CCPR

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Distr.
GENERAL

CCPR/C/SR.70
3 February 1978

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Third Session

SUMMARY RECORD OF THE 70TH MEETING

held at the Palais des Nations, Geneva,
on Wednesday 1 February 1978, at 10.40 a.m.

Chairman: Mr. MAVROMMATIS

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT: INITIAL REPORTS OF STATES PARTIES DUE IN 1977 (agenda item 4) (continued)

Report of the United Kingdom of Great Britain and Northern Ireland (CCPR/C/1/Add.17) (continued)

1. Mr. KOULISHEV remarked that the four factors which had complicated the task of the authors of the report under consideration were also complicating that of the Committee members, namely, the existence of dependent territories, on which information would be supplied in a supplementary report; the existence of a legal system applicable in England and Wales side by side with one applicable in Northern Ireland and Scotland; the fact that sources of law were, on the one hand, written rules and, on the other, common law and case law; and the reservations entered by the United Kingdom when it had signed and ratified the Covenant.

2. Under article 1 of the Covenant, the States parties were required to promote the realization of the right of self-determination and to respect that right. In view of the importance of that commitment, the United Kingdom had rightly not waited to prepare its supplementary report on the dependent territories before explaining how it had given effect to that right. In connexion with the preliminary information provided, he would like to know exactly which territories were still dependent, why they had not yet achieved independence, and what constitutional stage they had reached.

3. Under one of the reservations entered by the United Kingdom, the provisions of Article 103 of the Charter of the United Nations took precedence in the event of a conflict between the obligations assumed by the United Kingdom under article 1 of the Covenant and those of the Charter. That question had, in his view, already been resolved in article 1, paragraph 3, of the Covenant, which expressly referred to provisions of the Charter of the United Nations.

4. Referring to the prohibition of discrimination, as set out in articles 2, 3 and 26 of the Covenant, he hoped that more detailed information would be given to the Committee on the steps taken to prevent any form of discrimination. It should be noted that, under the Covenant and, in particular, under article 3, States had not assumed only negative obligations.

5. With regard to article 7 of the Covenant, he asked whether English law contained legislative provisions specifying that a person could not be subjected to medical or scientific experiments without his consent freely given.

6. As regards the principle that trials must be public, referred to in article 14, paragraph 1, of the Covenant, it would be of interest to know in what cases exceptions to the rule were permissible, as provided for in that paragraph.

7. The information given in the report regarding the prohibition of propaganda for war indicated that there were no legislative provisions on the subject in the United Kingdom. Such a prohibition appeared to stem entirely from a number of provisions which, in his opinion, referred less to propaganda for war than to incitement to civil war and sedition.

8. The information relating to article 22 of the Covenant, and in particular on the right to form trade unions, was somewhat sketchy. Could a trade union be set up in each enterprise? Could the management of an enterprise possibly object to its establishment and hamper its activities?

The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.

9. At the invitation of the Chairman, Sir James Bottomley and Mr. Cairncross (United Kingdom) took a place at the Committee table.

10. Sir James Bottomley (United Kingdom) said that some of the questions put during the discussion could be answered immediately and fully; the others would be answered in writing from the United Kingdom. He himself would deal with general questions and those which related to constitutional points affecting the United Kingdom.

11. With regard to the relationship between the Covenant and English law, he could only repeat what had been said in the report and in his opening statement. Treaties did not automatically become part of the law of the United Kingdom, where the practice was to consider whether its law adequately fulfilled the obligations which the country was about to assume under the treaty in question: if not, United Kingdom law would be altered before ratification of the treaty. In that context, the totality of United Kingdom law - both statute law and common law - was examined. It was a basic constitutional principle that only Parliament could legislate, and changes in United Kingdom law could only be enacted by, or under the authority of, Parliament. It was by a combination of existing law and any necessary amendments that the United Kingdom gave effect to its treaty obligations. An individual in the United Kingdom could therefore look to the law of the country for the legal rules which protected his rights, and there was thus no need for a treaty as such to be applied as part of United Kingdom law.

