

SUMMARY RECORD OF THE 332ND MEETING

held on Thursday, 7 April 1977, at 3.30 p.m.

Chairman:

Mr. KAPTEYN

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 3) (continued):

(i) FOURTH PERIODIC REPORTS OF STATES PARTIES DUE IN 1976 (continued)

Panama (CERD/C/8) (continued)

1. Mr. BLISHCHENKO pointed out that Panama was a country which, for historical reasons, consisted of various ethnic groups and which was also experiencing serious difficulties because its territory was occupied by a foreign State. Like previous speakers, he thought that the fourth periodic report of Panama (CERD/C/8) was most informative and answered all the questions put during the consideration of previous reports on the application of the articles of the Convention. The approach adopted in the report showed that the Government of Panama was endeavouring to prevent the emergence of racial discrimination by ensuring that citizens enjoyed social, economic and cultural rights and thus creating conditions which were favourable to the development of the individual and of various ethnic groups, and to their integration in society as a whole. That attitude was fully in line with article 5 of the Convention, and the Panamanian report reflected the experience acquired in that field.

2. He had also noted with interest the section of the report relating to the position of Panama at the international level with respect to racial segregation and apartheid (ibid. pp. 36-38), which bore witness to the consistent attitude adopted by the Government of Panama regarding racist and colonial régimes and to its condemnation of those forms of racial discrimination. He wondered, however, why Panama had not yet acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

3. He also noted with satisfaction the efforts being made by Panama on behalf of its indigenous population, described on pages 19 et seq. of the report, which constituted an attempt to ensure that all elements of the population were integrated more closely in accordance with the spirit of the Convention. Particularly noteworthy was the information given on conditions of employment, the composition of the population, and the spheres referred to in article 5 (e) and (f) of the Convention. The report also discussed agrarian reform, a problem which was related to the economic rights covered by article 5. Thus, the first part of the report demonstrated how Panama was applying articles 2, 5 and 6 of the Convention. The situation as regards article 4 (a) and (b) was less clear because, although the Penal Code of Panama specified penalties in the case of offences against individual freedom and other infringements of the rights of third parties, it did not, apparently, contain any provision relating specifically to organizations or propaganda activities inciting racial discrimination.

4. Annex I to part I contained interesting information that demonstrated the seriousness with which Panama was discharging the obligations it had assumed under the Convention, but he would prefer a more systematic presentation in future reports, in accordance with the Committee's recommendations, and detailed information on how the articles of the Convention were applied.

5. Part II of the report gave rise to concern because of the existence in the Panama Canal Zone of discriminatory practices against which the Government of Panama was not in a position to take action. In the discussion which had preceded the drafting of the International Convention of the Elimination of all Forms of Racial Discrimination, the representative of the United States had maintained that the adoption of a convention could not abrogate existing laws which allowed racial discrimination. Yet the Committee's task was to condemn all legislative provisions which countenanced racial discrimination and it was under a duty to express concern in the present case. Indeed, discrimination in the Panama Canal Zone was practised in all possible spheres such as wages, conditions of employment, right of access to public places (set forth in article 5 (f) of the Convention), housing and education, and these were violations of article 13 of the Universal Declaration of Human Rights and violations of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which condemned racial segregation and apartheid. Thus, despite the various resolutions adopted by the General Assembly and by the Committee on the Elimination of Racial Discrimination, apartheid conditions were present in Panama, with the support of the United States of America; that was a deliberate violation of the provisions of the Convention, and the Committee must not endorse it by remaining silent. Moreover, the presence of the United States, imposed on Panama by the Treaty of 1903, was illegal under article 60 of the Vienna Convention on the Law of Treaties.

6. The Committee should, in conformity with its task, which was to denounce racial discrimination wherever it occurred, energetically condemn the apartheid conditions created in the Panama Canal Zone and support Panama so as to enable that country to exercise its sovereignty and jurisdiction over its entire territory and to apply the provisions of the Convention.

