

SUMMARY RECORD OF THE ONE HUNDRED AND FORTIETH MEETING

Held on Wednesday, 2 May 1973, at 10.40 a.m.

Chairman:

Mr. VALENCIA RODRIGUEZ

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

- (a) SECOND PERIODIC REPORTS OF STATES PARTIES DUE IN 1972 (CERD/C/R.30/Add.23,  
24 and 37) (continued)

Philippines (CERD/C/R.30/Add.11 and Add.37)

At the invitation of the Chairman, Mr. Valderrama (Philippines) took a place  
at the Committee table.

The CHAIRMAN recalled that the Committee had considered the initial report of the Philippines (CERD/C/R.3/Add.13) at its third session and had found it satisfactory. The second periodic report of the Philippines (CERD/C/R.30/Add.11 and Add.37) was now before the Committee.

Mr. HAASTRUP said that the initial report of the Philippines was one of the very few reports which had followed the guidelines established by the Committee. Since that report had been found satisfactory, and since the current report stated that there had been no new developments in the Philippines during the interval between the two reports, the Committee should consider the current report to be satisfactory also. Moreover, the supplement to the second periodic report (CERD/C/R.30/Add.37) provided information concerning the status of Philippine relations with the racist régimes in South Africa and Southern Rhodesia and was thus in conformity with the Committee's general recommendation III.

Mrs. OWUSU-ADDO agreed with Mr. Haastrup that the initial report of the Philippines had been one of the most comprehensive reports received by the Committee and had fully met the requirements laid down in document CERD/C/R.12. In that report, the Government had stated its intention to consider what legislative and administrative measures could be adopted to give effect to the provisions of the Convention. In view of the short time that had elapsed since the presentation of the initial report, it was reasonable to assume that, thus far, it had not been possible for the Government to adopt new measures based on the Convention's provisions.

She noted with satisfaction that the Government of the Philippines not only maintained no diplomatic relations with South Africa and Southern Rhodesia, but had also taken positive measures to boycott those régimes. In particular, she noted

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(Mrs. Owusu-Addo)

that Rhodesian passports issued on or after 11 November 1965 were not recognized by Philippine foreign service establishments and that Philippine visas were not granted to nationals of South Africa. Such measures demonstrated the desire of the Philippine Government to observe the political and economic sanctions against the illegal régimes in southern Africa.

Mr. SUKATI said that the report of the Philippines was complete and fulfilled that country's obligations under the Convention. He was particularly impressed by the detailed account of administrative measures against the illegal régimes in southern Africa which were embodied in foreign service circulars and executive orders. It would be useful for the work of the Committee if other States Parties could provide similar detailed information.

Mr. CALOVSKI said that, had he been present during the discussion of the initial report of the Philippines, he would have agreed with the consensus of the Committee that it was satisfactory and could well serve as an example to be followed by other States Parties. It had clearly shown the determination of the Government of the Philippines to combat all forms of racial discrimination, to implement fully the provisions of the Convention and to co-operate with the Committee.

The Committee should simply take note of the facts stated in the second periodic report, welcome the willingness of the Government of the Philippines to continue to co-operate with it, and request that Government to inform it in future reports of any measures taken by the Philippines which related to the Convention or to any recommendations that the Committee had already adopted or would adopt in the future.

Mr. TOMKO agreed with Mr. Calovski that the Committee shall note that there had been no changes in Philippine legislation relevant to the Convention during the interval between the initial and second periodic reports and should request the Government of the Philippines to provide, in its third periodic report, any information relating to new developments in that country.

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The CHAIRMAN, speaking as a member of the Committee, said that the initial report of the Philippines had referred to the establishment of a Commission on National Integration. He hoped that the next periodic report would contain information about the results achieved by that Commission. He commended the Government of the Philippines on the way in which it fulfilled its international obligations and on the fact that it had no economic, political or other relations with the régimes of South Africa and Southern Rhodesia. The second periodic report, like the initial report, should be considered to be satisfactory.

Mr. VALDERRAMA (Philippines), expressed his Government's gratitude to the Committee for consenting to defer consideration of the second periodic report of the Philippines from the previous week in order to enable Mr. Ingles to be present at the meeting. Unfortunately, Mr. Ingles had been unable to attend the current meeting owing to the pressure of his duties.

