resolutions 1514 (XV) of 14 December 1960, 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967, the advisory opinion of the international Court of Justice of 21 June 1971, 15/ Security Council resolutions 385 (1976) of 30 January 1976 and 435 (1978) of 29 September 1978, Council for Namibia Decree No. 1 for the protection of the Natural Resources of Namibia 16/ and the 1983 Paris Declaration on Namibia, 17/

Deeply concerned also by the statement contained in the initial report of Namibia to the effect that international efforts for the elimination of racial discrimination, colonialism and racism have not been effective in Namibia because some governments, international organizations and institutions have persisted in maintaining links with South Africa despite United Nations resolutions against such collaboration,

Taking into consideration the provisions contained in article 9, paragraph 2, of the Convention, which empower the Committee to make suggestions and general recommendations based on the examination of the reports and information received from the States parties,

1. Expresses appreciation for the submission of the initial report of Namibia by the United Nations Council for Namibia as well as for the introductory statement of its representative before the Committee;
2. Commends the United Nations Council for Namibia for its significant work as the only legal Administering Authority for Namibia until independence;
3. Expresses great concern at the inability of the Council to apply the provisions of the Convention in Namibia owing to the policy of apartheid of South Africa;
4. Strongly condemns the policy of apartheid, racial discrimination and the continuous violations of human rights and fundamental freedoms inflicted by the Government of South Africa upon the people of Namibia;
5. Expresses furthermore its solidarity with, and support for, the people of Namibia in its struggle for complete liberation and national independence and calls for the implementation of the relevant United Nations resolution on Namibia;
6. Appeals to all the States parties which have not yet done so to suspend all diplomatic, cultural, economic, military, sporting and any other relations with the racist Government of South Africa;
7. Decides to keep under constant review the question of Namibia and to take any appropriate action in accordance with its mandate under the Convention and, in this connection, requests the United Nations Council for Namibia to provide the Committee with additional information on developments about the situation in Namibia at any time the Council deems it fit.

693rd meeting
20 August 1984

2 (XXX). Publication of the Committee's studies on articles 4 and 7 of the Convention

The Committee on the Elimination of Racial Discrimination,

Recalling General Assembly resolutions 33/99 of 16 December 1978, 36/12 of 28 October 1981 and 37/46 of 3 December 1982,

Having considered General Assembly resolutions 38/14, 38/15 and 38/21 of 22 November 1983,

Desiring to contribute to the United Nations efforts towards the elimination of racism and racial discrimination in the context of its responsibility for the monitoring of the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

Convinced that its contribution to the Second World Conference to Combat Racism and Racial Discrimination consisting of two studies on articles 4 18/ and 7 19/ of the Convention would be a valuable source of information of great interest to national authorities, researchers, professors, international, governmental and non-governmental organizations as well as to other persons concerned with the promotion of human rights,

Believing that the two studies will constitute a useful tool in the activities to be carried out during the Second Decade to Combat Racism and Racial Discrimination,

Requests the General Assembly to authorize the publication of the two studies on articles 4 and 7 of the Convention in printed form, with a view to giving them the widest possible dissemination.

694th meeting
21 August 1984

Notes

1/ See Official Records of the International Convention on the Elimination of All Forms of Racial Discrimination, Ninth Meeting of States Parties, Decisions (CERD/SP/21).

2/ For action taken by the Committee under this item, see paras. 5 and 6 above.

3/ See CERD/SP/SR.14.

4/ The revised text of the rules of procedure, as adopted by the Committee, is issued as document CERD/C/35/Rev.2. The numbers of the provisional rules 1 to 55 remained unchanged. Provisional rule 56 became rule 58. Provisional rule 62 became rule 35. Provisional rule 63 became rule 99. Provisional rule 64 A became rule 64. Provisional rule 66 A became rule 67. Provisional rules 79 to 96 became rules 80 to 97.

Notes (continued)

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

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

7/ The competence of the Committee to exercise the functions provided for in article 14 of the Convention became effective on 3 December 1982 (art. 14, para. 9, of the Convention).

8/ See Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 18 (A/38/18), paras. 518-519.

9/ See Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 23 (A/38/23 (Part I)), chap. I, sect. K., paras. 83-85.

10/ Adopted at the 695th meeting, on 21 August 1984. With regard to these Territories, the following documents were submitted to the Committee:

| | |
|---------|--|
| Namibia | A/38/23 (Part V), chap. VIII A/AC.109/743 A/AC.109/744 A/AC.109/748 |
|---------|--|

| | |
|----------------|--|
| Western Sahara | A/38/23 (Part VI), chap. IX A/AC.109/749 and Corr.1 |
|----------------|--|

Aide-Memoire 39/83

11/ Adopted at the 695th meeting, on 21 August 1984. With regard to these Territories, the following documents were submitted to the Committee:

| | |
|------------|--|
| East Timor | A/38/23 (Part VI), chap. X A/AC.109/747 |
|------------|--|

| | |
|------|---|
| Guam | A/38/23 (Part VI), chap. XVII A/AC.109/742 A/AC.109/766 A/AC.109/770 |
|------|---|

| | |
|--|--|
| Trust Territory of the Pacific Islands | A/38/23 (Part VI) Add.1, chap. XVIII A/AC.109/739 A/AC.109/776 |
|--|--|

| | |
|----------|--------------|
| Pitcairn | A/AC.109/762 |
|----------|--------------|

| | |
|---------|--------------|
| Tokelau | A/AC.109/763 |
|---------|--------------|

| | |
|----------------|--------------|
| American Samoa | A/AC.109/767 |
|----------------|--------------|

Notes (continued)

12/ Adopted at the 695th meeting, on 21 August 1984. With regard to these Territories, the following documents were submitted to the Committee:

| | |
|------------------------------|---|
| Gibraltar | A/38/23 (Part VI), chap. XI A/AC.109/741 |
| Bermuda | A/38/23 (Part VI), chap. XIX A/AC.109/738 A/AC.109/761 |
| Turks and Caicos Islands | A/38/23 (Part VI), chap. XXIII A/AC.109/737 and Corr.1 A/AC.109/738 A/AC.109/765 and Add.1 |
| United States Virgin Islands | A/38/23 (Part VI), chap. XXIX A/AC.109/738 A/AC.109/740 and Corr.1 A/AC.109/777 |
| Anguilla | A/38/23 (Part VI), chap. XXV A/AC.109/754 |
| Falkland Islands (Malvinas) | A/38/23 (Part VII), chap. XXVI A/AC.109/752 |
| British Virgin Islands | A/AC.109/764 |
| Cayman Islands | A/AC.109/768 |
| Montserrat | A/AC.109/769 |
| St. Helena | A/AC.109/775 |

13/ United Nations publication, Sales No. E.83.XIV.4.

