

864th meeting

Tuesday, 7 August 1990
at 10.15 a.m.

Chairman: Mr. SHAHI

AGENDA ITEM 7

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

Sixth, seventh and eighth periodic reports of Jordan (CERD/C/130/Add.3 and CERD/C/183/Add.1)

At the invitation of the Chairman, Mr. Matalgah and Mr. Nadif (Jordan) took seats at the Committee table.

1. Mr. MATALGAH (Jordan) assured the Committee of the Jordanian Government's full support. In the first part of its eighth periodic report entitled "General information", his Government had not overlooked the question of minorities and had referred in particular to the nomadic desert peoples and to a number of measures taken for their benefit (CERD/C/183/Add.1, paras. 17-19). The report also showed that the Government was sparing no effort to stimulate the national economy and speed up social development, which it had made one of its main objectives.

2. With regard to article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination, the eighth periodic report quoted article 6 of the Jordanian Constitution, which stipulated that Jordanians were equal before the law and that there should be no discrimination among them, in regard to their rights and obligations, on grounds of race, language or religion, and article 101 of the Constitution, which provided that courts were accessible to all citizens. In addition, both Act No. 22 of 1986 concerning legislative elections and Act No. 61 of 1986 concerning civil status helped to combat discrimination against women (ibid., para. 35).

3. Referring to article 3 of the Convention, he said that his Government had always condemned apartheid and maintained no relations with the racist South African regime. It had also upheld Namibian self-determination and welcomed Namibia's accession to independence (ibid., para. 36).

4. In connection with article 4, the eighth periodic report clearly demonstrated the active role played by the various national information services in combating all forms of racial discrimination. In respect of article 5, it dealt in detail with the protection of human rights in Jordan (right to equal treatment before the courts, political rights, freedom of movement, right to nationality, right to choice of spouse, freedom of thought, conscience and religion, freedom of peaceful assembly and association, right to work and to just remuneration - with particular reference to non-discrimination against immigrant workers, right to housing, etc.).

5. In conformity with article 6 of the Convention, racial discrimination was punishable under the Jordanian Penal Code, although in fact the courts had not handed down any judgements in that regard, since there was no record of such offences in Jordan.

6. In accordance with article 7 of the Convention, his Government had taken numerous measures to combat discrimination in the field of culture and education.

7. In conclusion, he deplored the fact that Jordanian society, which was free from any form of distinction among races, was faced with the sad spectacle of racial discrimination on the other side of its borders, in the territories occupied by Israel.

8. Mr. SONG Shuhua, speaking as Rapporteur appointed for the preliminary examination of the sixth, seventh and eighth periodic reports of Jordan, said he was gratified to note that the reports had been prepared in conformity with the Committee's guidelines and contained much interesting information and comment, especially on the implementation of article 5 of the Convention. When its fifth periodic report had been considered, Jordan had been asked to provide further information on trade unions and also on the country's demographic composition; 1/ it could be seen that the Government had taken those queries into account when preparing its seventh and eighth periodic reports.

9. On the subject of workers' rights (CERD/C/130/Add.3, paras. 31-33), he would like to know the percentage of the working population in relation to the population as a whole. In the eighth periodic report (CERD/C/183/Add.1, para. 51) it was stated that persons applying for naturalization must not compete with Jordanians in business. What exactly was meant by "compete with", and did that not mean that foreigners were at a disadvantage in business? In connection with the sixth periodic report (CERD/C/130/Add.3, para. 27), what restrictions did the law impose on freedom of opinion and expression?

10. Both the eighth periodic report (para. 43) and the sixth (para. 10) referred to women's right to vote and to stand for election to the House of Representatives. What was the percentage of women representatives? The fifth periodic report had referred to preparations for a reform of the Jordanian administrative system. As there was no mention of such a reform in the periodic reports being considered at the current session, it would be interesting to hear further details on the subject.

11. The eighth periodic report (CERD/C/183/Add.1, paras. 17-19) reported the measures taken by the Jordanian authorities in support of the desert population, but there was no mention of the results of those efforts, about which it would be interesting to hear more. It would also be useful to have information on the differences between the desert and non-desert areas of the country and on the school enrolment rate among the nomadic peoples. In China, his own country, school attendance by children of nomads posed a difficult problem. Lastly, in connection with article 7 of the Convention, he would like to know whether the Convention and other international legal instruments on human rights were translated into Arabic and disseminated in that language.