7. Mr. DEVETAK congratulated the Government of Panama on its preparation of a well-presented and rational report describing the efforts made by a society which was struggling to achieve national economic and social progress and sovereignty. The position of the Government of Panama regarding racial segregation was in line with the provisions of article 3 of the Convention. He would, however, appreciate clarification on certain points. He wondered why, for example, article 19 of the Constitution of Panama, relating to discrimination, which was referred to on page 12 of the report, failed to mention discrimination based on colour, descent or national or ethnic origin - matters which were expressly mentioned in the Convention, article 1, paragraph 1. His second comment concerned the indigenous population. He fully supported the provisions of article 85 of the Panamanian Constitution, which made a substantial contribution to the application of article 5 of the Convention, but felt that the information on page 16 of the report that the public authorities had built schools intended exclusively for people living in indigenous reserves detracted somewhat from the good impression created by article 85, and contradicted the statement on page 23 that there were no special measures regarding education for the indigenous population. He quoted articles 77 and 85 of the Constitution of Panama in that connexion, and wondered whether the conclusion could be drawn that the indigenous population was entitled to instruction in the vernacular language only if it lived in reserves. Information on the results obtained by the institution referred to in article 85 would also be useful.

8. With regard to part II of the report, he had learnt with regret that there were several forms of racial discrimination in the Panama Canal Zone and that the Government of Panama could do nothing about the situation because that part

ot its territory was under the control of a foreign State which was not a party to the Convention. He was prepared to support any steps the Committee might take to change that situation, and suggested that a small group should be set up to prepare a draft resolution on the matter. He also hoped that the Committee would state its position on the abolition of the 1903 Treaty, as requested by Panama.

9. Mr. ABOUL-NASR endorsed the comments of previous speakers. With regard to part II of the periodic report under consideration, Panama had acted in accordance with its obligations by drawing attention to the existence of a situation involving racial discrimination which it was unable to eliminate. The Committee must bring that state of affairs to the notice of the General Assembly, express its concern about the facts that had been brought to its attention, and express the hope that Panama would be able to exercise its sovereignty over that part of its territory.

10. He noted, however, that apartheid and racial discrimination were two separate concepts and that, in the case of the Panama Canal Zone, the information presented in the report described a situation of racial discrimination and not one of apartheid.

11. Mr. BAHNEV drew attention to the large amount of information contained in the report, which threw interesting light on the question of the application of the provisions of the Convention. He attached special importance to the fact that article 19 of the 1972 Constitution guaranteed the equality of all citizens. Even if discrimination based on colour or ethnic origin was not expressly mentioned, that constitutional provision was sufficient to ensure equal rights to all Panamanians belonging to different ethnic groups. The report revealed that the Government of Panama was also guided by the principle that the exercise of fundamental rights and freedoms was possible only in the absence of racial discrimination and that it was endeavouring to eliminate racial discrimination in all spheres of daily life in which it might appear. That approach was in line with article 5 of the Convention. Furthermore, the measures taken in the fields of labour, health, social security, housing and education were praiseworthy. Panama was to be commended in particular for the efforts it had made to enable the indigenous population in certain parts of the territory to make up for their economic backwardness. The Government of Panama might perhaps be requested to indicate, in its next report, the results of the measures taken in that connexion, particularly in respect of the application of the provisions of article 1, paragraph 4, article 2, paragraph 2, and article 4 of the Convention. With regard to article 4 (a) and (b), he did not entirely share Mr. Blishchenko's view that the Penal Code of Panama was not completely in line with the provisions of those paragraphs. He thought, however, that to dispel any doubts, the Government of Panama might be requested to submit, in its next report, information on specific provisions of the Penal Code which related to article 4 of the Convention and confirmed that the standards required were in conformity with the provisions of that article. It would also be desirable to have more detailed information on the application of article 7 of the Convention, which set out more specific measures than article 5 in the field of education.

12. With regard to part II of the report, there was no doubt that the 1903 Treaty should be revised as soon as possible, as requested by the Government of Panama in its report. The present situation was a vestige of colonialism, a feature of which was to export racism and to endeavour to perpetuate advantages and privileges by the maintenance of exploitation and racial discrimination; that phenomenon was of special interest to the Committee whose task was to prevent the propagation of that scourge. He shared the concern felt by Panama at the

many forms of racial discrimination existing in the Panama Canal Zone. He hoped that the Committee would express its misgivings through a unanimous resolution and that it would draw attention to that situation in its report to the General Assembly. On that point, he supported the proposal to set up a group to prepare a draft resolution.