14/ CERD/C/101/Add.7.

15/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports, 1971, p. 16.

16/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 24 (A/35/24), vol. I, annex II.

17/ Report of the International Conference in Support of the Struggle of the Namibian People for Independence, Paris, 25-29 April 1983 (A/CONF.120/13), part three.

18/ A/CONF.119/10.

19/ A/CONF.119/11.

ANNEX I

A. States parties to the International Convention on the
Elimination of All Forms of Racial Discrimination
as at 24 August 1984

| <u>State</u> | <u>Date of receipt of the instrument of ratification or accession</u> | <u>Entry into force</u> |
|---|---|-------------------------|
| Afghanistan | 6 July 1983 <u>a/</u> | 5 August 1983 |
| 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 <u>b/</u> | 5 August 1975 <u>b/</u> |
| Bangladesh | 11 June 1979 <u>a/</u> | 11 July 1979 |
| Barbados | 8 November 1972 <u>a/</u> | 8 December 1972 |
| Belgium | 7 August 1975 | 6 September 1975 |
| Bolivia | 22 September 1970 | 22 October 1970 |
| Botswana | 20 February 1974 <u>a/</u> | 22 March 1974 |
| Burkina Faso | 18 July 1974 <u>a/</u> | 17 August 1974 |
| Brazil | 27 March 1968 | 4 January 1969 |
| Bulgaria | 5 August 1966 | 4 January 1969 |
| Burundi | 27 October 1977 | 26 November 1977 |
| Byelorussian Soviet Socialist Republic | 8 April 1969 | 8 May 1969 |
| Cameroon | 24 June 1971 | 24 July 1971 |
| Canada | 14 October 1970 | 15 November 1970 |
| Cape Verde | 3 October 1979 <u>a/</u> | 2 November 1979 |
| Central African Republic | 16 March 1971 | 15 April 1971 |
| Chad | 17 August 1977 <u>a/</u> | 16 September 1977 |
| Chile | 20 October 1971 | 19 November 1971 |
| China | 29 December 1981 <u>a/</u> | 28 January 1982 |
| Colombia | 2 September 1981 | 2 October 1981 |
| Costa Rica <u>c/</u> | 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 Kampuchea | 28 November 1983 | 28 December 1983 |
| Democratic Yemen | 18 October 1972 <u>a/</u> | 17 November 1972 |
| Denmark | 9 December 1971 | 8 January 1972 |
| Dominican Republic | 25 May 1983 <u>a/</u> | 24 June 1983 |
| Ecuador <u>c/</u> | 22 September 1966 <u>a/</u> | 4 January 1969 |
| Egypt | 1 May 1967 | 4 January 1969 |

| <u>State</u> | <u>Date of receipt of the instrument of ratification or accession</u> | <u>Entry into force</u> |
|-------------------------------------|---|---------------------------|
| El Salvador | 30 November 1979 <u>a/</u> | 30 December 1979 |
| Ethiopia | 23 June 1976 <u>a/</u> | 23 July 1976 |
| Fiji | 11 January 1973 <u>b/</u> | 11 January 1973 <u>b/</u> |
| Finland | 14 July 1970 | 13 August 1970 |
| France <u>c/</u> | 28 July 1971 <u>a/</u> | 27 August 1971 |
| Gabon | 29 February 1980 | 30 March 1980 |
| Gambia | 29 December 1978 <u>a/</u> | 28 January 1979 |
| German Democratic Republic | 27 March 1973 <u>a/</u> | 26 April 1973 |
| Germany, Federal Republic of | 16 May 1969 | 15 June 1969 |
| Ghana | 8 September 1966 | 4 January 1969 |
| Greece | 18 June 1970 | 18 July 1970 |
| Guatemala | 18 January 1983 | 17 February 1983 |
| Guinea | 14 March 1977 | 13 April 1977 |
| Guyana | 15 February 1977 | 17 March 1977 |
| Haiti | 19 December 1972 | 18 January 1973 |
| Holy Sea | 1 May 1969 | 31 May 1969 |
| Hungary | 1 May 1967 | 4 January 1969 |
| Iceland <u>c/</u> | 13 March 1967 | 4 January 1969 |
| India | 3 December 1968 | 4 January 1969 |
| Iran (Islamic Republic of) | 29 August 1968 | 4 January 1969 |
| Iraq | 14 January 1970 | 13 February 1970 |
| Israel | 3 January 1979 | 2 February 1979 |
| Italy <u>c/</u> | 5 January 1976 | 4 February 1976 |
| Ivory Coast | 4 January 1973 <u>a/</u> | 3 February 1973 |
| Jamaica | 4 June 1971 | 4 July 1971 |
| Jordan | 30 May 1974 <u>a/</u> | 29 June 1974 |
| Kuwait | 15 October 1968 <u>a/</u> | 4 January 1969 |
| Lao People's Democratic Republic | 22 February 1974 <u>a/</u> | 24 March 1974 |
| Lebanon | 12 November 1971 <u>a/</u> | 12 December 1971 |
| Lesotho | 4 November 1971 <u>a/</u> | 4 December 1971 |
| Liberia | 5 November 1976 <u>a/</u> | 5 December 1976 |
| Libyan Arab Jamahiriya | 3 July 1968 <u>a/</u> | 4 January 1969 |
| Luxembourg | 1 May 1978 | 31 May 1978 |
| Madagascar | 7 February 1969 | 9 March 1969 |
| Maldives | 24 April 1984 <u>a/</u> | 24 May 1984 |
| Mali | 16 July 1974 <u>a/</u> | 15 August 1974 |
| Malta | 27 May 1971 | 26 June 1971 |
| Mauritius | 30 May 1972 <u>a/</u> | 29 June 1972 |