He thanked members for their kind words concerning the initial report and the second periodic report of the Philippines. He would convey the views they had expressed to his Government, which would do everything possible to provide the Committee with additional information on points raised by members, including information about the achievements of the Commission on National Integration.

The Philippines, as a member of the Special Committee on Apartheid, had actively espoused the struggle of the peoples of southern Africa against the racist régimes in their countries, in both words and deeds.

The CHAIRMAN said he took it that the Committee considered the second periodic report of the Philippines to be satisfactory and to fulfil that country's obligations under article 9 of the Convention, and that it hoped that the Philippines would continue to co-operate with the Committee as it had done in the past.

It was so decided.

Mr. Valderrama withdrew.

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Byelorussian Soviet Socialist Republic (CERD/C/R.30/Add.23)

At the invitation of the Chairman, Mr. Pashkevich (Byelorussian Soviet Socialist Republic) took a place at the Committee table.

The CHAIRMAN said that the initial report of the Byelorussian SSR (CERD/C/R.3/Add.31) had been considered by the Committee at its third session and had been found satisfactory. The second periodic report of the Byelorussian SSR (CERD/C/R.30/Add.23) was now before the Committee.

Mr. HAASTRUP said that there was an error in the first paragraph of the report now before the Committee. Document CERD/C/R.30/Add.23 should be considered as the second periodic report of the Byelorussian SSR and not as a supplement to the first report.

The report was just as detailed as the initial report and provided further information relating to the various sections of the Constitution which had been cited in that earlier document. It placed emphasis on government activities designed to combat all forms of racial discrimination. The report provided a great deal of information about State projects to promote the welfare of the people in various fields, such as education and public health.

Mention was also made of government activities at the international level, including various United Nations resolutions sponsored by the Government of the Byelorussian SSR, one of which had been taken into account in the preparation of a Declaration condemning the evil policy of apartheid. The Byelorussian SSR had also sponsored a resolution on the question of the implementation of the Declaration on the Strengthening of International Security, and Byelorussian delegations had taken an active part in conferences of UNESCO and the ILO, especially in the consideration of questions connected with racism and racial discrimination.

In response to general recommendation III of the Committee, it was stated in the report that the Government of the Byelorussian SSR had no relations with the racist régimes in southern Africa and that it was strictly implementing United Nations decisions concerning the policies of apartheid, the question of Rhodesia and the situation in Namibia and the Portuguese colonies.

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(Mr. Haastrup)

The report was lucid and comprehensive and provided information of the type required by the Committee. It should be regarded as satisfactory. The Government of the Byelorussian SSR was to be commended for co-operating fully with the Committee and for properly discharging its responsibilities under the Convention.

Mr. TOMKO said that the current report of the Byelorussian SSR should be regarded as a supplement to the initial report in so far as it provided new information about government activities in the sphere of political education aimed at ensuring the political equality of citizens of all nationalities resident in the country and at bringing the interests of all citizens into line with the broader aspirations of socialist development. The process of political education was strengthened by resolutions adopted at the twenty-fourth Congress of the Communist Party of the Soviet Union and the twenty-seventh Congress of the Communist Party of Byelorussia.

He welcomed the new information contained in the report with reference to the provisions of the Law on Public Health and the Code on Marriage and Family, which were designed to ensure equal treatment for all citizens, irrespective of their nationality, race or attitude towards religion. He also noted with satisfaction that the Byelorussian SSR was actively involved in the adoption of international measures to combat colonialism, racism and racial discrimination and was strictly implementing United Nations decisions concerning racist régimes.

He agreed with the previous speaker that the report was satisfactory.

Mr. SOLER agreed that the report was satisfactory. It contained some theoretical excesses but they were understandable if not entirely relevant.

Some of the methods dealt with in the report pertained to problems which had been frequently discussed by the Committee. In that connexion, he laid particular stress on article 41 of the Law on Public Health, which provided that aliens and stateless persons permanently domiciled in the USSR were entitled to medical care on an equal footing with Soviet citizens. The question of the definition of citizenship and the status of aliens and stateless persons was of considerable interest to the Committee and had been discussed in relation to other reports. He asked the representative of the Byelorussian SSR whether and to what extent other laws in his country provided for equal treatment for all persons permanently domiciled in the USSR, including aliens and stateless persons.