13. Mr. PARTSCH said he had noted with regret that, according to Mrs. Warzazi's statement, the living conditions of populations of different races and colours in the heartland of Panama were unsatisfactory. Mr. Sayegh had rightly asked whether those discriminatory measures were based on race rather than nationality, because in that event non-white American citizens employed in Panamanian administrative services might also be victims of discrimination.

14. He agreed with Mr. Aboul-Nasr that apartheid and racial segregation were two separate concepts and could not see why, in part II of the report, the situation in Panama was assimilated to that prevailing in South Africa. He also had some doubts concerning the validity of the comparison made between basic wages in the United States of America and in the Canal Zone on page 69 of the report; as ILO reports showed, it was very difficult to compare wages in a country without taking local conditions into account. When the third periodic report had been considered at the Committee's tenth session, the Panamanian representative had said that his Government had provided no information on racial discrimination practice in the Panama Canal Zone because negotiations on the subject were in progress between his Government and that of the United States. The Committee should therefore exercise caution and refrain from any action which might render the negotiations more difficult; indeed, the two parties might use any opinion expressed by the Committee in a manner contrary to the spirit of the Convention and, while wishing to eliminate racial discrimination in the Panama Canal Zone, the Committee might in fact contribute to its maintenance.

15. The documents available to the Committee offered no grounds for censuring the United States, and it should be borne in mind that the Committee had so far not wished to consider the question of the abrogation of the 1903 Treaty.

16. Mr. INGLES, commenting on part I of the Panamanian report, said he agreed with other members that it did not indicate measures designed to ensure the application of article 4 (a) and (b) of the Convention. He then drew attention to the passages of the report relating to the decimation of the Indian population: when the Europeans had arrived that population had numbered half a million; it had declined considerably since then. At the end of the eighteenth century, it had ranked only third among the four population groups mentioned in the report. In the results of the 1911 and 1940 censuses, it was included under the heading "other races". On the other hand, the proportion of mestizos had increased from 66 per cent in 1911 to 72 per cent in 1940.

17. As could be seen from page 11 of the report, the 1970 census had shown that 27 per cent of women aged 15 or over in the Republic were legally married, whereas the corresponding figure in the Canal Zone was 64 per cent; it was thus possible that a number of women in the Republic might be married in other ways, without an official ceremony or without the benefit of clergy, and he hoped that the Panamanian representative could give an explanation of those percentages.

18. The report recognized that the Department of Indian Affairs and the National Indian Institute had failed to make any progress, and in that connexion, he read out the two paragraphs under the heading "III. Basic policy" on page 20

of the report. He also raised a question about the reserves which, according to the report, had been initiated only in 1930; it was stated that those reserves represented 12 per cent of the total area of the country, whereas the Indian population constituted only 5 per cent, but it was also stated that a number of Indians were leaving the reserves. The table on page 21 seemed to indicate that most of the reserves were situated in virgin forest areas: perhaps that was the reason for the departures. He also wished to know whether the Indians were included among the peasants whose integration was referred to on page 32.

19. It was admitted in the report that indigenous languages were not taught. It was also stated that there was no discrimination in the admission of Indians to schools, but it would be interesting to know whether attempts were made to attract Indians to those schools. Use of their languages was prohibited in schools; in that connexion, he said that in the Philippines, where local languages had been prohibited before independence, that measure had been found iniquitous and had been repealed on the achievement of independence. Moreover, as Mrs. Warzazi had emphasized, it would be desirable to take steps to protect the Indians in order to enable them to catch up with other groups. He also asked to what extent they enjoyed guarantees of housing and the advantages of agrarian reform. It was to be hoped that replies to all those questions would be given either during the meeting or in the next report.