Date of receipt of the
instrument of ratification
or accession

| <u>State</u> | <u>Date of receipt of the instrument of ratification or accession</u> | <u>Entry into force</u> |
|-------------------------------------|---|-------------------------|
| Mexico | 20 February 1975 | 22 March 1975 |
| Mongolia | 6 August 1969 | 5 September 1969 |
| Morocco | 18 December 1970 | 17 January 1971 |
| Mozambique | 18 April 1983 <u>a/</u> | 18 May 1983 |
| Namibia | 11 November 1982 <u>a/</u> | 11 December 1982 |
| Nepal | 30 January 1971 <u>a/</u> | 1 March 1971 |
| Netherlands <u>c/</u> | 10 December 1971 | 9 January 1972 |
| New Zealand | 22 November 1972 | 22 December 1972 |
| Nicaragua | 15 February 1978 <u>a/</u> | 17 March 1978 |
| 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 |
| Papua New Guinea | 27 January 1982 <u>a/</u> | 26 February 1982 |
| Peru | 29 September 1971 | 29 October 1971 |
| Philippines | 15 September 1967 | 4 January 1969 |
| Poland | 5 December 1968 | 4 January 1969 |
| Portugal | 24 August 1982 <u>a/</u> | 23 September 1982 |
| Qatar | 22 July 1976 <u>a/</u> | 21 August 1976 |
| Republic of Korea | 5 December 1978 <u>a/</u> | 4 January 1979 |
| Romania | 15 September 1970 <u>a/</u> | 15 October 1970 |
| Rwanda | 16 April 1975 <u>a/</u> | 16 May 1975 |
| Saint Vincent and the Grenadines | 9 November 1981 <u>a/</u> | 9 December 1981 |
| Senegal <u>c/</u> | 19 April 1972 | 19 May 1972 |
| Seychelles | 7 March 1978 <u>a/</u> | 6 April 1978 |
| Sierra Leone | 2 August 1967 | 4 January 1969 |
| Solomon Islands | 17 March 1982 <u>b/</u> | 17 March 1982 <u>b/</u> |
| Somalia | 26 August 1975 | 25 September 1975 |
| Spain | 13 September 1968 <u>a/</u> | 4 January 1969 |
| Sri Lanka | 18 February 1982 <u>a/</u> | 20 March 1982 |
| Sudan | 21 March 1977 <u>a/</u> | 20 April 1977 |
| Suriname | 15 March 1984 <u>b/</u> | 15 March 1984 <u>b/</u> |
| 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 |

| <u>State</u> | <u>Date of receipt of the instrument of ratification or accession</u> | <u>Entry into force</u> |
|--|---|-------------------------|
| Tunisia | 13 January 1967 | 4 January 1969 |
| Uganda | 21 November 1980 <u>a/</u> | 21 December 1980 |
| 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 Tanzania | 27 October 1972 <u>a/</u> | 26 November 1972 |
| Uruguay <u>c/</u> | 30 August 1968 | 4 January 1969 |
| Venezuela | 10 October 1967 | 4 January 1969 |
| West Nam | 9 June 1982 <u>a/</u> | 9 July 1982 |
| Yugoslavia | 2 October 1967 | 4 January 1969 |
| Zaire | 21 April 1976 <u>a/</u> | 21 May 1976 |
| Zambia | 4 February 1972 | 5 March 1972 |

Notes

- a/ Accession.
- b/ Date of receipt of notification of succession.
- c/ Made the declaration under art. 14, para. 1, of the Convention.

B. States parties which have made the declaration under article 14, paragraph 1, of the Convention

| <u>State party</u> | <u>Date of deposit of the declaration</u> | <u>Effective date</u> |
|--------------------|---|-----------------------|
| Costa Rica | 8 January 1974 | 8 January 1974 |
| Ecuador | 18 March 1977 | 18 March 1977 |
| France | 16 August 1982 | 16 August 1982 |
| Iceland | 10 August 1981 | 10 August 1981 |
| Italy | 5 May 1978 | 5 May 1978 |
| Netherlands | 10 December 1971 <u>a/</u> | 9 January 1972 |
| Norway | 23 January 1976 | 23 January 1976 |
| Senegal | 3 December 1982 | 3 December 1982 |
| Sweden | 6 December 1971 <u>a/</u> | 5 January 1972 |
| Uruguay | 11 September 1972 | 11 September 1972 |

Notes

a/ Upon ratification 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/

(30 July 1983 to 24 August 1984)

A. Initial reports

| <u>State party</u> | <u>Date due</u> | <u>Date of submission</u> | <u>Date of reminder(s) sent, if any</u> |
|--------------------|------------------|---------------------------|--|
| Afghanistan | 5 August 1984 | 20 July 1984 | - |
| Dominican Republic | 24 June 1984 | NOT YET RECEIVED | - |
| El Salvador | 30 December 1980 | 11 July 1983 | (1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982 (5) 15 April 1983 |
| Guatemala | 17 February 1984 | 15 February 1984 | - |
| 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 (6) 10 October 1980 (7) 28 April 1981 (8) 9 October 1981 - 22 March 1982 <u>b/</u> (9) 8 October 1982 (10) 15 April 1983 (11) 20 September 1983 (12) 30 April 1984 |
| 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 (6) 10 October 1980 (7) 28 April 1981 (8) 9 October 1981 - 22 March 1982 <u>b/</u> (9) 8 October 1982 (10) 15 April 1983 (11) 20 September 1983 (12) 30 April 1984 |

| <u>State party</u> | <u>Date due</u> | <u>Date of submission</u> | <u>Date of reminder(s) sent, if any</u> |
|--------------------|-------------------|---------------------------|--|
| Mozambique | 18 May 1984 | 28 December 1983 | - |
| Namibia | 11 December 1983 | 9 December 1983 | - |
| Papua New Guinea | 26 February 1983 | 16 August 1983 | (1) 15 April 1983 |
| Portugal | 23 September 1983 | 18 July 1984 | (1) 30 April 1984 |
| Sri Lanka | 20 March 1983 | 16 January 1984 | (1) 15 April 1983 (2) 20 September 1983 |
| Uganda | 21 December 1981 | 10 July 1984 | (1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983 |
| Viet Nam | 9 July 1983 | 14 December 1983 | (1) 20 September 1983 |