12. Mr. Movcham had questioned whether the constitutional system of the United Kingdom, with particular reference to the role played by judicial decisions, was consistent with article 2, paragraph 2, of the Covenant. That provision expressly required the United Kingdom to take the necessary steps, "in accordance with its constitutional processes", to adopt such measures as might be necessary to give effect to any rights recognized in the Covenant which were not already in force. Constitutional processes in the United Kingdom might be different from those in other States, but they were what its constitution required and their application was consistent with article 2, paragraph 2, of the Covenant. The provision in question specified that the measures to be taken should be "legislative or other measures", and it recognized that they need only be those which were required over and above existing law.

13. Replying to a question by Mr. Tomuschat, he said that the text of the Covenant had been officially published in the United Kingdom in 1967, shortly after its adoption. A few months after the Covenant had become binding on the United Kingdom in August 1967, it was published again in the official "Treaty Series" of the United Kingdom.

14. Mr. Prado Vallejo had asked whether an individual in the United Kingdom could, in a court, base his claim to rights directly on provisions of the Covenant. The answer was no; he had to base his case on the relevant provisions of the law of the United Kingdom which implemented the Covenant. Mr. Hanga had expressed the fear that the courts might operate as if the treaties entered into by the United Kingdom did not exist; that was not so, and very often a plaintiff referred in court to a relevant treaty provision. The court would take account of that provision, and it was well established that the courts would, wherever possible, construe a statute so as to be consistent with the international obligations of the United Kingdom. In the interpretation of a statute designed to give effect to a treaty, the courts would refer to the text of that treaty.

15. With regard to the legislative supremacy of Parliament, Mr. Tarnopolsky had asked what, in practice, restrained it from legislating in contravention of the Covenant. The answer to that question lay in part in the answer to one put by Mr. Tomuschat on whether Parliament would take advice from the Government as to the possible incompatability of proposed legislation with the Covenant. Under the United Kingdom constitutional system, the members of the Government were normally also Members of Parliament; the Government was formed by the majority party in Parliament and the vast majority of legislation was itself initiated by the Government. The chance of legislation being proposed in contravention of the United Kingdom's international obligations was exceedingly remote. If such a proposal were made, for example, by a Member of Parliament who was not in the Government, the Government would draw attention to such an incompatability and it was highly unlikely that Parliament would go ahead with the legislation. The opposite hypothesis could not be ruled out in theory, but it had never happened: Parliament did not, in fact, legislate contrary to the United Kingdom's treaty obligations. Moreover, the United Kingdom Government attached great importance to the observance of the country's international obligations, and Parliament acted in a responsible and reasonable manner.

16. Several Committee members had raised the question of retrospective criminal laws. Whatever Parliament might in theory have the power to do, the fact was that it did not enact general criminal laws with retrospective effect. Article 15 of the Covenant merely reinforced the existing practice of Parliament.

17. Mr. Movchan had commented on the lack of specific legislative detail in the report and on the extent to which it referred to general statements of the law rather than to original legal sources. The report had been drawn up before the publication of the general guidelines regarding the form and contents of reports; that method had been chosen chiefly because the rules applicable to the matters dealt with in the Covenant were to be found in numerous statutes and, so far as they were regulated by common law, in numerous judicial decisions. His country had provided the Secretariat with a set of the laws referred to in the report and, as a result of the questions put during the consideration of the report, further legislative texts would be supplied. The report was already one of the longer ones submitted to the Committee. It did not appear that the best way of informing the Committee about United Kingdom legislation was to furnish the texts of countless laws and legal decisions. It was for that reason that the report had given a general description of the cumulative effect of a number of legal provisions or judicial decisions, qualified by such terms as "in general".

18. The reservation entered by the United Kingdom with respect to article 1 of the Covenant, under which the Charter of the United Nations would prevail in the event of a conflict between obligations set out in article 1 of the Covenant and those resulting from the Charter, had given rise to a number of questions. He agreed that it was difficult to conceive of such a conflict. The reservation had been entered out of an abundance of caution, and it would in no case be dangerous: if no conflict arose it would be ineffective; if there were such a conflict, it would be a reminder to everyone that the Charter must take priority.