20. Mr. DAYAL drew attention to the statements in part I of the report, on page 23, that the Ministry of Education had been very careful to appoint indigenous teachers in indigenous communities, but that the indigenous languages were not taught. He mentioned by way of contrast the policy followed in Sweden, where children belonging to minority groups were to be taught in their mother tongue. Some years earlier, he had taken part in a seminar on the teaching of minority groups' mother tongues in the United States of America, where a representative of the Mexican-American community had deplored the fact that the children in that community not only were not taught in Spanish but were even not allowed to converse in that language at school; the demand made on behalf of the "chicanos" was equally valid for the indigenous population of Panama.

21. Article 59 of the 1972 Political Constitution, quoted on page 24, specified that work was a right and a duty of the individual; it would be well to know how far the State permitted the performance of that duty and if, in the event of unemployment, a person could demand to be allowed to perform that duty and sue for a job. Moreover, in view of the restrictions applicable to foreign workers mentioned in article 68 quoted on page 25, it was doubtful whether the right and duty set out in article 59 also applied to aliens.

22. It was stated on page 36 that the Republic of Panama prohibited vessels flying its flag from conducting trade with the racist Government of Southern Rhodesia. He pointed out that Southern Rhodesia had no ports and asked whether the Republic of Panama allowed vessels flying its flag access to South African ports.

23. Part II of the report showed that racial discrimination existed in the Panama Canal Zone. He was personally familiar with that situation: in the legal sphere, the judges were foreigners and foreign laws were applied; there were indeed inequalities in such matters as employment and wages. Mr. Partsch's argument concerning basic wages seemed to be irrelevant, since it must be borne in mind that the Canal Zone was part of Panamanian national territory. With

regard to labour questions, there was a reference, on page 68 of the report, to a "Memorandum of Understandings Reached" in 1955, but it was also stated that that Memorandum was interpreted unilaterally by the United States of America and that that interpretation had led to situations detrimental to Panamanians. The report also showed that segregation was practised in the matter of housing and that there were certain inequalities in health and education matters.

24. The Committee must consider what it could do in the light of that situation. On the one hand, it could not censure a State which was not a party to the Convention and which had not been heard, but on the other it was faced with a case of racial discrimination which it could not ignore. The Committee should declare by consensus that it had examined the Panamanian report and had expressed concern at the fact that Panama was unable to fulfil its responsibilities in a part of its territory for reasons contrary to its will, and it should express the hope that it would be possible for the laws and measures adopted in Panama to be applied also in that part of its territory. The Committee should also request Panama to keep it informed of developments in that regard. In his opinion, the Committee could not do less, but it might be unwise for it to attempt to do more. The situation had already been brought to the notice of the Committee in an addendum to the first report, but no declaration had been made at the time, in accordance with the wishes of Panama. It was now time for the Committee to express its concern, while taking into account the fact that negotiations were in progress between the United States and Panama, and that the new Government in the United States had announced its intention of fulfilling its responsibilities in matters relating to human rights. In that context, it would be advisable not to censure, but to encourage the parties to find a speedy solution to those problems.

25. He would be prepared to participate in the drafting of a decision along those lines and hoped that a consensus would emerge. A vote would greatly weaken the Committee's position.

26. Mr. NABAVI associated himself with many of the comments made on part I of the report; like Mr. Sayegh, he had been impressed by the wealth and quality of the information provided, but noted that the implementation of articles 4 and 7 of the Convention was scarcely dealt with. There seemed to be some confusion with regard to article 7: the Panamanian Government apparently wished to prove that it was ensuring respect for equality in the matter of education, whereas article 7 had a different purpose; Panama should be requested to provide more relevant data.

27. Members of the Committee had expressed divergent and sometimes diametrically opposed views on part II of the report, which showed that the Panama Canal Zone was largely removed from the sovereignty and jurisdiction of the Republic of Panama. He agreed with Mr. Dayal's views and was prepared to support any proposal along those lines, provided it was kept within the limits of the Committee's competence as set out in article 9 of the Convention; he could not support a text which exceeded those limits, for example, by dealing with the question of the validity of the 1903 Treaty.

28. The CHAIRMAN, speaking in his personal capacity, said that he was satisfied with the fourth periodic report of Panama, which contained a wealth of information, whereas earlier reports had sometimes been disappointing. Nevertheless, he hoped that the next report would be better organized and that it would be presented in the order of the articles of the Convention; that might at the same time help to fill in some of the gaps noted.