B. Second periodic reports

| | | | |
|-------------|-------------------|------------------|--|
| Bangladesh | 11 July 1982 | NOT YET RECEIVED | (1) 8 October 1982 (2) 15 April 1983 (3) 20 September 1983 (4) 30 April 1984 |
| Cape Verde | 2 November 1982 | 1 August 1983 | (1) 15 April 1983 |
| Chad | 16 September 1980 | 10 January 1984 | (1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982 (5) 15 April 1983 (6) 20 September 1983 |
| El Salvador | 30 December 1982 | 11 July 1983 | (1) 15 April 1983 |
| Gabon | 30 March 1983 | NOT YET RECEIVED | (1) 20 September 1983 (2) 30 April 1984 |
| Gambia | 28 January 1982 | NOT YET RECEIVED | (1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983 (4) 20 September 1983 (5) 30 April 1984 |
| Guinea | 13 April 1980 | NOT YET RECEIVED | (1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982 (5) 8 October 1982 (6) 15 April 1983 (7) 20 September 1983 (8) 30 April 1984 |

| <u>State party</u> | <u>Date due</u> | <u>Date of submission</u> | <u>Date of reminder(s) sent, if any</u> |
|--------------------|-------------------|---------------------------|---|
| Guyana | 17 March 1980 | NOT YET RECEIVED | (1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 - 22 March 1982 <u>b/</u> (5) 8 October 1982 (6) 15 April 1983 (7) 20 September 1983 (8) 30 April 1984 |
| Liberia | 5 December 1979 | NOT YET RECEIVED | (1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 - 22 March 1982 <u>b/</u> (5) 8 October 1982 (6) 15 April 1983 (7) 20 September 1983 (8) 30 April 1984 |
| Somalia | 27 September 1978 | 31 July 1984 | (1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 (7) 15 April 1982 (8) 8 October 1982 (9) 15 April 1983 (10) 20 September 1983 (11) 30 April 1984 |
| Uganda | 21 December 1983 | NOT YET RECEIVED | (1) 30 April 1984 |

C. Third periodic reports

| | | | |
|------------|-------------------|------------------|---|
| Bangladesh | 11 July 1984 | NOT YET RECEIVED | - |
| Belgium | 6 September 1980 | 28 July 1983 | (1) 28 April 1981 (2) 15 April 1983 |
| Burundi | 26 November 1982 | NOT YET RECEIVED | (1) 15 April 1983 (2) 20 September 1983 (3) 30 April 1984 |
| Chad | 16 September 1982 | 10 January 1984 | (1) 15 April 1983 (2) 20 September 1983 |
| Gambia | 28 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |

| <u>State party</u> | <u>Date due</u> | <u>Date of submission</u> | <u>Date of reminder(s) sent, if any</u> |
|--|-------------------|---------------------------|---|
| Guinea | 13 April 1982 | NOT YET RECEIVED | (1) 8 October 1982 (2) 15 April 1983 (3) 20 September 1983 (4) 30 April 1984 |
| Guyana | 17 March 1982 | NOT YET RECEIVED | - 22 March 1982 <u>b/</u> (1) 8 October 1982 (2) 15 April 1983 (3) 20 September 1983 (4) 30 April 1984 |
| Israel | 2 February 1984 | 13 July 1984 | (1) 30 April 1984 |
| Italy | 4 February 1981 | 17 November 1983 | - |
| Lao People's Democratic Republic | 24 March 1979 | 19 June 1984 | (1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 (7) 15 April 1982 (8) 8 October 1982 (9) 15 April 1983 (10) 20 September 1983 (11) 30 April 1984 |
| Liberia | 5 December 1981 | NOT YET RECEIVED | - 22 March 1982 <u>b/</u> (1) 8 October 1982 (2) 15 April 1983 (3) 20 September 1983 (4) 30 April 1984 |
| Republic of Korea | 4 January 1984 | 9 March 1984 | - |
| Seychelles | 6 April 1983 | 6 December 1983 | (1) 20 September 1983 |
| Somalia | 27 September 1980 | 31 July 1984 | (1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982 (5) 15 April 1983 (6) 20 September 1983 (7) 30 April 1984 |
| Zaire | 21 May 1981 | NOT YET RECEIVED | (1) 9 October 1981 (2) 15 April 1982 (3) 8 October 1982 (4) 15 April 1983 (5) 20 September 1983 (6) 30 April 1984 |

| <u>State party</u> | <u>Date due</u> | <u>Date of submission</u> | <u>Date of reminder(s) sent, if any</u> |
|--|-------------------|---------------------------|---|
| D. <u>Fourth periodic reports</u> | | | |
| Belgium | 6 September 1982 | 28 July 1983 | (1) 15 April 1983 |
| Burkina Faso | 18 August 1981 | 27 June 1984 | (1) 9 October 1981 (2) 15 April 1982 (3) 8 October 1982 (4) 20 September 1983 (5) 30 April 1984 |
| Ethiopia | 25 July 1983 | 2 March 1984 | (1) 20 September 1983 |
| Guinea | 13 April 1984 | NOT YET RECEIVED | - |
| Guyana | 17 March 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Italy | 4 February 1983 | 17 November 1983 | - |
| Lao People's Democratic Republic | 24 March 1981 | 19 June 1984 | (1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982 (5) 15 April 1983 (6) 20 September 1983 (7) 30 April 1984 |
| Liberia | 5 December 1983 | NOT YET RECEIVED | (1) 30 April 1984 |
| Qatar | 22 August 1983 | 11 October 1983 | - |
| Sierra Leone | 5 January 1976 | NOT YET RECEIVED | (1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977 (4) 27 August 1977 (5) 25 April 1979 (6) 28 September 1979 (7) 28 April 1980 (8) 10 October 1980 (9) 28 April 1981 (10) 9 October 1981 (11) 15 April 1982 (12) 8 October 1982 (13) 15 April 1983 (14) 20 September 1983 (15) 30 April 1984 |
| Somalia | 27 September 1982 | 31 July 1984 | (1) 15 April 1983 (2) 20 September 1983 (3) 30 April 1984 |
| Sudan | 20 April 1984 | 22 April 1983 | - |

| <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 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 (9) 10 October 1980 (10) 28 April 1981 (11) 9 October 1981 (12) 15 April 1982 (13) 8 October 1982 (14) 15 April 1983 (15) 20 September 1983 (16) 30 April 1984 |
| Zaire | 21 May 1983 | NOT YET RECEIVED | (1) 20 September 1983 (2) 30 April 1984 |