19. In reply to a question by Mr. Graefrath, he explained that, in its statements and reservations, the United Kingdom had not listed all its dependent territories, confining itself to those which it was necessary to mention. Mr. Graefrath had also asked whether it was permissible to apply the Covenant "only partially" to dependent territories. There was no question of its application only to the territories mentioned in his country's declarations and reservations and not to others. Conversely, there was no reason why the application of particular provisions of the Covenant to particular territories could not be made the subject of a reservation; such a rule would put those territories in a position of considerable disadvantage and would deprive them of the protection which their own authorities had requested.

20. Mr. Tarnopolsky had asked about the grant of independence to a people which wanted it but lacked adequate financial resources. The United Kingdom had always regarded the peoples' wish for independence as the prime consideration. It was a historical fact that certain territories which desired independence had been unable not only to meet their development needs but to carry the current financial costs of their day-to-day administration. In those cases grants were agreed upon from the United Kingdom Government to run on after independence. He was not personally aware of any case where independence had been impeded by financial considerations.

21. Mr. Prado Vallejo had asked for clarification of the general decolonization policy followed by the United Kingdom. That policy was a matter of public record and was set out in the report of the United Kingdom where it was stated: "It has been the consistent policy of successive British Governments since the end of the Second World War to promote self-government and independence in the dependent territories of the United Kingdom, in accordance with the wishes of the inhabitants and the provisions of the United Nations Charter". The process was a continuing one - proposals for constitutional advance were at present under discussion in a number of the few dependent territories which remained. The United Nations had been kept fully informed of developments in that field. Referring to a question put by Mr. Koulishev at the beginning of the day's meeting, he said he could not at that point give a complete list of the territories that would be covered in the supplementary report, but would supply it as soon as possible. The dependent territories consisted mostly of islands - with the exception of Gibraltar, parts of the territory of Hong Kong and Belize - and were at various stages of constitutional development. Some had given no indication that independence was the goal they had set themselves; others were moving forward towards independence. A constitutional conference was at present being held in London and was considering the case of certain islands in the Pacific.

22. Mr. CAIRNCROSS (United Kingdom) said he thought it would be worth explaining why the United Kingdom had entered reservations with regard to article 2 of the Covenant. Those reservations, which concerned the armed forces and persons in custody, had been made because of differences between the ordinary civilian law of the United Kingdom, on the one hand, and the code of military discipline and prison discipline, on the other, the application of which was essential to allow the armed forces to function effectively in the interests of national security and to maintain order in prisons. The existing system of military justice contained considerable safeguards to protect the rights of individual servicemen and there should be no conflict, other than on points of detail, between the relevant provisions of the Covenant and the code of discipline. The armed forces of the United Kingdom consisted of volunteers, and the fact that their members continued to serve was evidence of acceptance of the code. The same remarks applied, other things being equal, to the code of prison discipline, and it had to be added that both codes were subject to periodic review by Parliament.

23. The question had been raised whether, when the armed forces came to the aid of the civil authorities, they were given civil powers. It should be explained that the armed forces were subject to civil and military law, and that special powers could be conferred on them only by statute, as was the case when members of the armed forces in Northern Ireland had been given the power to arrest.

24. It had also been asked whether persons in custody who had violated the code of prison discipline could be represented by counsel; that was not so at present. In prisons speed of decision and impartiality were an overriding necessity. If prisoners were given the right to be represented in cases of breach of the disciplinary code, the same right would have to be given to prison officers who had not observed their own disciplinary code, and any decision might then entail the mobilization of an apparatus similar to that of a court, which was not compatible with the overriding need for prompt restoration of order. Under a judgement given on appeal in 1975, natural justice did not in any way require that a legal representative of the prisoner should be present at disciplinary proceedings. The question whether it might not be possible to take certain steps in that direction had, however, been considered, and thought had been given to having members of the Boards of Visitors present when a disciplinary question was being considered, to represent the interests of the prisoner. Experiments were being conducted to explore possibilities of the general application of a method of that kind.