(Mr. Soler)

He had asked the representative of the USSR at a previous meeting about the scope of the legislation in force in the USSR relating to taxes levied on emigrants and about the experience of different nationalities in the USSR with the provisions of that legislation. He had received no reply to that question and he wondered whether the representative of the Byelorussian SSR would be able to throw some light on the matter.

Mr. DEHLAVI agreed with previous speakers that the report of the Byelorussian SSR was entirely satisfactory.

Mr. SAFRONCHUK said that the last part of Mr. Soler's statement was in violation of the provisional rules of procedure. It brought up a question which was not mentioned in the report of the Byelorussian SSR and which was within the exclusive competence of that country's Government. Mr. Soler had sufficient experience as an international jurist to know that he had no right to raise that question. He himself, in his capacity as an expert, wished to register a protest against Mr. Soler's statement, which violated the provisions of article 9 of the Convention. Moreover, it was difficult to see what exactly Mr. Soler had meant in his statement. If he was referring to the question of compensation for educational expenses, he should have known that that measure was in no way discriminatory, but was applicable to all citizens who wished to leave the country permanently.

Mr. MACDONALD said that the report contained much valuable information concerning the economic, social and cultural rights enjoyed in the Byelorussian SSR and the measures taken by the Government to give effect to articles 3 and 7 of the Convention. Those articles were being effectively implemented.

He found the report acceptable in every way. He noted the statement in the fourth paragraph that all the legislative enactments and regulations referred to in the first report remained fully in force and continued to be fully implemented. In that connexion, he wondered whether the representative of the Byelorussian SSR could inform the Committee of any new developments, particularly in relation to the implementation of articles 5 and 6 of the Convention.

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Mr. CALOVSKI said that, had he been present during the Committee's discussion of the initial report, he would have agreed with the consensus that it was satisfactory and that it fulfilled the obligations of the Byelorussian SSR under article 9 of the Convention. The same was true of the second periodic report.

It was clear that the Government of the Byelorussian SSR was maintaining its traditional anti-racist policy. He noted that citizens of all nationalities resident in the country lived and worked in conditions of complete equality, friendship and brotherliness and that the whole population was consistently educated in the spirit of mutual understanding and internationalism. That clearly showed the determination of the Government to implement fully the provisions of the Convention.

The main feature of the report was the information it contained about administrative and policy measures. He hoped that more States Parties would follow the practice of providing such information in their future reports, since it enabled the Committee to discuss the de facto situation prevailing in a country, as well as its legal provisions.

He agreed with Mr. Safronchuk that members of the Committee should refrain from bringing up matters which the Committee was not competent to consider.

Mr. DAYAL said that the current report of the Byelorussian SSR, like the initial report, was full of interesting information. While the initial report had quoted at length various articles of the Constitution and legislative provisions designed to guarantee the equality of all citizens, regardless of race and nationality, the current report dealt more with the philosophical background to the policy followed by the Government. Reference was made in it to resolutions adopted at the twenty-fourth Congress of the Communist Party of the Soviet Union and the twenty-seventh Congress of the Communist Party of Byelorussia. On page 3 of the report, mention was made of the building of a new historic community in the USSR and of the devotion of Soviet man to the cause of communism, internationalism and intolerance of national and racial prejudices. That was all part of a deliberate government policy, which was strengthened by the adoption of measures in the spheres of legislation, education, public information and so on.

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(Mr. Dayal)

He noted with satisfaction that the Byelorussian SSR had taken an active part in the work of various organs of the United Nations connected with the struggle against racism and racist theories. In particular, it had made a strong contribution to the struggle against apartheid.

He felt that the report fully met the requirements of the Committee.

Mr. SAYEGH said he agreed with those members who considered that the second periodic report of the Byelorussian SSR satisfactorily met the obligations of States Parties under article 9 of the Convention.