29. He had little to add to what had been said about part I of the report, but considered that the information in part II gave cause for concern. Nevertheless, the accused party could not be heard and the Committee was not competent to give an opinion on the 1903 Treaty. It should, however, express the fervent hope that the negotiations in progress between Panama and the United States of America would be successful and would enable Panama to apply the Convention throughout its territory. It would have been useful if part II of the report had contained references to the General Assembly and Security Council resolutions concerning the Panama Canal Zone, in accordance with the practice followed in reports dealing with comparable situations.

30. Mr. BRIN MARTINEZ pointed out that General Assembly resolution 1514 (XV), on the Declaration on the granting of independence to colonial countries and peoples, could not be invoked in connexion with the Panama Canal Zone, over which Panama had never renounced its sovereignty or jurisdiction.

31. He addressed an appeal to Committee members: he asked them how their Governments and their peoples would react if the territory of their country were cut in two by a colonial enclave, in which the system applied was one that consistently denied the dignity of its nationals by putting into practice all forms of racial discrimination and human degradation. The existence of a treaty concluded in questionable circumstances was not enough to prevent a quest for justice. All international bodies should consider the situation in the Panama Canal Zone as a danger to international peace and security. The people and the Government of Panama had faith in the decisions that would be taken by the Committee in that respect.

32. Mr. KOREF (Panama) said he was unable to reply to all the questions put by members of the Committee; he would communicate them to his Government which would provide the necessary information. For the moment he would simply state that the revolutionary Government of the Republic of Panama, which had come to power in 1968, was doing its best to meet the needs of Panamanians in all fields. In reply to a question as to the reasons why Indians were leaving their reserves, he said that exodus to the towns was a universal phenomenon. With regard to the position of Panama on apartheid and its relations with South Africa, he said that his country had just signed the International Convention on the Suppression and Punishment of the Crime of Apartheid. He added that in the Canal Zone discrimination was practised against non-white United States nationals; one of those nationals had had to leave the Zone after having been the victim of numerous acts of discrimination, which he had described at a press conference held before his departure.

33. He thanked all the members of the Committee who had expressed interest in the Panamanian report and assured them that the details they desired would be provided in the next report.

34. The CHAIRMAN proposed the establishment of a small working group to prepare the Committee's draft statement on Panama; the group could consist of Mr. Dayal, Mr. Nabavi, Mr. Partsch, Mr. Valencia Rodriguez, Mr. Bahnev and Mr. Sayegh.

35. It was so decided.

36. The CHAIRMAN, speaking on behalf of the Committee, thanked the representative of Panama for having participated in its work. The Committee had noted that

the representative of Panama had agreed to transmit to his Government its questions and comments, and it would ask him also to inform the Government of Panama of the concern which his preliminary remarks had caused in the Committee.

37. Mr. Koref withdrew.

(1) THIRD PERIODIC REPORTS OF STATES PARTIES DUE IN 1977

Sweden (CERD/C/R.98/Add.1)

38. At the invitation of the Chairman, Mr. Larsson (Sweden) took a place at the Committee table.

39. Mr. LARSSON (Sweden) explained that his country's third periodic report (CERD/C/R.98, Add.1) was in three parts. In the first, his Government commented on the questions raised by the Committee at its eleventh session during its examination of the second report, and replied to them. The second part described new developments during the period 1975-1976, and the third was devoted to anticipated developments in 1977-1978. His Government had not felt it necessary to adopt new legislation to combat racial discrimination. If, however, circumstances required the adoption of such legislation in the future to give effect to the provisions of the Convention, it would not hesitate to take the necessary action. With regard to article 14, paragraph 1, of the Convention, his Government had stated that it recognized the Committee's competence to receive and consider the communications referred to in that paragraph.

40. He added that it should have been mentioned that chapter 1, article 2, of the Constitution recognized the right of every minority to a cultural and community life.