25. As for the question whether an individual could initiate civil proceedings against a public official, he explained that an action could be brought against an official, although in practice proceedings were almost always against the department to which the official belonged, and even if proceedings were initiated against the official himself, it was the department concerned which assumed the role of defendant. Experience had shown that such procedure was effective.

26. Two questions had been put, in connexion with article 3 of the Covenant, on the subject of nationality. The first concerned the reasons for which the mother, unlike the father, could not transmit her nationality to her children. A discussion paper on that subject had been published by the United Kingdom Government in 1977, and pointed out that, in the past, almost all countries in their concern to avoid too many cases of dual nationality allowed only men to transmit citizenship. It had been the traditional view that, in the event of a marriage between persons of different nationalities, it would be the occupation of the husband which would determine the domicile of the fammly, and that he tended to live and work in his own country rather than in that of his wife. The United Kingdom had always maintained a very tolerant attitude to dual nationality, and as family structures were changing and much was being done in the United Kingdom to abolish discrimination based on sex, the authors of the paper had made a recommendation that the Government should contemplate a change in the rules relating to the transmission of nationality.

27. The same paper dealt with the second question which had been put - that of nationality resulting from marriage. It pointed out that, at the present time, a woman who had married a British subject could acquire the nationality of her husband on application, but that men who had married women who were British nationals could acquire British nationality only by registration or naturalization. Possible ways of remedying that state of affairs had given rise to much argument, but the question was still under study.

28. Because of the situation in Northern Ireland, the United Kingdom had availed itself of the right of derogation provided for in article 4 of the Covenant. On that point Mr. Movchan had asked whether it should be assumed that from a legal point of view, the situation threatened the life of the nation. The United Kingdom considered that such a threat did exist and the European Court of Human Rights had agreed unanimously.

29. The derogation related in the first place to article 9 of the Covenant, the United Kingdom having deemed it necessary to have special powers of detention. The procedure itself was authorized and governed by a statute, and each case had to be examined by the Secretary of State, who alone could order detention. In fact, those powers, which were regarded as a last resort, had not been used since February 1975, and all detainees had been released by the end of that year. With regard more particularly to paragraph 2 of article 9, the derogation had been necessary because a serviceman who arrested someone merely stated that he was making the arrest as a member of Her Majesty's Armed Forces. Persons so arrested could not be held for more than four hours; after that period the person held was subject to the normal procedure. Furthermore, to cover cases where the procedure followed in the investigation of charges against the person arrested and the statutory procedure were deemed incompatible with the letter of article 9, paragraph 3, it had been thought advisable to enter reservations with respect to that paragraph; in addition, in certain serious cases, release on bail created difficulties in the circumstances prevailing in Northern Ireland. Lastly, in connexion with article 9, paragraph 4, of the Covenant he wished to make it clear that habeas corpus procedure was applicable in Northern Ireland as in any other part of the United Kingdom.

30. At the time the derogation was made, the provisions of article 10 of the Covenant on the separation of young delinquents from adults had been a source of difficulty. The situation had changed meanwhile, and young prisoners were no longer held in the same cells as adults. More stringent measures of segregation would be applied later on.

31. It had been necessary to derogate from article 12 of the Covenant because the Secretary of State had the power under the Prevention of Terrorism (Temporary Provisions) Act 1976, to make an order excluding a citizen from Great Britain or Northern Ireland if satisfied that he was concerned with the terrorism in relation to Northern Ireland affairs. The Act provided a procedure whereby representations against an order were considered by an independent adviser. The derogation from Article 14 was necessary in case the provisions relating to determination of a criminal charge should be held to apply also to the procedure for making a detention order.