With regard to Mr. Soler's statement he said that any member of the Committee, and a fortiori the Committee itself, had the right to ask States Parties about matters which had not been raised in their reports if the subject matter of the question fell within the scope of the Convention. For instance, many members were asking States Parties about their response to general recommendation 3 of the Committee concerning relations with the racist régimes of southern Africa even if the reports did not mention those relations. However, members could not ask questions on a subject which was not relevant to the obligations undertaken by States Parties under the Convention. He was greatly surprised at Mr. Soler's attitude, for Mr. Soler had shown himself to be a champion of legality as he saw it even if his conception of legality seemed at variance with the majority decisions taken by the Committee and endorsed by a majority of the General Assembly. Mr. Soler could therefore not ignore legality in another context. Mr. Soler's question was related to article 5 of the Convention, which referred to various rights. However, the Convention did not actually proclaim that States Parties were obliged to observe those rights but simply stated that they undertook to guarantee the right of everyone to equality before the law in the enjoyment of such rights. Thus, to the extent that the rights mentioned in that article were enjoyed within their territory, States Parties were obliged to ensure that such rights were enjoyed without discrimination and without distinction as to race,

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(Mr. Sayegh)

colour, or national or ethnic origin. The Committee therefore could not interrogate States Parties on the status of the right to freedom of thought, conscience and religion of persons under their jurisdiction but could only inquire whether, in enjoying those rights, all citizens were equal before the law or whether some citizens were allowed to enjoy those rights while other citizens were deprived of them on the basis of race, colour or religion. A State Party was certainly entitled to say that questions regarding the right to freedom of movement and the right to leave any country and to return to a country, were not within the Committee's competence under the Convention if all citizens of the State Party concerned were governed by the same laws without distinction, regardless of whether the laws on the matter were restrictive or liberal. The Committee should remember that it was a body whose concern was not human rights as such but racial discrimination and that the Convention did not deal with obligations in respect of all democratic rights without exception but related only to discrimination on grounds of race. For that reason, at a previous session at which the Committee had discussed article 5 and the rights mentioned in it, he had proposed that a decision should be taken on the scope of the article. At the beginning of the current session he had agreed that consideration of the item should be postponed but he now regretted that he had done so.

Mr. ANCEL agreed that the Committee's right to raise questions was not limited to matters mentioned in the reports of States Parties, since if that were the case the State Party need only say nothing in order to avoid being questioned. Indeed, on certain points, such as relations with the racist régimes of southern Africa, the Committee had often questioned States Parties precisely because those points had not been mentioned in their reports. However, questions could be raised only within the framework and perspective of the Convention. The Committee should not concern itself with the extent to which the rights mentioned in article 5 were guaranteed to citizens of States Parties; its only concern in relation to that article was whether in the implementation of those rights racial discrimination did or did not occur.

He considered that the second periodic report of the Byelorussian SSR was interesting and complete and entirely met the requirements of article 9 of the Convention.

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Mr. SOLER said that he wished to clarify the scope of his question. He could not agree with Mr. Safronchuk that the Committee could not raise questions on matters not mentioned in the reports of States Parties; that would be the worst possible course to adopt in the case of States Parties which had something to hide.

He recognized that the enumeration of rights in article 5 of the Convention did not constitute a new declaration of human rights and that those rights should be viewed by the Committee only in the context of racial discrimination. He had not meant to criticize or pass judgement on the existence of certain provisions, such as the imposition of a tax on citizens wishing to leave their country, but had simply wanted some information on the matter, since he had read in the press that some legislative changes had occurred on the matter and it appeared that some nationals of the States involved had complained that those changes affected them more than citizens of other nationalities in the same country.

Mr. SAFRONCHUK, speaking on a point of order, said that he agreed with Mr. Sayegh's interpretation of articles 5 and 9. Mr. Soler was speaking in violation of those articles, which made it abundantly clear that the members of the Committee could not raise questions not directly related to racial discrimination. It had already been stated before the Committee that legislation affecting the right of Soviet citizens to leave their country applied equally to all Soviet citizens, as did Soviet legislation on all other rights. The reports of the Soviet Union, the Byelorussian SSR and the Ukrainian SSR had made that quite clear. Mr. Soler was referring to matters extraneous to the Committee's competence; discussion of those matters by the Committee would clearly be a violation of articles 5 and 9 of the Convention as well as of the provisional rules of procedure.

