



**International Convention
on the Elimination of all Forms
of Racial Discrimination**

PROVISIONAL

For participants only

CERD/C/SR.708
13 March 1985

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Thirty-first session

PROVISIONAL SUMMARY RECORD OF THE 708th MEETING

Held at Headquarters, New York,
on Monday, 11 March 1985, at 10.30 a.m.

Chairman: Mr. VALENCIA RODRIGUEZ

CONTENTS

Tribute to the memory of His Excellency Mr. Konstantin Ustinovich Chernenko, President of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and General Secretary of the Central Committee of the Communist Party of the Soviet Union

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

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-0750, 2 United Nations Plaza.

The meeting was called to order at 10.55 a.m.

TRIBUTE TO THE MEMORY OF HIS EXCELLENCY MR. KONSTANTIN USTINOVICH CHERNENKO, PRESIDENT OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND GENERAL SECRETARY OF THE CENTRAL COMMITTEE OF THE COMMUNIST PARTY OF THE SOVIET UNION

On the proposal of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of His Excellency

Mr. Konstantin Ustinovich Chernenko, President of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and General Secretary of the Central Committee of the Communist Party of the Soviet Union.

Mr. STARUSHENKO thanked the Committee for its tribute to the memory of Mr. Chernenko, who would be remembered by peoples throughout the world for his contribution to peace and international co-operation and for his concern for the protection of human rights. The Soviet Government remained committed to a policy of peace and the lessening of international tension, and would continue to oppose racial discrimination and support the struggle against apartheid.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Combined third, fourth and fifth periodic reports of the Lao People's Democratic Republic (continued) (CERD/C/105/Add.4)

Mr. CREMONA said that the report of the Lao People's Democratic Republic, which combined its third, fourth and fifth periodic reports, marked a great improvement over the country's only previous report. It showed the efforts made as a matter of policy to improve the standard of living of the population and to bring all ethnic groups to the same level of development, and also the strides being made in education and public health. Regarding the Government's aim to eradicate illiteracy (para. 16 of the report), it would be useful to have percentage figures for the current rate of illiteracy in each of the various ethnic groups and also to have a demographic breakdown of those groups.

/...

(Mr. Cremona)

Paragraph 5 of the report mentioned official texts which, in the absence of a national constitution, guaranteed rights and freedoms, but none of those texts had been provided to the Committee. It was also not clear whether the legal guarantees they afforded were enforceable in the courts upon complaint of an aggrieved party.

The clear implication of paragraph 13 was that a system of people's judges had been introduced because professional judges were considered more prone to racial discrimination, and that surprising situation required some explanation. He also wished to know what the qualifications of the people's judges were and how the independence of both types of judges was secured.

Mr. KARASIMEONOV observed that, since the Lao People's Democratic Republic had been founded only in 1975 and a completely new socialist society was being constructed, new legislation had had to be drawn up to reflect the profound revolutionary changes that had occurred, and it was therefore understandable that the country's Constitution had not yet entered into force. The report made it clear, however, that there was no legal vacuum and that the current transitional legislation provided a good basis for the implementation of the Convention. Paragraphs 7 and 8, in particular, discussed the new Nationalities Committee and new legislation such as the Programme of Action of the Lao Front for National Construction, whose basic aim was to ensure equality for all ethnic groups.

The statement that at both the practical and institutional levels, racial discrimination was unknown (para. 20 of the report) was seemingly qualified by the admission that some individuals harboured racial prejudices (para. 21). The Lao Government should therefore give serious consideration to passing specific laws embodying the main articles of the Convention, particularly article 4, so that it would have new tools at its disposal to eliminate all such prejudices.

It would be useful for the Committee to have some information on the situation in the country before the revolution, in order to gain a real picture of the enormous achievement of the new socialist Government. It would be good to know, for example, what relations had formerly existed between the different ethnic groups, and what constituted the feudal remnants of the old Laos.

The Government was to be commended for its participation in the struggle against apartheid, a sign that it had adopted a new, progressive attitude also on the international scene.

/...

Mrs. SADIQ ALI said that since the Lao People's Democratic Republic was a young nation in a transitional stage, its delay in reporting was comprehensible. She hoped that continuity would thenceforth be maintained in its reports. In any case, the Government's progressive approach was commendable.