F. Fifth periodic reports

| | | | |
|--|-----------------|---------------------------------|---|
| Bahamas | 5 August 1984 | NOT YET RECEIVED | - |
| Burkina Faso | 18 August 1983 | 27 June 1984 | (1) 30 April 1984 |
| Ivory Coast | 4 February 1982 | NOT YET RECEIVED | (1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983 (4) 20 September 1983 (5) 30 April 1984 |
| Jamaica | 5 July 1980 | NOT YET RECEIVED | (1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982 (5) 8 October 1982 (6) 20 September 1983 (7) 30 April 1984 |
| Jordan | 30 June 1983 | 25 January 1984 25 July 1984 | (1) 20 September 1983 |
| Lao People's Democratic Republic | 24 March 1983 | 19 June 1984 | (1) 15 April 1983 (2) 20 September 1983 (3) 30 April 1984 |
| Mali | 15 August 1983 | NOT YET RECEIVED | (1) 30 April 1984 |
| Mexico | 22 March 1984 | 14 June 1984 | (1) 30 April 1984 |

| <u>State party</u> | <u>Date due</u> | <u>Date of submission</u> | <u>Date of reminder(s) sent, if any</u> |
|-------------------------|-----------------|---------------------------|---|
| Rwanda | 16 May 1984 | NOT YET RECEIVED | - |
| Senegal | 18 May 1981 | NOT YET RECEIVED | (1) 9 October 1981 (2) 15 April 1982 (3) 15 April 1983 (4) 20 September 1983 (5) 30 April 1984 |
| Sierra Leone | 5 January 1978 | NOT YET RECEIVED | (1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 (7) 15 April 1982 (8) 8 October 1982 (9) 15 April 1983 (10) 20 September 1983 (11) 30 April 1984 |
| Swaziland | 6 May 1978 | NOT YET RECEIVED | (1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980 (6) 28 April 1981 (7) 9 October 1981 (8) 15 April 1982 (9) 8 October 1982 (10) 15 April 1983 (11) 20 September 1983 (12) 30 April 1984 |
| United Arab Emirates | 21 July 1983 | 26 July 1983 | - |

F. Sixth periodic reports

| | | | |
|-------------------------------|------------------|------------------|--|
| Austria | 8 June 1983 | 22 May 1984 | (1) 20 September 1983 (2) 30 April 1984 |
| Barbados | 10 December 1983 | NOT YET RECEIVED | (1) 30 April 1984 |
| Denmark | 8 January 1983 | 4 August 1983 | (1) 15 April 1983 |
| Fiji | 11 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| German Democratic Republic | 26 April 1984 | 7 May 1984 | - |

| <u>State party</u> | <u>Date due</u> | <u>Date of submission</u> | <u>Date of reminder(s) sent, if any</u> |
|---------------------------|------------------|---------------------------|---|
| Haiti | 18 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Ivory Coast | 4 February 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Jamaica | 5 July 1982 | NOT YET RECEIVED | (1) 8 October 1982 (2) 20 September 1983 (3) 30 April 1984 |
| Lebanon | 12 December 1982 | NOT YET RECEIVED | (1) 15 April 1983 (2) 20 September 1983 (3) 30 April 1984 |
| Libyan Arab Jamahiriya | 5 January 1980 | NOT YET RECEIVED | (1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982 (6) 8 October 1982 (7) 15 April 1983 (8) 20 September 1983 (9) 30 April 1984 |
| Mauritius | 29 June 1983 | 29 July 1983 | - |
| Nepal | 1 March 1982 | NOT YET RECEIVED | (1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983 (4) 20 September 1983 (5) 30 April 1984 |
| Netherlands | 9 January 1983 | 21 February 1984 | (1) 15 April 1983 (2) 20 September 1983 |
| New Zealand | 22 December 1983 | 5 January 1984 | - |
| Senegal | 18 May 1983 | NOT YET RECEIVED | (1) 20 September 1983 (2) 30 April 1984 |
| Sierra Leone | 5 January 1980 | NOT YET RECEIVED | (1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982 (6) 8 October 1982 (7) 15 April 1983 (8) 20 September 1983 (9) 30 April 1984 |

| <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 | (1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982 (5) 8 October 1982 (6) 15 April 1983 (7) 20 September 1983 (8) 30 April 1984 |
| Togo | 1 October 1983 | NOT YET RECEIVED | (1) 30 April 1984 |
| United Republic of Tanzania | 26 November 1983 | NOT YET RECEIVED | (1) 30 April 1984 |

G. Seventh periodic reports

| | | | |
|-----------------------------|------------------|----------------------------------|--|
| Bulgaria | 5 January 1982 | 15 August 1984 | (1) 15 April 1982 (2) 8 October 1982 (3) 20 September 1983 (4) 30 April 1984 |
| Canada | 12 November 1983 | NOT YET RECEIVED | - |
| Cameroon | 24 July 1984 | NOT YET RECEIVED | - |
| Central African Republic | 14 April 1984 | NOT YET RECEIVED | - |
| Finland | 16 August 1983 | 15 February 1984 | - |
| Greece | 19 July 1983 | 30 July 1984 | (1) 20 September 1983 (2) 30 April 1984 |
| Iraq | 15 February 1983 | 12 January 1984 18 April 1984 | (1) 20 September 1983 |
| Jamaica | 5 July 1984 | NOT YET RECEIVED | - |
| Libyan Arab Jamahiriya | 5 January 1982 | NOT YET RECEIVED | (1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983 (4) 20 September 1983 (5) 30 April 1984 |
| Malta | 26 June 1984 | NOT YET RECEIVED | - |
| Morocco | 17 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Nepal | 1 March 1984 | NOT YET RECEIVED | (1) 30 April 1984 |

| <u>State party</u> | <u>Date due</u> | <u>Date of submission</u> | <u>Date of reminder(s) sent, if any</u> |
|--------------------|------------------|---------------------------|--|
| Norway | 6 September 1983 | 15 February 1984 | - |
| Romania | 14 October 1983 | NOT YET RECEIVED | (1) 30 April 1984 |
| Sierra Leone | 5 January 1982 | NOT YET RECEIVED | (1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983 (4) 20 September 1983 (5) 30 April 1984 |
| Swaziland | 6 May 1982 | NOT YET RECEIVED | (1) 8 October 1982 (2) 15 April 1983 (3) 20 September 1983 (4) 30 April 1984 |