12. Mr. VIDAS said he understood from the eighth periodic report paras. 43-46) that the draft Act referred to in paragraph 9 of the sixth periodic report (CERD/C/130/Add.3) had been adopted, but he would like to have confirmation.

13. Mr. WOLFRUM requested clarification concerning the procedures guaranteeing minorities the right to take part in the work of Parliament (CERD/C/183/Add.1, para. 10). He, too, would welcome details of the requirement that persons applying for naturalization must not compete with Jordanians in business (*ibid.*, para. 51). Act No. 22 of 1986 (*ibid.*, para. 44), stipulated that candidates for election to the House of Representatives must have held Jordanian citizenship for at least 10 years. As the period had been only five years under previous legislation, it would be interesting to know why it had been extended. Did the new provision not have the effect of preventing immigrants from taking part in Jordanian political life?

14. Mrs. SADIO ALI said that she would like to know what percentage of the Jordanian population of Palestinian origin lived outside the 10 camps that had been set up and what was the status of those refugees, who represented a substantial proportion of the total population. Since the severance of ties with the West Bank had led to the dissolution of Parliament, when and in what form would the new Lower House of Parliament be constituted, and did that mean that the law in force would need to be amended? Lastly, was Jordan a signatory of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46)?

15. Mr. de GOUTTES said that he, too, would welcome clarification of paragraph 51 of document CERD/C/183/Add.1. On another point, he wondered how the Jordanian Government ensured compatibility between the preference given to Arabs over foreign workers in employment (*ibid.*, para. 80) and article 5 (e) (i) of the Convention. With regard to the "unlawful organizations" (*ibid.*, para. 44), he asked the representatives of the Jordanian Government to give examples. Might there be a connection between those unlawful organizations and certain Palestinian organizations?

16. Mr. LECHUGA HEVIA said he wished to know what was meant by the group of "persons from the Jordan Valley area the colour of whose skin is affected by its hot climate" (CERD/C/130/Add.3, para. 40). He expressed surprise at that designation.

17. Mr. FOICHEL referred to paragraph 13 of the eighth periodic report (CERD/C/183/Add.1) and asked the representatives of Jordan whether Palestinian refugees were also free to settle in any part of Jordan and enjoyed freedom of movement outside the camps.

18. Mr. GARVALOV said that the Jordanian Constitution did seem to guarantee enjoyment of all human rights but that that did not necessarily mean that those rights were observed in practice. In that connection, he would like to know whether specific laws, based on the Constitution, had been passed to prohibit racial discrimination in Jordan. He also asked the representatives of Jordan whether it was possible in their country to form political parties on grounds of racial difference and whether all Palestinians could obtain a

Jordanian passport. The eighth periodic report (CERD/C/183/Add.1, para. 15) reported that on 31 July 1988 Jordan had announced its decision to sever its legal and administrative links with the West Bank. In what way was that decision relevant to the struggle against racial discrimination? He wished to know whether minorities in Jordan could issue publications, and requested further information on membership of "unlawful organizations" (ibid., para. 44), which precluded election to the Jordanian Parliament. On the subject of freedom of thought, conscience and religion, he asked whether there was any specific legislation concerning the prevention of racial discrimination.

19. Mr. ABOUL-NASR congratulated Jordan on the quality of document CERD/C/183/Add.1. He in turn referred to paragraph 80 of the document and to Labour Act No. 28, which provided that precedence should be given to Arab workers over foreigners. The preference given to Arab workers derived from an agreement concluded between members of the League of Arab States. The different treatment of Arab and other workers was not, therefore, based on racial difference but on whether or not the worker belonged to a country that was a member of the League. In that sense the clause was not incompatible with the Convention. He pointed out that in every country the status and situation of a foreigner wishing to settle there were checked.