32. The powers of search granted to the police, the armed forces and explosives experts - powers which were considered necessary - might be regarded as arbitrary interference with a person's home within the meaning of article 17 of the Covenant. That was why the United Kingdom had, as a precaution, felt it necessary to reserve the right to derogate from the provisions of that article. Similarly, with regard to article 19, it should be borne in mind that the Government could, under special temporary legislation, proscribe terrorist organizations in Great Britain and in Northern Ireland. That special legislation was renewable every six months in Northern Ireland and every year in Great Britain.

33. Provision had also been made for derogating from the provisions of articles 21 and 22 of the Covenant because senior police officers and senior officers of the armed forces in Northern Ireland were authorized to disperse assemblies.

34. He explained, for the information of Committee members who had put questions regarding articles 6 and 7 of the Covenant, that abortion could not be performed without the consent of the woman concerned, and that no one could be subjected to medical or scientific experiments without his consent freely given. The use of physical correction of children, whether in the schools provided free of charge by local education authorities (the vast majority) or in the fee-paying schools, was a matter of continuing controversy with a substantial and growing weight of opinion against it. But it was not yet illegal, though a teacher (or a parent) could be sued on behalf of the child if excessive force were used.

35. The question had been raised whether the new procedure under the 1976 Act regarding complaints against the police had been introduced as a result of the situation in Northern Ireland, and to what extent it had been effective. In point of fact that procedure had nothing special to do with Northern Ireland, but was based on the idea that if a citizen in any region was to seek redress for complaints against the police, he should be able to appeal to a completely independent body. That had been the reason for the establishment of the Police Complaints Board which, despite its name, was in every sense independent of the police. It was a new body and some time would be necessary to determine its effectiveness. Nor was the Royal Commission on Criminal Procedure, which had just been established, a result of the situation in Northern Ireland; its competence in fact extended only to England and to Wales. It represented the point of convergence of several lines of thought on the need to examine the procedure for initiating criminal proceedings, for example, the need for a public prosecutor.

36. The community service order, mentioned in connexion with article 8 of the Covenant, called for explanation. Under such an order, a person who had committed an offence could be required to give a certain number of hours of unpaid work to the community. That method was regarded as a very effective innovation, in that it gave the delinquent a feeling of making good a wrong done to the community. The tasks prescribed, which varied widely, were those which it was normally difficult to get done except by volunteers - for example, redecorating the homes of people too old to do it for themselves. It was to be noted that the method was not part of the prison régime at all, and could not be applied to persons in custody. Furthermore, the order could be made only if the offender agreed: otherwise it would scarcely have any therapeutic value.

37. The expression "lawful judgment of his peers" in the comments on article 9, paragraph 1, of the Covenant meant a judgement by the equals of the accused person. That expression was now implemented by the system of trial by jury, which had for centuries been a feature of the United Kingdom legal system. That system was still applicable in the more serious cases, but the majority of criminal charges were of minor importance and were dealt with by lay, unpaid magistrates drawn from all parts of society.

38. In reply to the Committee members who had asked in what circumstances police officers could make an arrest without a warrant, he said that such arrests were possible only in respect of serious offences described by the law as "arrestable" offences and certain other offences expressly specified in particular statutes. In general, the person concerned had to be informed of the reason for his arrest, exceptions being cases of soldiers operating in Northern Ireland or cases where the person was caught in the act of committing a crime.

39. With regard to the Bail Act, some Committee members had expressed the fear that its provisions implied discrimination against persons who had not the means to deposit a sum of money. Their concern was due to a misunderstanding, as no money had to be put up unless the defendant was likely to leave the country. Normally surety simply guaranteed that the defendant would appear, and the question of payment only arose if he failed to do so. The means of those concerned were taken into account in fixing the amount. He had good hopes that the new legislation would reduce the number of persons remanded in custody awaiting trial. With regard to applications for a writ of habeas corpus, which had been the subject of a number of questions, the person having recourse to such procedure relied on the fact that being kept in custody was illegal except for specified reasons, the existence or absence of which the court would have to consider. As for appeals against detention in a psychiatric hospital, it was rare for there to be any illegality that could give rise to a successful application for habeas corpus in a court of law; consequently, the usual procedure was to bring the matter before tribunals specially responsible for cases of mental health which could examine not merely the legality but also the medical desirability of the detention.