H. Eighth periodic reports

| | | | |
|---|----------------|------------------|-------------------|
| Argentina | 5 January 1984 | 9 January 1984 | - |
| Brazil | 5 January 1984 | NOT YET RECEIVED | - |
| Bulgaria | 5 January 1984 | 15 August 1984 | (1) 30 April 1984 |
| Byelorussian Soviet Socialist Republic | 7 May 1984 | 8 June 1984 | - |
| Costa Rica | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Cyprus | 5 January 1984 | 2 July 1984 | (1) 30 April 1984 |
| Czechoslovakia | 5 January 1984 | 17 August 1984 | (1) 30 April 1984 |
| Ecuador | 5 January 1984 | 19 March 1984 | - |
| Egypt | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Germany, Federal Republic of | 14 June 1984 | NOT YET RECEIVED | - |
| Ghana | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Holy See | 1 June 1984 | 26 June 1984 | - |
| Hungary | 5 January 1984 | 17 January 1984 | - |
| Iceland | 5 January 1984 | NOT YET RECEIVED | - |
| India | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |

| <u>State party</u> | <u>Date due</u> | <u>Date of submission</u> | <u>Date of reminder(s) sent, if any</u> |
|--|-----------------|---------------------------|---|
| Iran (Islamic Republic of) | 5 January 1984 | 20 June 1984 | (1) 30 April 1984 |
| Kuwait | 5 January 1984 | 15 February 1984 | - |
| Libyan Arab Jamahiriya | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Madagascar | 8 March 1984 | 14 June 1984 | (1) 30 April 1984 |
| Niger | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Nigeria | 5 January 1984 | 17 July 1984 | (1) 30 April 1984 |
| Pakistan | 5 January 1984 | 27 July 1984 | (1) 30 April 1984 |
| Panama | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Philippines | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Poland | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Sierra Leone | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Spain | 5 January 1984 | 4 April 1984 | - |
| Swaziland | 6 May 1984 | NOT YET RECEIVED | - |
| Syrian Arab Republic | 20 May 1984 | NOT YET RECEIVED | - |
| Tunisia | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Ukranian Soviet Socialist Republic | 5 April 1984 | 11 May 1984 | - |
| Union of Soviet Socialist Republics | 5 March 1984 | 9 May 1984 | (1) 30 April 1984 |
| United Kingdom of Great Britain and Northern Ireland | 5 April 1984 | 10 May 1984 | - |
| Uruguay | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Venezuela | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |
| Yugoslavia | 5 January 1984 | NOT YET RECEIVED | (1) 30 April 1984 |

I. Additional information requested by the Committee

States parties which were
requested to submit
additional information

Requested by the
Committee at its

Date of submission

Sierra Leone

Tenth session

NOT YET RECEIVED

Libyan Arab Jamahiriya

Nineteenth session

NOT YET RECEIVED

Notes

a/ For the reminders to be sent to the States parties concerned, in accordance with the request of the Committee at its thirtieth session and rule 66 of the rules of procedure, see para. 54 above.

b/ In accordance with a decision of the Committee at its twenty-fifth session, the Chairman of the Committee, in letters dated 22 March 1982, drew the attention of the Governments of Guyana and Liberia to the requirements of article 9 of the Convention and requested them to submit their overdue reports in one consolidated document by 30 June 1982 for consideration by the Committee at its twenty-sixth session.

ANNEX III

Consideration by the Committee at its twenty-ninth and thirtieth
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 | Seventh | Eighth | | |
| Mali | | | | x | | | | | 651 | 6 March 1984 |
| New Zealand | | | | | x | x | | | 652-653 | 6-7 March 1984 |
| Saint Vincent and the Grenadines | x | | | | | | | | 652 | 6 March 1984 |
| Algeria | | | | | | x | | | 653-654 | 7 March 1984 |
| Botswana | | | x | x | x | | | | 654 | 7 March 1984 |
| Central African Republic | | | | x | x | x | | | 655 | 8 March 1984 |
| Colombia | x | | | | | | | | 655-656 | 8 March 1984 |
| Tonga | | | | | | x | | | 656 | 8 March 1984 |
| Democratic Yemen | | | | | x | x | | | 657 | 9 March 1984 |
| Rwanda | | | | x | | | | | 657-658 | 9 March 1984 |
| Bolivia | | | | | x | x | x | | 658 | 9 March 1984 |
| El Salvador | x | x | | | | | | | 659 | 12 March 1984 |
| Luxembourg | | | x | | | | | | 659 | 12 March 1984 |
| Trinidad and Tobago | | | | | x | | | | 660 | 12 March 1984 |
| Syrian Arab Republic | | | | | | | x | | 661-662 | 13 March 1984 |
| Cape Verde | | x | | | | | | | 662-663 | 13-14 March 1984 |
| Belgium | | | x | x | | | | | 663-665 | 14-15 March 1984 |
| United Arab Emirates | | | | | x | | | | 664 | 14 March 1984 |
| Mauritius | | | | | | x | | | 664, 666-667 | 14 March 1984, 15-16 March 1984 |
| Denmark | | | | | | x | | | 664-666 | 14-15 March 1984 |

| State party | Type of report | | | | | | | | Meetings at which considered | Date of meetings |
|-------------------|----------------|--------|-------|--------|-------|-------|---------|--------|------------------------------------|--------------------------------|
| | Initial | Second | Third | Fourth | Fifth | Sixth | Seventh | Eighth | | |
| Papua New Guinea | x | | | | | | | | 666 | 15 March 1984 |
| Qatar | | | | x | | | | | 667 | 16 March 1984 |
| Italy | | | x | x | | | | | 671-672 | 20 March 1984 |
| Peru | | | | | x | x | | | 676 and 679 | 7 and 8 August 1984 |
| Australia | | | | x | | | | | 676-677 and 679 | 7 August 1984 8 August 1984 |
| Viet Nam | x | | | | | | | | 677-678 | 7-8 August 1984 |
| Seychelles | | | x | | | | | | 679 | 8 August 1984 |
| Uganda | x | | | | | | | | 680 and 687 | 9 and 14 August 1984 |
| Republic of Korea | | | x | | | | | | 681 | 9 August 1984 |
| Mozambique | x | | | | | | | | 681 | 9 August 1984 |
| Namibia | x | | | | | | | | 682 | 10 August 1984 |
| Iraq | | | | | | | x | | 683 | 10 August 1984 |
| Chad | | x | x | | | | | | 683 | 10 August 1984 |
| Argentina | | | | | | | | x | 684-685 | 13 August 1984 |
| Jordan | | | | | x | | | | 685 | 13 August 1984 |
| Guatemala | x | | | | | | | | 686-687 | 14 August 1984 |
| Kuwait | | | | | | | | x | 687 | 14 August 1984 |
| Finland | | | | | | | x | | 687-688 | 14-15 August 1984 |
| Norway | | | | | | | x | | 688-689 | 14-15 August 1984 |
| Ethiopia | | | | x | | | | | 689 | 15 August 1984 |
| Netherlands | | | | | | x | | | 689 and 690-691 | 15 and 16 August 1984 |
| Sri Lanka | x | | | | | | | | 690-691 | 16 August 1984 |

ANNEX IV

Documents received by the Committee on the Elimination of Racial Discrimination at its twenty-ninth and thirtieth 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

1. Outline of conditions in the Trust Territory of the Pacific Islands: working paper prepared by the Secretariat (T/L.1240 and Add.1).
2. Report of the Government of the United States of America on the administration of the Trust Territory of the Pacific Islands for the period from 1 October 1982 to 30 September 1983 (T/1863).