It was extremely important for a new constitution to take effect in 1986. The next report should reproduce any texts from the Constitution relevant to the Convention. By the next report, too, the Government should be in a position to furnish more precise information on the legal framework for implementation of the Convention.

The information provided in paragraph 3 of the report (CERD/C/105/Add.4) on ethnic groups in the country was more specific than the figures that had been furnished in the previous report. Still more detailed information, however, on the distribution of the 68 ethnic groups in the three main regions of the country would be helpful. Some indication could also be given as to which ethnic groups might be considered less developed. She would, in addition, appreciate information on members of other national groups residing in the country and on their legal status. She wondered, for instance, how the right of asylum of refugees who might have fled to the Lao People's Democratic Republic was protected.

Although the role of the Nationalities Committee (para. 7) had been explained, it would be useful to have more information about the implementing agencies of that Committee at the regional and district levels and about the way the Government programmes and policies were being developed in specific areas.

Paragraph 8 supplied information about the Programme of Action adopted by the Congress of the Front for National Unity, which was particularly relevant to the Convention. She associated herself with Mr. Cremona in asking for more information on how item 7 of the Programme was being put into practice. What was the role of the Front and popular organizations in creating conditions favouring the gradual elimination of the disparities between the economic and cultural levels of the various ethnic groups? Some information on the socio-economic plans to mitigate such disparities might also be provided, in reference to articles 1 (4) and 2 (2) of the Convention.

With regard to article 2 (1), it had been mentioned in paragraph 9 that, while no specific measures had been undertaken, the various resolutions and decisions of

/...

(Mrs. Sadiq Ali)

the Lao People's Revolutionary Party formed the basis for current laws and regulations, with emphasis on political education. She wished to know whether that was a transitional phase or whether it reflected a permanent situation. The status of the various Party resolutions was not clear. She stressed the importance of reviewing old laws in order to close any loopholes which might encourage racial discrimination. The historical legacy of prejudice referred to in paragraph 21 required a stricter compliance with article 2 (1), as well as with article 4. As the Committee had stressed all along, both education and penal sanctions together would best prevent and eradicate racial discrimination. It was to be hoped that more specific information would be provided in the next periodic report concerning action taken to eliminate such discrimination.

With regard to article 5, information could be supplied with particular reference to the system of people's judges (para. 13) to show the right to equal treatment before the tribunals. She wished to know, for instance, to what extent non-professional judges influenced decisions in the courts, and how judgements were delivered. Had customary law been retained at the district level, especially where the ethnic or tribal groups resided, and what was the role of the non-professionals at that level?

Additional information might also be furnished with regard to article 5 (b) and (d) (i-iii). As to economic and cultural rights, the Government's education and health policies were most commendable. More information would be useful, however, with regard to its language policy in education, especially at the primary level. Was education imparted in Lao or Lao Sung, or in the respective mother tongues of the ethnic groups?

In paragraph 17, reference was made to the need to build a culture and education of a national and socialist character, and in paragraph 19 it was added that each group was free to preserve its own culture, language and traditions. In view of that balanced policy, it would be of interest to have more information on how ethnic minorities were being assisted to preserve the essence of their own distinctive cultures, while at the same time being drawn into the national mainstream.

With regard to the mention in paragraph 21 of prejudice against ethnic groups, she associated herself with the other members of the Committee who had pointed out

/...

(Mrs. Sadiq Ali)

the relevance of such prejudice to the implementation of the Convention. She asked whether a person who was a victim of discrimination could seek redress, and what procedure was involved. Did the people's tribunals handle such situations, and had any measures been taken to penalize such actions? She asked whether persons in an extremely vulnerable position with regard to being discriminated against had any assistance from the Government, and whether they were educated in the safeguarding of their own rights. In view of the colonial and feudal legacy mentioned in paragraph 21, information on any action being taken against official acts of racial discrimination at the lower echelons would be useful.

In the context of the cultural diversity prevailing in the Lao People's Democratic Republic, the implementation of article 7 was of special importance. The revised general guidelines (CERD/C/70/Rev.1) might be studied and information furnished in the next report on all aspects of article 7.

She commended the Government on its frank report, from which it was clear that the implementation of articles 4 and 7 were of paramount importance in the particular situation prevailing in the country.