Mr. Soler had referred to "theoretical excesses" in the report of the Byelorussian SSR. He wondered whether the phrase covered such statements as those in the sixth and eighth paragraphs, or the statement in the twelfth paragraph which mentioned the treaty concerning the founding of the USSR. That treaty was the basic law under which the nationalities of the Soviet Union enjoyed certain rights and had certain responsibilities; under that treaty the multinational community of the Soviet Union had been making great progress for the past 50 years.

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The CHAIRMAN said that Mr. Soler could continue his statement if he intended to refer exclusively to questions of racial discrimination. The general points raised by Mr. Sayegh would be very useful to the Committee's discussion on the scope of article 5 of the Convention at its next session.

Mr. HAASTRUP said that the authors of the Convention had undoubtedly considered the differing legislations of Members of the United Nations before writing article 5. He agreed with the Chairman that the controversy to which Mr. Soler's remarks had given rise should be postponed until the next session of the Committee, particularly in view of Mr. Sayegh's statement.

The CHAIRMAN, speaking as a member of the Committee, said that he shared the view of his colleagues who had stated that the report of the Byelorussian SSR satisfied the requirements of the Convention and supplemented the valuable information supplied in the first periodic report. Matters which were not strictly connected with racial discrimination had been dealt with in the report in order to show the efforts of the Byelorussian SSR to raise the standard of living of all its citizens, without racial discrimination. He was pleased with both the form and the substance of the report.

Mr. PASHKEVICH (Byelorussian Soviet Socialist Republic) said that his country's full implementation of the Convention was the logical result of the social structure in the Byelorussian SSR. Historically, the people of that country had suffered greatly from racial injustice and therefore actively supported the Communist Party in its efforts to build a new society in which absolute equality among all races and nationalities would be guaranteed. The reforms carried out in the Byelorussian SSR had removed the causes of racial discrimination. His country supported the Convention because it considered that all peoples of the world should have equal rights free from such racial discrimination as still occurred in some countries. The Constitution and the penal and civil codes all embodied provisions concerning the equality of citizens without distinction. The report also showed that the Byelorussian SSR fully supported the measures taken by the United Nations and international bodies to abolish the last

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(Mr. Pashkevich)

vestiges of racial discrimination; he assured the Committee that his Government would continue to abide by that policy.

During the Committee's discussion of the report one member had asked whether aliens and stateless persons permanently domiciled in the USSR enjoyed equal rights in areas other than medical care. In reply, he stated that in education, for instance, such persons received free education and had the same rights of Soviet citizens; the same applied in other areas, subject to some restrictions due to their being citizens of other States. His Government intended to promulgate additional legislation reflecting the provisions of the Convention and in doing so it would continue to apply a formula of absolute equality, similar to that which regulated permanent departure from the Byelorussian SSR. The population was quite homogeneous: 81 per cent of the inhabitants were Byelorussians, 10.9 per cent Russians, 4.2 per cent Poles, 2.1 per cent Ukrainians; the rest were other nationalities. In 1970 the Byelorussian population had regained the level of the period before the Second World War, in the course of which the Germans had eliminated one in four of the population, in pursuance of their racist and inhumane theories. That destruction lent emphasis to the Byelorussian SSR's determination to combat any form of racist hatred and other inhumane theories of racial superiority.

In its next reports his Government would take account of the comments by the Committee and would try to reflect as much information as possible on the manner in which it was fulfilling its obligations under the Convention.

The CHAIRMAN thanked Mr. Pashkevich and hoped that the Government of the Byelorussian SSR would continue to co-operate with the Committee. If he heard no objection, he would take it that the second periodic report of the Byelorussian SSR was considered satisfactory.

It was so decided.

Mr. Pashkevich withdrew.

India (CERD/C/R.30/Add.24)

At the invitation of the Chairman, Mr. Mani (India) took a place at the Committee table.

The CHAIRMAN said that the Committee had before it the second periodic report of India contained in document CERD/C/R.30/Add.24. The Committee had

(The Chairman)

considered India's initial and supplementary reports (CERD/C/R.3/Add.3/Rev.1 and Add.39) at its second and third sessions and had found them to be satisfactory.

Mr. HAASTRUP welcomed the second periodic report of India, which was as satisfactory as its predecessors. The Committee had now received detailed information on the ethnic composition of the country and had been told of the measures taken to improve the status of the backward elements of Indian society. Of particular interest was the information that "untouchability" had been abolished and that a National Integration Council had been established to review all matters pertaining to national integration.