20. Mr. YUTZIS referred to paragraph 60 of document CERD/C/183/Add.1 and to the provisions of the Jordanian Constitution, which stipulated that Islam was the religion of the State and that the State must ensure the free exercise of religious worship and belief in accordance with the customs observed in the Kingdom, provided that that was not prejudicial to public order or incompatible with morality. He would like to know who in fact defined such moral criteria. If there was a State religion, as was the case in Jordan, it was no doubt that religion which served as a moral reference. He asked the representatives of Jordan whether other ethnic communities, with other religious values, might also have a say in defining the concept of morality. That article of the Jordanian Constitution was rather too unspecific and did not make it clear in what cases a form of religious worship would be incompatible with public order or morality. He would like to know whether there was a code specifying what constituted a transgression of morality.

21. Mr. ABOUL-NASR endorsed Mr. Yutzis' comments. No one could stand in moral judgement when it came to the various religious practices. That point was not, however, directly relevant to implementation of the Convention. Replying to the Chairman's observation that such questions were more a matter for private discussion among members of the Committee, he said that exchanges of views within the Committee were entirely in keeping with the spirit of the Convention and led directly to relevant questions to be asked of the delegation of the State party concerned.

22. The CHAIRMAN requested the representatives of Jordan to reply to the questions asked by members of the Committee. It would be for them to decide whether they also wished to inform the Committee of events that had occurred in Jordan since the preparation of the State party's latest report.

23. Mr. MATALGAH (Jordan) thanked the members of the Committee for the interest they had shown in his country's reports. The questions to which he

could not reply at the current session would be dealt with in subsequent reports submitted by Jordan. No precise statistics on employment in Jordan were immediately available, and that question would be covered in detail in his country's next report. On another point, he stressed the fact that in Jordan citizens were free to use all available means of expression, within the limits of the law. Free elections had been held in 1989, and additional freedoms had subsequently been accorded to the press. With regard to the situation of Palestinians in Jordan, they enjoyed the same rights as Jordanian citizens, Palestinian and Jordanian citizens being absolutely equal before the law.

24. Palestinians enjoyed freedom of movement throughout the country and were free to settle in the region of their choice. On the subject of the severance of legal ties with the West Bank, he reminded the Committee that his Government had taken that decision in accordance with the wishes of the Palestine Liberation Organization, in order to enable the Palestinian people to found an independent State. The decision in no way affected Jordanian citizens of Palestinian origin living in Jordan, who retained all the rights pertaining to Jordanian nationality.

25. In reply to the questions about the right to work and the precedence given to Arab workers over foreign workers, he pointed out that the Labour Code in force in his country drew no distinction between Jordanian and foreign workers. However, some laws gave priority to Arab workers in accordance with provisions adopted by Jordan within the framework of the League of Arab States. That being said, a foreign worker who had obtained a permit to work in Jordan enjoyed the same rights as a worker of Jordanian nationality.

26. With regard to article 4 of the Convention, he reminded the Committee that article 130 of the Penal Code of 1960 provided that any person who, in time of war or peace, engaged in propaganda aimed at inciting others to racial or religious intolerance was punished by the law. Similarly, any act that gave rise to religious or racial bigotry was punishable under article 150 of the Code. Article 151 of the Code provided that any person who joined an association established for the purposes mentioned in article 150 was liable to the same penalty. The same article stipulated that in all such cases the association should be dissolved and its assets confiscated. Referring to the question asked about seats reserved for minorities in the House of Representatives, he said that the two latest Electoral Acts stipulated that seats in that House would be reserved for minorities. For example, the governorate of Amman and the city of Amman itself had six Muslim representatives, including one Circassian or Checheni, and one Christian representative. The Governorate of Irbid also had a Christian representative. As a rule, most governorates in Jordan had seats reserved for minorities.

27. One member of the Committee had observed that, under Jordanian electoral law, persons belonging to unlawful parties or organizations could not stand for election to the House of Representatives. The situation was being looked into by the Government and a commission had been set up to draw up a charter concerning the establishment of political parties. On the subject of unlawful

organizations, he said that a number of decrees and legislative instruments had been adopted recently, and that the law prohibiting communism had been repealed.