Mr. PARTSCH, referring to paragraph 12 of the report (CERD/C/105/Add.4), asked what organizations were referred to in the last sentence. Were they private organizations, or could the individuals referred to be public officials also? He noted that paragraph 3 provided some new details on the 68 ethnic groups in the country, and he wished to know whether those groups had access to schooling in any languages other than Lao. He also noted an apparent contradiction between the statement in paragraph 4 that no form of racial discrimination existed in the Lao People's Democratic Republic and the statement in paragraph 21 that some individuals might harbour prejudices against other ethnic groups. He asked for more information about the way in which the Government was trying to eliminate such prejudices.

He wished to know whether the re-education camps, which had been set up in an earlier revolutionary period, were still in existence, and what was the current role of the Lao Front for National Construction. Lastly, he urged the Government, in consolidating its new legal order, to take into full consideration its obligations under the Convention.

/...

Mr. SHERIFIS said that he welcomed the Government's frank report and the resumption of dialogue after such a long period of time, owing mainly to the difficulties alluded to in paragraph 1. He noted that more than one developing country had made the same point, and that the Committee was considering means to deal with the problem. He asked for further information concerning the statement in paragraph 19 that each ethnic group was free to preserve its own culture, language and traditions, in view of the revised general guidelines (CERD/C/70/Rev.1), which stated that a reporting State should indicate whether any steps had been taken to help promote human-rights issues which would lead to better understanding, tolerance and friendship among nations and racial or ethnic groups. He expressed the hope that the next periodic report would furnish the texts of the provisions of the new Constitution giving effect to the Convention. He noted that, for example, there were as yet no legislative, judicial or administrative measures giving specific effect to article 2 of the Convention (para. 9):

He welcomed the fact that all Lao citizens enjoyed the same political rights at all levels and that all ethnic groups were represented in the people's assemblies at all levels (para. 14). He also noted with satisfaction that all Lao citizens enjoyed the civil rights enumerated in article 5 (d) of the Convention, under conditions established by law (para. 15).

Mr. SONG Shuhua welcomed the fact that the report took a strong stand against apartheid. He also commended the Government's efforts to eliminate illiteracy (para. 16).

He wished to know whether measures taken to eradicate illiteracy in the mountain areas were different from those taken in the urban areas. What had been the effects of the literacy campaign?

He expressed the hope that with the new Constitution of 1986 an important step would be taken in the implementation of the Convention.

Mr. SHAHI said it appeared that the Government had laid down the foundations for a more specific implementation of the Convention in the years to come. He expressed the hope that the period leading up to the establishment of the new Constitution in 1986 would be taken advantage of by the Government to give comprehensive expression to the provisions of the Convention and to enact the necessary laws to bring about the full implementation of articles 2 to 7. He

/...

(Mr. Shahi)

associated himself, in particular, with the comments of Mr. Karasimeonov in wishing to know more about the provisions of the laws and regulations concerning the education of the 68 ethnic groups and about how successful the Government had been in imparting education in languages other than Lao.

Referring to paragraph 21, he said that individual prejudices against other ethnic groups needed to be approached in a more historical perspective than by merely referring to the colonialism and feudalism of the former régime. The implication that no racial discrimination existed before colonialism was incorrect. And, although colonialism had indeed exploited prejudices, discrimination might well endure beyond the colonial period.

Mr. CICANOVIC said that future reports of the Lao People's Democratic Republic should be prepared in accordance with the Committee's guidelines. More exact and detailed information was required about the country's various ethnic groups, which were at various levels of development. The Government was currently without basic law, a constitution or proper legislation, and he stressed that the legislation in preparation should incorporate the appropriate provisions of the Convention, especially its articles 2, 4 and 5. Paragraph 18 of the report dealt with the Programme of Action which provided for assistance to "the most needy ethnic minorities", and he requested information about the difficulties encountered by those minorities and what was being done to alleviate them. With regard to paragraph 19, he wished to know what percentage of the population used the official language as their mother tongue, and what percentage used other languages. Since prejudices had been mentioned in paragraph 21, he wished to know the nature of those prejudices and how they were being combated, since no legislation was in force. In that regard, he requested further details on what had been done by the Nationalities Committee since its establishment.