India had also made reference to those provisions of the Indian Constitution which prohibited racial discrimination and provided a basis for the effective implementation of the Convention in its territory.

One paragraph should not have been included in the second periodic report since it referred to an incident involving a country which was not a State Party to the Convention. The context was clearly political and he would refrain from making any comments on it.

He did not think the omission of information regarding the Government's relations with the racist régimes in southern Africa was deliberate. As was well known, the Government of India was the architect of the policy of non-alignment, which provided an excellent basis for combating racial discrimination and inequities wherever they existed. However, he hoped that information on that subject would be provided in subsequent reports.

The Government should be commended for its full co-operation with the Committee and its evident willingness to discharge its obligations under the Convention. The report under consideration, taken in conjunction with the previous reports was entirely satisfactory.

Mr. CALOVSKI said that, had he been present when the Committee had discussed the initial and supplementary reports transmitted by India, he would have noted that they met all the requirements of article 9 of the Convention and clearly testified to India's determination to apply an anti-racial policy in accordance with the provisions of the Convention. The previous reports together with the report under consideration amply demonstrated India's willingness to co-operate fully with the Committee. Bearing in mind the contents of the second report and the provisions

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in the Indian Constitution prohibiting racial discrimination, it could be safely assumed that various measures had been taken in the past two years to combat actively all forms of racial discrimination. Indeed, the Committee should welcome the continuous efforts of the Government in that direction. He hoped that the Government's efforts to implement the Convention would continue and that would keep the Committee informed of any new developments and would comply with any past or future recommendations adopted by the Committee.

Speaking on a personal note, he said that he had worked closely with Indian colleagues and was well aware of their devotion to the goals of the Convention and of the leading role they had played in the international struggle, particularly in the United Nations, against racial discrimination.

Mr. ABOUL-NASR said that the information supplied in the report under consideration complied with the Committee's guidelines in document CERD/C/R.12 and with the requirements of article 9 of the Convention and was as satisfactory as the information transmitted in the earlier reports. He hoped that the Government would continue to co-operate with the Committee.

It was the Government of India that had drawn the General Assembly's attention to the evils of apartheid many years earlier. The drafting and adoption of the Convention were also largely due to that Government's efforts.

Some weeks earlier he had learned of an extremely interesting experiment that was being conducted by an Indian philosopher. The project, which was sponsored by UNESCO, was an experiment in community living in which all feelings of racial disharmony were rigorously excluded and brotherhood and love prevailed. He hoped that the representative of India would be able to provide the Committee with some further oral or written information on that experiment.

Mr. PARTSCH recalled that the first periodic report of India had aroused particular interest because of the lucid picture it had painted of the situation in that country. It had been excellently drafted and its portrayal of India's problems had been vivid.

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(Mr. Partsch)

The second report was devoted mostly to the National Integration Council and its work. He was somewhat puzzled by the statement in the penultimate paragraph of the report to the effect that the problem of racial discrimination had not arisen in the country in a manner which warranted specific consideration by the Council or its committees. Did that mean that the Council's task was to eliminate or prevent discrimination at a level below the ethnic level? Or was it to dispel any tensions that might arise between tribes and peoples within the Indian nation? He would appreciate some clarifications by the representative of India on that point.

Mr. MACDONALD said that he had not been a member of the Committee when the earlier reports had been considered, but that having now looked at them in the light of the second periodic report, he was struck by India's inventiveness in many areas - including law, government and administration - and felt that the experience it had acquired could be extremely useful to other countries. In that connexion, he was wondering whether India had anything to report on the role played, for example, by the commissions on human rights or ombudsmen which might usefully be brought to the Committee's attention in future reports and could prove helpful to other States Parties.

While he was extremely grateful for the basic information supplied in document CERD/C/R.3/Add.39, he would appreciate some details of the administrative infrastructure, if any, which dealt with questions relating to the elimination of racial discrimination.