28. One member of the Committee had asked whether the reference to the colour of a person's skin in Jordan's sixth periodic report (CERD/C/130/Add.3, para. 40) had any discriminatory implications. That was by no means the case. As to whether it was possible to form political parties in Jordan on ethnic or religious grounds, he was unable to give any precise information on the subject. To his knowledge, there were no such parties in his country, nor had there ever been any; in his view, to authorize them would amount to practising a form of discrimination.

29. The CHAIRMAN said that the Committee had thus concluded its consideration of the sixth, seventh and eighth periodic reports of Jordan (CERD/C/130/Add.3 and CERD/C/183/Add.1).

Mr. Matalgah (Jordan) withdrew.

AGENDA ITEM 2

Solemn declaration by the newly elected members of the Committee under rule 14 of the rules of procedure (continued)

At the invitation of the Chairman, Mr. Sherifis, who had been absent from the previous meeting, made the solemn declaration provided for under rule 14 of the Committee's rules of procedure.

AGENDA ITEM 7

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

Eighth and ninth periodic reports of Denmark (CERD/C/158/Add.8 and CERD/C/184/Add.2)

At the invitation of the Chairman, Mr. Kofod and Mr. Hagel-Sørensen (Denmark) took seats at the Committee table.

30. Mr. KOFOD (Denmark) said that the ninth periodic report of his country, prepared in 1989, was simply an update of the eighth. The information provided was still applicable, with the exception of some population figures, and there were no significant changes to report.

31. Denmark remained vehemently opposed to apartheid; it still applied the sanctions agreed upon in various forums and would continue to do so until there was clear evidence of profound and irreversible change in South Africa. Denmark had lifted all sanctions against Namibia when that country had gained its independence.

32. There were numerous minorities in Denmark, and the Government was fully aware of the need to uphold the principle of equality before the law and to prevent any act or utterance that went against that principle and against the

deeply-rooted feeling among Danish people that all human beings were equal. Unfortunately, as could be seen from the Danish reports, there had been acts and statements of a racially discriminatory nature. Legal action had, however, been taken against the offenders and would similarly be taken should any further case arise.

33. The CHAIRMAN invited Mr. Ferrero Costa, the Rapporteur appointed for the preliminary examination of the reports, to take the floor.

34. Mr. FERRERO COSTA praised the efforts made by Denmark to ensure respect for human rights in its territory and to combat racial discrimination. In that country, as in others, however, that form of discrimination persisted.

35. The number of immigrants in Denmark had increased from 116,949 (about 2.3 per cent of the total population) on 1 January 1986 to 142,016 (2.8 per cent of the population) on 1 January 1989. He would like to know what specific measures had been taken by the Danish Government since 1985 (the year of the seventh periodic report) 2/ to prevent racial discrimination against immigrants and refugees, pursuant to article 2 (1) (c) of the Convention.

36. He also noted that on 1 January 1989 the total population of Greenland had been 55,171, of whom 45,629 - i.e. 83 per cent - had been born in Greenland. However, on 31 December 1987, of the 6,472 persons employed full time in the Greenland civil service, only 4,139 had been born in that country - i.e. 64 per cent of the total. He would like to know the reason for the apparent preference given to persons from outside and what measures had been taken by the Danish Government since 1985 to combat racial discrimination in Greenland.

37. In connection with article 3 of the Convention, he said that Denmark had commendably taken significant measures against South Africa. In particular, it had adopted, in June 1985, Act No. 243 prohibiting any further Danish investments in South Africa and, in June 1986, Act No. 289 prohibiting trade in goods and services with that country. Annex I to the eighth periodic report (CERD/C/158/Add.8) stated, however, that the general ban laid down in Act No. 243 did not apply to investments "made with a view to continuing previous investments in business activities in South Africa and maintaining commercially sound operation of the business". He would like to know whether that exemption had been applied in practice, what was the total amount of Danish investments in South Africa in 1990 and exactly how many Danish companies were involved in business in that country. He also wished to be informed of the results of the study conducted by the Ministry of Industry on the extent of Danish investment in South Africa.