Mr. YUTZIS said that the report contained small contradictions; for example, in paragraph 4 it was stated that no form of "racial discrimination" existed in the Lao People's Democratic Republic, whereas paragraph 21 mentioned "prejudices against other ethnic groups". The Government should take measures to give effect to the Convention, in particular its articles 2 and 4. In addition, in future reports more information should be provided in compliance with article 5 (d) (i) and (ii) of the Convention. He also requested population

/...

(Mr. Yutzis)

statistics and, while he acknowledged the difficulties which the Lao Government might have in obtaining them, he said that United Nations technical assistance could be sought for that purpose. He also wished to know approximately how many citizens had left the country in the past four years.

Mr. GHONEIM said that the report (CERD/C/105/Add.4) was not a fifth periodic report at all: it was more like a second initial report. It contained only a few texts of resolutions and the Government's expressions of goodwill or good intentions. There was almost no concrete information on any article of the Convention. Referring to paragraph 1, in which the deficiencies of the report were attributed to "the difficulties inherent in the least developed countries", he suggested that the representative of the Lao People's Democratic Republic should refer to reports submitted by other countries, including least developed countries, which were models of correctly submitted reports. He hoped that the next report would contain more detailed information.

Mr. VONGSAY (Lao People's Democratic Republic) said that the report had not included all the required information, because his country was a developing country and lacked the means of obtaining the necessary data. His Government had just conducted its first population census and the results would be made known within a week and would be included in the sixth periodic report. That report would also include additional information on the implementation of the Convention in the Lao People's Democratic Republic. He was pleased that, on the whole, most members of the Committee had expressed satisfaction with the report.

With regard to the number of ethnic groups in his country, he noted that the figures in the report were apparently not specific enough. When the results of the census were available, however, his Government would provide more detailed information.

Some members of the Committee had asked how the fundamental rights embodied in the Convention could be upheld without a constitution. However, in his country the absence of a specific law did not mean that the Lao people's rights would be infringed. Racial discrimination was not tolerated in his country. Feudal elements had exploited the situation and had violated fundamental human freedoms. In its 30-year-long struggle for freedom and independence, the Lao people had realized that it could not win unless there was mutual respect among all its racial groups.

/...

(Mr. Vongsay, Lao People's
Democratic Republic)

No cases dealing with racial discrimination had been brought before the courts, although it would be good to have a specific law to protect the rights of ethnic groups. Appropriate legislation was being prepared and would be enacted during the next year or so. The people's judges referred to in paragraph 13 of the report did not deal exclusively with cases of discrimination but would hear such cases if ever they came before them.

He assured the Committee that the Lao People's Democratic Republic would take due account of the provisions of the Convention when drafting its national constitution. At the Committee's request, his Government would indicate in a subsequent report how those provisions had been reflected in the Constitution and other national legislation.

Further information had been requested with regard to the Nationalities Committee. That body, whose Chairman held ministerial rank, was responsible for supervising, at the local level, the implementation of government policy towards ethnic groups and reporting thereon to the Central Committee of the Party and to the Council of Ministers. It played an extremely important role in protecting the rights of all citizens. Local offices operated in accordance with the Committee's statutes, and no cases of racial discrimination had thus far been reported.

Mrs. Sadiq Ali had sought more details about the demographic composition of the country. A certain amount of statistical information was, in fact, available but needed to be updated and therefore should be viewed with caution. As to the legal status of other national groups in his country, foreign nationals such as Chinese or Vietnamese residing in Lao territory enjoyed the same protection as the Lao ethnic groups, whose equality before the law was scrupulously respected. Concerning the difference in levels of development among the ethnic groupings, the Party and Government were doing their utmost to improve the standard of living of the whole population. Some groups, especially those living in the mountains and on the high plateaux, were reluctant to accept changes in their way of life, and in that regard reforms were designed to promote the gradual elimination of the disparities in economic and cultural development.

/...

(Mr. Vongsay, Lao People's
Democratic Republic)

The fact that the only official language, Lao, must be learned by all ethnic groups (para. 19 of the report) was a reflection of the country's sense of national identity and not a manifestation of linguistic discrimination. On national radio, for example, broadcasts in future might be given in the minority tongues as well as in Lao and the Hmong language.

The meeting rose at 1.05 p.m.