40. Turning to article 10 of the Covenant, he said that the questions raised about the length of solitary confinement resulted from a confusion of two distinct legal concepts. Cellular confinement could be authorized as a disciplinary measure for a limited period, but that was not what was referred to in the report; what was meant there was that a prisoner could request to be removed from association with

other prisoners for his own convenience, and it was that authority which could be given for one month and could be renewed. With regard to the checking of prisoners' correspondence, he pointed out that some restrictions of the right to privacy of correspondence was essential in prisons for practical security reasons. The regulations on the subject had, however, recently been revised in the light of a decision of the European Commission of Human Rights in a particular case.

41. In any event, children under 14 were placed not in prisons, but in community homes which were more like schools; later they might be moved to establishments within the prison system catering specially for adolescents. Regrettable though such a measure might be, the need for it surely had to be recognized. There again it should be mentioned that, in the case of children senso strictu it was applied only for serious crimes, such as murder, when some form of detention was necessary to prevent recidivism.

42. Referring to the comments on article 11, he stressed that the question whether the payment of rates and taxes was a contractual obligation was more a matter for academic argument than for jurisprudence. He wished to make it clear, however, that persons were imprisoned for non-payment of rates and taxes not because they were unable to pay, but because they refused to do so although they had the means.

43. Regarding Mr. Lallah's comments on article 12, he explained the status of residents of former British territories in East Africa. When those countries had attained independence, many of those residents acquired citizenship of the new States: but many did not and, retaining their citizenship of the United Kingdom and Colonies, were able thereafter to acquire United Kingdom passports from the newly-established United Kingdom High Commissions. The Commonwealth Immigrants Act 1968 was introduced to regulate the rate of movement to the United Kingdom of those United Kingdom passport-holders who did not have a specified connexion with the United Kingdom. That control was maintained under the Immigration Act 1971. United Kingdom passport-holders could enter the United Kingdom under the same conditions as citizens of Commonwealth countries, namely, as visitors, students or holders of a work permit. In addition there was the special voucher scheme on a quota basis which enabled vouchers to be issued to heads of household, who had no other citizenship, enabling them to come to the United Kingdom with their families for settlement. The question had arisen whether that control accorded with article 12, paragraph 4, of the Covenant, although that paragraph dealt with arbitrary acts and such control was not arbitrary but governed by statute, the decision having been taken after very careful consideration of all its implications. To prevent misunderstanding, the United Kingdom had, on ratifying the Covenant, entered a reservation on that article.

44. He recalled that persons who were not patrial citizens of the United Kingdom and Colonies could be deported on the grounds mentioned in paragraph 1 of the section of the report relating to article 13. To dispel the fears expressed by some members on that point, he made it clear that the Court could order deportation only in respect of offences punishable with imprisonment. There were, moreover, exceptions: a citizen of a Commonwealth country or of the Republic of Ireland could not be deported on grounds of public interest if he was such a citizen when the Immigration Act 1971 had come into force on 1 January 1973, was then ordinarily resident in the United Kingdom and had been ordinarily resident

there at all times since that Act had come into force. Similarly, a person who had been ordinarily resident in the United Kingdom for five years could not be deported for any reason whatever. Objections had been made to the fact that the deportation of an individual brought about the deportation of his wife and children; that measure was, however, governed by the concern to prevent the separation of families and, in any case, under the provisions of section 5(3) of the 1971 Act, it ceased to apply after a period of eight weeks had elapsed since the departure of the departee. A request had also been made for examples of the circumstances in which a person might be deported for political reasons. It was difficult to give an exhaustive list of the reasons but, generally speaking, it could be said that a person was liable to deportation if he had a pernicious influence, e.g. was conducting propaganda in favour of war.