Official Records of the Security Council, Thirty-ninth 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 1983 and 1984 under the terms of article 15 of the Convention.

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

| | |
|--|--------------------------------------|
| Namibia | A/38/23 (Part V), chap. VIII |
| Western Sahara | A/38/23 (Part VI), chap. IX |
| East Timor | A/38/23 (Part VI), chap. X |
| Gibraltar | A/38/23 (Part VI), chap. XI |
| Guam | A/38/23 (Part VI), chap. XVII |
| Trust Territory of the Pacific Islands | A/38/23 (Part VI/Add.1), chap. XVIII |
| Bermuda | A/38/23 (Part VI), chap. XIX |
| Turks and Caicos Islands | A/38/23 (Part VI), chap. XXIII |
| United States Virgin Islands | A/38/23 (Part VI), chap. XXIV |
| Anguilla | A/38/23 (Part VI), chap. XXV |
| Falkland Islands (Malvinas) | A/38/23 (Part VII), chap. XXVI |

| | |
|--|-------------------------|
| Turks and Caicos Islands | A/AC.109/737 and Corr.1 |
| Bermuda | A/AC.109/738 |
| Turks and Caicos Islands | A/AC.109/738 |
| United States Virgin Islands | A/AC.109/738 |
| Trust Territory of the Pacific Islands | A/AC.109/739 |
| United States Virgin Islands | A/AC.109/740 and Corr.1 |
| Gibraltar | A/AC.109/741 |
| Guam | A/AC.109/742 |
| Namibia | A/AC.109/743 |
| Namibia | A/AC.109/744 |
| East Timor | A/AC.109/747 |
| Namibia | A/AC.109/748 |
| Western Sahara | A/AC.109/749 and Corr.1 |
| Falkland Islands (Malvinas) | A/AC.109/752 |
| Anquilla | A/AC.109/754 |
| Bermuda | A/AC.109/761 |
| Pitcairn | A/AC.109/762 |
| Tokelau | A/AC.109/763 |
| British Virgin Islands | A/AC.109/764 |
| Turks and Caicos Islands | A/AC.109/765 |
| Guam | A/AC.109/766 |
| American Samoa | A/AC.109/767 |
| Cayman Islands | A/AC.109/768 |
| Montserrat | A/AC.109/769 |
| Guam | A/AC.109/770 |

Notes

a/ See chap. VI, paras. 574-583, above.

ANNEX V

List of documents issued for the twenty-ninth and thirtieth sessions
of the Committee on the Elimination of Racial Discrimination

A. Twenty-ninth session

Documents issued in the general series

| | |
|-------------------------|--|
| CERD/C/35/Rev.1 | Rules of procedure of the Committee |
| CERD/C/50/Add.8 | Fifth periodic report of Bolivia |
| CERD/C/61/Add.6 | Initial report of El Salvador |
| CERD/C/62/Add.3 | Second periodic report of Chad |
| CERD/C/63/Add.5 | Third periodic report of Belgium |
| CERD/C/70/Rev.1 | Revised general guidelines concerning the form and contents of reports by States parties under article 9, paragraph 1, of the Convention |
| CERD/C/71/Add.2 | Initial report of Uganda |
| CERD/C/73/Add.3 | Third periodic report of Italy |
| CERD/C/75/Add.14 | Fifth periodic report of New Zealand |
| CERD/C/76/Add.8 | Sixth periodic report of Bolivia |
| CERD/C/86/Add.3 | Second periodic report of El Salvador |
| CERD/C/86/Add.4 | Second periodic report of Cape Verde |
| CERD/C/87/Add.2 | Third periodic report of Chad |
| CERD/C/88/Add.4 | Fourth periodic report of Rwanda |
| CERD/C/88/Add.5 | Fourth periodic report of Belgium |
| CERD/C/91/Add.36 | Seventh periodic report of the Syrian Arab Republic |
| CERD/C/101/Add.4 | Initial report of Papua New Guinea |
| CERD/C/101/Add.5 | Initial report of Viet Nam |
| CERD/C/101/Add.6 | Initial report of Sri Lanka |
| CERD/C/103/Add.1/Corr.1 | Third periodic report of Nicaragua |
| CERD/C/103/Add.2 | Third periodic report of Luxembourg |
| CERD/C/103/Add.3 | Third periodic report of Seychelles |
| CERD/C/104/Add.1 | Fourth periodic report of Qatar |
| CERD/C/104/Add.2 | Fourth periodic report of Italy |
| CERD/C/105/Add.2 | Fifth periodic report of the United Arab Emirates |
| CERD/C/105/Add.3 | Fifth periodic report of Jordan |
| CERD/C/106/Add.8 | Sixth periodic report of Mauritius |
| CERD/C/106/Add.9 | Sixth periodic report of Denmark |