38. According to annex II to the eighth periodic report, dispensation from the provision of the Act prohibiting trade with South Africa might be granted for a period of two years. He would like to know whether any such case had arisen since 1986 and whether the Act prohibited not only the transport of mineral oil but also shipments of all kinds by vessels sailing under the Danish flag. He also asked whether it was true that the Danish Government had recently decided to establish diplomatic relations with the racist regime in South Africa and, if so, for what reasons.

39. With regard to articles 4 and 6 of the Convention, the eighth periodic report stated that the Danish courts had heard two cases involving infringements of section 266 (b) of the Criminal Code and two cases concerning violation of the Act of 9 June 1971 prohibiting racial discrimination. The accused had all been refugees. The ninth periodic report (CERD/C/184/Add.2, para. 11) also described a case involving infringement of section 266 (b) of the Criminal Code by "green jackets" who had not received any separate punishment since they had recently been sentenced to lengthy prison terms. He requested further information on the subject and wished to know who exactly the "green jackets" were, why they had not received a new sentence and what specific measures were being taken by the Danish Government to punish incitement to racial discrimination.

40. He quoted a number of passages from the Committee's report on its thirty-third session at which it had examined Denmark's seventh periodic report. Some members had expressed surprise "that only two court cases involving racial discrimination had been reported, particularly in view of the present tide of xenophobia affecting the industrialized countries of Europe primarily as a result of increased unemployment ... They wished to know whether the reduced incidence of racial discrimination in Denmark at a time of rising xenophobia was due to the fact that immigrants, particularly newcomers, were poorly informed about the possibilities that existed for seeking redress, or that the preventive measures taken by the Government were successful, or that the problem was not adequately monitored". 3/ The representative of Denmark had replied that "there were probably so few recorded cases of racial discrimination in Denmark because strong nationalism had never been a prevailing force, and the Danes were a pragmatic people who did not openly discriminate". 4/ He, the speaker, wished to know whether there had really been no other cases of discrimination, whether effective remedies were available to persons who considered that their fundamental rights had been violated and whether those remedies provided for swift redress.

41. It was reported in the ninth periodic report that, in the period under consideration, the Parliamentary Ombudsman had undertaken an investigation into a case of presumed racial discrimination, in which a local council had recommended to building societies that they should refrain until further notice from letting houses or flats to immigrants. The case had subsequently been examined by the Folketing (Parliament), and he would like to know what the outcome had been.

42. With regard to article 5 of the Convention, the eighth and ninth periodic reports gave no information about the measures taken by Denmark since 1986 to guarantee the right of everyone to equality before the law. Quoting article 5, he requested details of the measures taken by the Danish Government to guarantee to everyone, without racial discrimination, the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, and to just and favourable remuneration.

43. Lastly, on the subject of article 7 of the Convention, it was most encouraging to see that the Danish sports organizations had been entrusted with the establishment of a research fund to promote the participation of refugees and immigrant workers in the work of sports associations. Another

welcome development was the decision taken by the Danish Parliament to adopt an appropriation of \$1,250,000 for an information and education campaign among Danes involved with refugees and immigrants. The purpose of the campaign was to foster among Danes understanding, tolerance and frankness towards foreigners living in their country, and consequently to dispel prejudice and reduce racial discrimination.

44. The CHAIRMAN thanked Mr. Ferrero Costa for his thorough analysis of the eighth and ninth reports of Denmark and gave the floor to Mr. Banton.

45. Mr. BANTON said he wondered whether Denmark had been as consistent in implementing the Convention as its reports would suggest. For instance, on the subject of the young people known as "green jackets" who claimed to share the views of the Ku Klux Klan, he wished to know whether it was true that the police had not arrested them on the grounds that their actions were merely "boyish tricks". In the ninth report (see CERD/C/184/Add.2, para. 11), it was stated that two journalists, had been sentenced for having permitted three "green jackets" to make derogatory remarks about other races in the course of a television broadcast and that no punishment had been meted out to the "green jackets", who had recently been sentenced to lengthy prison terms. Had the young people been sentenced for their statements on television or for other reasons?

46. In the same paragraph 11, reference was made to two persons who had been sentenced for having burned a wooden cross outside a church in which a group of Tamil refugees had sought shelter. In that case, had proceedings been initiated on grounds of evidence given to the police by the journalist or on the initiative of the police?