45. Article 14 had given rise to a number of questions on the methods of appointing judges; a detailed reply would be submitted in writing. It had also been asked at what stage of criminal proceedings did a person have the right to the assistance of counsel. Under directions approved by the judges in association with the Judges' Rules, a person in police custody was allowed to telephone his solicitor or friends provided that no hindrance was reasonably likely to be caused to the processes of investigation or the administration of justice. For the information of Mr. Koulishev, he explained that even if the trial was held in camera, the sentence had to be pronounced in public, except in the case of juveniles when only the press was allowed to be present. With regard to persons who had been unjustly sentenced and subsequently exonerated, he said that the compensation from public funds referred to in the United Kingdom report on article 14, paragraph 4, was made ex gratia and not as of right. However, particularly when the arrangements for assessing the amount of compensation described in the report were borne in mind, the United Kingdom regarded the practice as giving effect to the spirit of the Covenant.

46. As for article 17, he explained that although no law prohibited the use of electronic equipment for the surveillance of the private lives of persons, some years ago the Government had appointed the Committee on Privacy to study the possible implications of a law on privacy; after having considered various aspects of the question, the committee had recommended that surveillance by means of electronic equipment should be declared illegal. That recommendation was being studied but had not yet been embodied in legislation. The opening of correspondence and wiretapping were authorized only on the basis of a specific warrant of a Secretary of State, issued only in the case of serious crimes or if State security was threatened.

47. Replying to questions on the extent to which religious freedom might be restricted for reasons of security to the extent that was necessary to secure public order, health, morals or the rights of others, he mentioned the recent controversy over whether a Sikh could be required to remove his turban - which his religion required him to wear - in order to comply with the law prescribing the wearing of crash helmets by riders of motor cycles. Other types of conflict might well arise between religious duties and considerations of public interest.

48. On the subject of article 19, and more particularly the possibilities of operating radio and television transmitters, he explained that the licences granted

for that purpose were intended not to supplement public services of broadcasting but to meet the wishes of amateurs. Control was exercised over programmes containing matter "offensive to public feeling", such as broadcasts of an obscene nature.

49. Many members of the Committee had raised questions regarding article 20 and had, in particular, noted the absence of provisions expressly prohibiting propaganda for war. He said that the introduction of such provisions in the criminal law raised specific difficulties, which explained the reservation entered by the British Government. It had also been asked whether the use of terms of abuse of a racist character could give rise to legal proceedings, and he explained that the use of abusive language was not punishable by law unless it involved incitement to racial hatred, defamatory remarks or insults likely to cause a breach of the peace. A decision could be made only on the facts of a particular case. In the one mentioned by Mr. Lallah, it would no longer be necessary to prove "intention", as the applicable legislation had been amended since the incident on which the prosecution had been based.

50. The expression "in the interests of the community" used in the report in connexion with possible restrictions on the freedom of peaceful assembly was only descriptive, and did not appear in provisions which had the force of law. With regard to the freedom of association, both of trade unions and other associations, and also the law on matrimonial property, he would prefer, owing to the shortage of time, to submit written details to Committee members subsequently. All the other matters which had been mentioned in passing would also be dealt with in detail in that communication.

51. With regard to article 26, there was no recent example of an Act of Parliament expressly amending the constitutional principle of equal protection of the law; the comment in the report merely meant that that principle was so firmly established that it could be modified only by Parliament.

52. In response to Mr. Koulishev, who had pointed out that the comments on article 27 referred only to negative provisions relating to ethnic minorities, he explained that his Government had encountered a number of difficulties in that connexion because such minorities had different cultures and languages and had arrived recently in the country. Steps had, however, been taken to overcome those problems and to cope with the large number of immigrants by increasing the budget of local authorities to enable them to increase the number of teachers in schools and by providing assistance to voluntary organizations.

53. Sir James BOTTOMLEY (United Kingdom) recalled that a supplementary report on dependent territories would be transmitted to the Committee, which would also receive further information on the questions raised during the discussion of the United Kingdom report.

54. The CHAIRMAN thanked the United Kingdom representative for their replies to the questions put by Committee members, and said he awaited with interest the further communication which had been announced.

The meeting rose at 1 p.m.