Mr. SAFRONCHUK said that he had not participated in the work of the third session and would like to include the earlier reports in his comments. From the informative reports contained in documents CERD/C/R.3/Add.3/Rev.1 and Add.39 it was clear that the Constitution provided equal opportunities for all citizens irrespective of race or the community to which they belonged. A striking aspect of Indian society was its variegated ethnic composition; India was truly a melting-pot of many peoples. Of particular interest, too, were the efforts being made by the Government to help socially backward Scheduled Castes and Scheduled Tribes catch up with the mainstream of the population. He welcomed the Government's concern to protect and promote the interests of that considerable segment of the population. His own country, the Soviet Union, had also inherited communities, tribes and ethnic groups which were still at a feudalistic and even primitive stage

(Mr. Safronchuk)

of development. They had required direct assistance from the more advanced republics. He hoped that the equalizing process would continue in India and that the Committee would learn of the progress made in future reports.

The main feature of the second periodic report was the interesting information provided on the machinery for national integration. That report, like its predecessors, was entirely satisfactory.

The CHAIRMAN, speaking as a member of the Committee, noted that India's second report in the absence of any major new developments, consisted of modifications to information previously conveyed to the Committee.

He welcomed the information regarding article 46 of the Indian Constitution, the contents of which showed that India was taking appropriate protective measures on behalf of minority groups, in conformity with article 4 of the Convention. The information regarding the purposes and achievements of the National Integration Council and its committees was particularly welcome since he had asked for further information regarding the Council's work at the time of the discussion of the initial report. The achievements were entirely satisfying; not only had the Council adopted a Declaration of Objectives and made specific recommendations, it had also set up a standing committee to review the progress of implementation of those recommendations.

The second report was very comprehensive and contained some important modifications to the initial and supplementary reports.

Mr. DEHLAVI said that he wished to make it absolutely clear that he was speaking in an individual capacity. He hoped that his remarks would not be misconstrued, for they would be made in an entirely objective spirit.

It was common knowledge that the great leaders of India and its many distinguished representatives had played a prominent role in the struggle against all forms of racial discrimination and apartheid in the different international forums. He himself had worked for Mahatma Gandhi, one of the greatest leaders that the world had known, who had devoted his life to the creation of communal harmony and the elimination of racism. He, and many others, deserved the utmost respect and gratitude.

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(Mr. Dehlavi)

India now had a secular Constitution; its leaders were doing all in their power to eliminate any existing discrimination by legislative, administrative and other measures, including the establishment of the National Integration Council. The questions he wished to put to the representative of India were the following. Firstly, to what extent had the measures adopted produced positive results and how successful had they been in eliminating discrimination? Secondly, what judicial or other steps had been taken during the years since independence to punish those responsible for communal disturbances, discord and discrimination?

While he applauded the purpose of article 46 of the Indian Constitution, namely to promote the educational and economic interests of the Scheduled Castes, Scheduled Tribes and other weaker sections of the population, he wondered whether the discrimination and difficulties actually encountered by those backward people were as acute as some press reports made them out to be. The problem, as he saw it, was that the caste system, which had come into being many centuries ago, was an extremely deep-rooted social system which could not be abolished by the mere stroke of a pen. He could not help feeling that, despite the rosy picture painted in the report, to eliminate the age-old feelings of discrimination as between one caste and another would not be an easy or quick process. "Untouchability", which was a form of apartheid, had fortunately been abolished by law; but had the actual practice and the concept that others were polluted by association with "untouchables", ceased to exist?

In the Soviet Union, the authorities had been remarkably successful in their integration efforts and had at the same time managed to cater to local, ethnic and linguistic differences. However, they had not had to overcome the problems posed in India by strong and deep-rooted religious beliefs. If attempts at integration rode roughshod over such beliefs, it would be tantamount to an interference with the rights of minority groups. In that connexion, he had read that changes in educational institutions for minority communities in India had met with adverse reaction from the members of one minority group.

The report was, on the surface, a good one. However, it did not explain how the authorities were overcoming the problems he had just outlined, nor did it describe the extent of the feelings of discrimination between one caste and another.

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(Mr. Dehlavi)

He agreed with Mr. Haastrup that the paragraph containing a political allusion was gratuitous and should have been omitted.

Mr. ANCEL said that he was obliged to return to Paris later that day and would unfortunately not be able to attend the remainder of the session. He stated that it had been a great pleasure for him to be able to participate in the Committee's work under the chairmanship of Mr. Valencia Rodriguez.

The meeting rose at 1.05 p.m.