47. The conviction of the two journalists had been upheld by both the High Court and the Supreme Court. It would be helpful to know the Supreme Court's interpretation of section 266 (b) of the Criminal Code. States parties were requested to provide the texts of relevant judicial decisions.

48. The Danish Parliament had adopted section 266 (b) of the Criminal Code to meet the requirements of article 4 of the Convention. There had been some argument in the Supreme Court about the translation of the word "dissemination". The question had also arisen of striking a balance between obligations under article 4 of the Convention and those laid down in article 19 of the International Covenant on Civil and Political Rights, but it appeared that the Court's attention had not been drawn to the Committee's discussion of those difficulties. 5/ He asked whether, in its interpretation of section 266 (b) of the Criminal Code and article 4 (a) of the Convention, the Court had not stressed the objective fact of dissemination and excluded consideration of intent.

49. In a municipality near Copenhagen, where immigrant workers constituted 10 per cent of the population, the local council had, in 1976, recommended that building societies should refrain until further notice from letting dwellings to immigrants so as not to arouse hostility among the native population (see CERD/C/184/Add.2, para. 11). The local council had justified its decision by reference to article 1 (4) of the Convention and stated that its purpose was to protect migrant workers, thus emphasizing the subjective

criterion of intent without demonstrating that the other conditions of article 1 (4) had been met. It had received the support of the Public Prosecutor and the Ombudsman. It was stated in the report that Parliament had subsequently intervened, but no information on that intervention was given in the report.

50. It was surprising that, after stating on two occasions that an ethnic quota scheme for housing allocations was unlawful and contrary to the Convention, the Housing Department had recently declared that it was possible in specific cases to take an applicant's nationality into consideration. There seemed to be some inconsistency between the Danish judicial system's very strict interpretation of article 4 (b) of the Convention, excluding the subjective element, and its excessively lax interpretation of article 1 (4), emphasizing subjective considerations.

51. He also asked how Denmark protected the right to work free from racial discrimination and why Denmark, to his knowledge, had not yet fulfilled its obligation under article 6 of the Convention to provide effective protection and remedies for persons who suffered discrimination when applying for jobs.

52. He hoped that the authorities in Denmark, one of the few countries to have made the declaration provided for in article 14, paragraph 1, of the Convention, had taken note of the opinion expressed by the Committee in the dispute between Mrs. Yilmaz-Dogan and the Government of the Netherlands, and that they would see to it that no such case came before the Committee from Denmark. The issue in question, which was trivial compared with those that had given rise to the Convention, might have been resolved through a settlement between the employer and Mrs. Yilmaz-Dogan. He would be grateful if the Danish Government, in its tenth report, would give the Committee its opinion on the issues raised by the case, as well as information on measures taken to ensure protection of the right to work.

53. The Committee might one day make recommendations to States parties on the various methods of ensuring respect for the right to work. For the time being, there seemed to be three main ways in which States could meet their obligations under articles 5 (e) (i) and 6 concerning protection of that right. The first method was to rely on a criminal sanction, but it was very difficult in cases of that kind to prove beyond doubt that discrimination had occurred. The second method was to have recourse to civil law, which afforded simpler procedures for ruling on that kind of case, although it was important that the parties could reach a private settlement rather than taking legal action. The third possibility was to rely on the Labour Code. Such an approach might be effective in protecting against unfair dismissal or discrimination in promotion, but was probably ineffective when it came to recruitment. On all those issues, the Committee would like a detailed statement of Denmark's views.

54. In reply to a question, Mr. Kofod, the representative of Denmark, had said that there were minorities in his country. On the subject of minorities, it was essential to distinguish between immigrant minorities and territorial minorities. The latter were groups of people who had lived in a particular place for generations and had to come to terms with changes in national boundaries. They had rights which were recognized in treaties and

international instruments. His reading of article 27 of the International Covenant on Civil and Political Rights was that it was concerned with territorial minorities and not immigrant minorities. The word "minorities" should therefore be used with extreme caution.

55. In conclusion, he paid tribute to Denmark for hosting for many years the International Working Group on Indigenous Affairs, which assisted the Committee in its work.