| | |
|-------------------|--|
| CERD/C/106/Add.10 | Sixth periodic report of New Zealand |
| CERD/C/106/Add.11 | Sixth periodic report of the Netherlands |
| CERD/C/107/Add.1 | Seventh periodic report of Bolivia |
| CERD/C/107/Add.2 | Seventh periodic report of Iraq |
| CERD/C/107/Add.3 | Seventh periodic report of Finland |
| CERD/C/107/Add.4 | Seventh periodic report of Norway |
| CERD/C/107/Add.5 | Seventh periodic report of Bolivia |
| CERD/C/111 | Initial reports of States parties due in 1984: note by the Secretary-General |
| CERD/C/111/Add.1 | Initial report of Mozambique |
| CERD/C/111/Add.2 | Initial report of Guatemala |
| CERD/C/112 | Second periodic reports of States parties due in 1984: note by the Secretary-General |
| CERD/C/113 | Third periodic reports of States parties due in 1984: note by the Secretary-General |
| CERD/C/114 | Fourth periodic reports of States parties due in 1984: note by the Secretary-General |
| CERD/C/114/Add.1 | Fourth periodic report of the Sudan |
| CERD/C/115 | Fifth periodic reports of States parties due in 1984: note by the Secretary-General |
| CERD/C/116 | Sixth periodic reports of States parties due in 1984: note by the Secretary-General |
| CERD/C/117 | Seventh periodic reports of States parties due in 1984: note by the Secretary-General |
| CERD/C/118 | Eighth periodic reports of States parties due in 1984: note by the Secretary-General |
| CERD/C/118/Add.1 | Eighth periodic report of Argentina |
| CERD/C/118/Add.2 | Eighth periodic report of Hungary |
| CERD/C/118/Add.3 | Eighth periodic report of Kuwait |
| CERD/C/119 | Provisional agenda and annotations of the twenty-ninth session of the Committee: note by the Secretary-General |
| CERD/C/120 | 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/SR.650-674 | Summary records of the twenty-ninth session of the Committee |

B. Thirtieth session

Documents issued in the general series

| | |
|-------------------|--|
| CERD/C/16/Add.6 | Second periodic report of Somalia |
| CERD/C/35/Rev.2 | Rules of procedure of the Committee on the Elimination of Racial Discrimination |
| CERD/C/47/Add.6 | Third periodic report of the Lao People's Democratic Republic |
| CERD/C/63/Add.6 | Third periodic report of Somalia |
| CERD/C/74/Add.5 | Fourth periodic report of the Lao People's Democratic Republic |
| CERD/C/74/Add.6 | Fourth periodic report of Jordan |
| CERD/C/74/Add.7 | Fourth periodic report of Burkina Faso |
| CERD/C/88/Add.6 | Fourth periodic report of Somalia |
| CERD/C/91/Add.37 | Seventh periodic report of Bulgaria |
| CERD/C/101/Add.7 | Initial report of Namibia |
| CERD/C/101/Add.8 | Initial report of Portugal |
| CERD/C/104/Add.3 | Fourth periodic report of Ethiopia |
| CERD/C/105/Add.4 | Fifth periodic report of the Lao People's Democratic Republic |
| CERD/C/105/Add.5 | Fifth periodic report of Burkina Faso |
| CERD/C/105/Add.6 | Fifth periodic report of Jordan |
| CERD/C/106/Add.12 | Sixth periodic report of Austria |
| CERD/C/107/Add.6 | Seventh periodic report of Iraq |
| CERD/C/107/Add.7 | Seventh periodic report of Greece |
| CERD/C/111/Add.3 | Initial report of Afghanistan |
| CERD/C/113/Add.1 | Third periodic report of the Republic of Korea |
| CERD/C/113/Add.2 | Third periodic report of Israel |
| CERD/C/115/Add.1 | Fifth periodic report of Mexico |
| CERD/C/116/Add.1 | Sixth periodic report of the German Democratic Republic |
| CERD/C/118/Add.4 | Eighth periodic report of Ecuador |
| CERD/C/118/Add.5 | Eighth periodic report of Spain |
| CERD/C/118/Add.6 | Eighth periodic report of the Union of Soviet Socialist Republics |
| CERD/C/118/Add.7 | Eighth periodic report of the United Kingdom of Great Britain and Northern Ireland |

| | |
|-------------------|--|
| CERD/C/18/Add.8 | Eighth periodic report of the Ukrainian Soviet Socialist Republic |
| CERD/C/118/Add.9 | Eighth periodic report of the Byelorussian Soviet Socialist Republic |
| CERD/C/118/Add.10 | Eighth periodic report of Madagascar |
| CERD/C/118/Add.11 | Eighth periodic report of the Holy See |
| CERD/C/118/Add.12 | Eighth periodic report of Iran |
| CERD/C/118/Add.13 | Eighth periodic report of Cyprus |
| CERD/C/118/Add.14 | Eighth periodic report of Nigeria |
| CERD/C/118/Add.15 | Eighth periodic report of Pakistan |
| CERD/C/118/Add.16 | Eighth periodic report of Argentina |
| CERD/C/118/Add.17 | Eighth periodic report of Bulgaria |
| CERD/C/118/Add.18 | Eighth periodic report of Czechoslovakia |
| CERD/C/121 | Provisional agenda and annotations of the thirtieth session of the Committee on the Elimination of Racial Discrimination: note by the Secretary-General |
| CERD/C/122 | 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/123 | Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the rules of procedure |
| CERD/C/SR.675-698 | Summary records of the thirtieth session of the Committee |

كيفية الحصول على منشورات الأمم المتحدة

يمكن الحصول على منشورات الأمم المتحدة من المكتبات ودور التوزيع في جميع أنحاء العالم . استعلم عنها من المكتبة التي تتعامل معها أو اكتب الى : الأمم المتحدة ، قسم البيع في نيويورك او في جنيف .

如何购取联合国出版物

联合国出版物在全世界各地的书店和经售处均有发售。请向书店询问或写信到纽约或日内瓦的联合国销售组。

HOW TO OBTAIN UNITED NATIONS PUBLICATIONS

United Nations publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to: United Nations, Sales Section, New York or Geneva.

COMMENT SE PROCURER LES PUBLICATIONS DES NATIONS UNIES

Les publications des Nations Unies sont en vente dans les librairies et les agences dépositaires du monde entier. Informez-vous auprès de votre libraire ou adressez-vous à : Nations Unies, Section des ventes, New York ou Genève.

КАК ПОЛУЧИТЬ ИЗДАНИЯ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ

Издания Организации Объединенных Наций можно купить в книжных магазинах и агентствах во всех районах мира. Наводите справки об изданиях в вашем книжном магазине или пишите по адресу: Организация Объединенных Наций, Секция по продаже изданий, Нью-Йорк или Женевы.

COMO CONSEGUIR PUBLICACIONES DE LAS NACIONES UNIDAS

Las publicaciones de las Naciones Unidas están en venta en librerías y casas distribuidoras en todas partes del mundo. Consulte a su librero o diríjase a : Naciones Unidas, Sección de Ventas, Nueva York o Ginebra.