56. Mr. LECHUGA HEVIA noted that, according to paragraph 6 of the ninth report of Denmark (CERD/C/184/Add.2), the Danish Government considered that the five companies to which the Code of Conduct of the European Economic Community applied observed the guidelines laid down in the Code. He asked how the Danish Government assured itself that that was indeed the case.

57. He further noted that Act No. 243 prohibiting new Danish investment in South Africa and referred to in annex I of the eighth report (CERD/C/158/Add.8) did not apply to investments made with a view to maintaining commercially sound operation of the enterprises concerned (a total of five). That dispensation did not dissuade those enterprises from remaining in South Africa and consequently contributed to the maintenance of apartheid, even though Denmark was opposed to that system. Was the Danish Government considering a total ban on investment in South Africa?

58. Mr. de GOUTTES said that he had read Denmark's eighth and ninth reports with great interest (CERD/C/158/Add.8 and CERD/C/184/Add.2); that country's conduct in regard to respect for human rights was exemplary. He asked whether the increase in the number of foreigners had prompted reactions of intolerance or discrimination in schools. He also sought additional information on the "green jackets", on the Immigrants Council, acting as an advisory council to the Government on immigration policy, and on the decision of the Supreme Court to sentence a journalist for giving precedence to freedom of expression over protection against racial discrimination.

59. Mr. RHENAN SEGURA thanked the Danish delegation for the dialogue it had established with the Committee, and asked whether the citizens of Greenland had or would have the right to hold a European Economic Community passport, which in principle was reserved for persons born on the territory of the Community. If that were not the case, it would be a discriminatory measure.

60. Mr. WOLFRUM thanked the delegation of Denmark for introducing the country's eighth and ninth reports (CERD/C/158/Add.8 and CERD/C/184/Add.2). Like Mr. Ferrero Costa, he was surprised that there was no provision in Danish legislation stipulating that the Government undertook to ensure that the public authorities should engage in no act or practice of racial discrimination, in conformity with article 2 (1) (a) of the Convention.

61. He asked whether the Public Prosecutor's decision to refuse to prosecute the local council of a municipality on the outskirts of Copenhagen - which had recommended to local building societies that they should refrain from letting houses and flats to immigrants - for breaking the laws against racial discrimination was an exceptional case or whether it reflected the Government's general attitude.

62. It was apparent from the tables in the eighth report (CERD/C/158/Add.8, para. 13) and the ninth report (CERD/C/184/Add.2, para. 4) that citizens of Greenland born in that country had relatively low incomes. Had the Danish Government done anything to reverse that trend? He reminded the Committee that the Report of the Second World Conference to Combat Racism and Racial Discrimination had stressed that in some cases it might be necessary - and was not discriminatory - to take measures to benefit persons belonging to particularly disadvantaged minority groups. 6/ It appeared from the aforementioned tables that that provision had not been observed in the case of Greenland.

63. He did not agree with Mr. Banton's interpretation of article 27 of the International Covenant on Civil and Political Rights. It was not for the Committee to give an opinion on the scope of that article. He believed that if new minorities emerged as a result of immigration, they should enjoy the protection provided for in that article.

64. He was surprised that in the "green jackets" case, journalists and not the "green jackets" themselves had been sentenced. Article 4 of the Convention could not be invoked to assert that protection against racial discrimination took precedence over freedom of opinion. It emerged from that article that it was for the State and not the Committee to determine whether respect for freedom of opinion and freedom of information, so important to journalists, should take precedence over the prohibition of incitement to racial discrimination. He would welcome more detailed information on the reasons that had prompted the court to find the journalist guilty and not the "green jackets".

The meeting rose at 1.05 p.m.

Notes

- 1/ CERD/C/105/Add.3 and 6; see also 685th meeting.
- 2/ CERD/C/131/Add.6.
- 3/ See Official Records of the General Assembly, Forty-second Session, Supplement No. 18 (A/42/18), para. 252.
- 4/ Ibid., para. 266.
- 5/ Ibid., para. 318.
- 6/ United Nations publication, Sales No. E.83.XIV.4 and corrigendum, chap. II, paragraph 21 of the Declaration.