41. Mr. NETTEL thought that the report under consideration and Mr. Larsson's introductory statement gave a clear picture of the situation as regards interracial relations in Sweden. He would therefore confine himself to two comments. First, he thought that chapter 16, section 5, of the Swedish Penal Code covered only the end of article 4 (b) of the Convention because, according to the report, the person referred to by the Penal Code was clearly a physical person, whereas article 4 (b) of the Convention referred to organizations or their activities. Section 5 of chapter 16 of the Swedish Penal Code did not apparently cover the prohibition of organizations. His second comment related to the measures taken in favour of the Lapps, which were preservation measures, whereas the Convention's article 1, paragraph 4, and article 2, paragraph 2, were not concerned with the indefinite preservation of cultures which might be regarded as backward.

42. Mr. SAYEGH said that he too found the report from Sweden entirely satisfactory as a whole. The judicial measures mentioned in paragraph 3 of the report, the new legislation alluded to in paragraph 4 and the new administrative measures taken with regard to the Commission on Immigration and the Commission on Lapps constituted information which was to be commended.

43. His questions or criticism would relate to only three areas. He endorsed Mr. Nettel's comments on paragraph 5 of the report which referred to article 4 of the Convention. Paragraph 6 led him to inquire whether the Swedish Government had established or indicated the body mentioned in article 14, paragraph 2, of



the Convention, without which it would not be possible to give effect to certain provisions of that article. Lastly, the report contained no information on article 7 of the Convention. In its first report, Sweden had stated that only administrative measures were involved. The Committee had replied that it was interested even in administrative measures, as information on that subject was provided for in article 9 of the Convention. The Committee would like to have such information in Sweden's fourth periodic report as it considered article 7 of the Convention to be very important.

44. Mr. VALENCIA RODRIGUEZ said he would like the representative of Sweden to indicate whether differences in treatment between Swedish citizens and foreigners living in Sweden concerned the exercise of political rights. In his view, the reform approved by the Riksdag in respect of section 9 of the Constitution represented substantial progress. There was now a whole series of provisions guaranteeing foreigners equality of treatment as regards the protection which the courts had to provide in the event of a violation of the provisions of the Convention.

45. A reading of chapter 16, sections 5 and 8, of the Swedish Penal Code revealed that effect was not given to all the provisions of article 4 (b) of the Convention. There was, for example, no provision prohibiting racist organizations or racist propaganda; existing legislation did not seem to be adequate in that connexion, although the amendments made to chapter 7, section 4, of the Freedom of the Press Act represented progress.

46. The information furnished by Sweden on the manner in which it was implementing the provisions of article 6 of the Convention was very instructive. But, as the Committee had already stated, it would be useful to have the text of the Act of 1972 regarding damages.

47. The information given in paragraph 8 of the report was gratifying. However, he would like to know whether, with regard to immigration policy, the Swedish Government made a distinction between the nationals of other Scandinavian countries, the nationals of European countries and those of non-European countries, and whether a quota system was in effect. It would also be useful to have information on the conditions of employment of foreign workers and on the social security system applicable to them as compared with the situation of Swedish nationals.

48. It was also gratifying that the Swedish Government had applied measures allowing refugees in need of protection to remain in Sweden. He would, however, appreciate information on those measures, as they were inevitably connected with the Convention. He endorsed Mr. Sayegh's comments on article 7 of the Convention.

49. Mr. BLISHCHENKO also considered that the Swedish report was most interesting. However, he noted, from paragraph 4 that, when the Swedish Constitution was being amended by the Riksdag, a dangerous attitude had emerged, reflecting the idea that discrimination on grounds of race or colour would not be contrary to the Constitution if based on legal provision.

50. Unlike some members of the Committee, he thought that the provisions of the Penal Code referred to in the report gave effect to the basic requirements of article 4 (b) of the Convention. With respect to article 5, it would be desirable for the Swedish Government's reply to specify the legislative measures corresponding to each of the points in that article; information on how those legislative measures were applied would also be useful.

51. The measures taken in favour of immigrants were commendable. He would, however, like to know in what language the education in question was given, and to what extent the relevant provisions were in line with article 2 of the Convention. He would also appreciate clarification of the measures taken with regard to the Lapps and gypsies. He noted that a distinction was made between Swedish gypsies and gypsies from non-Nordic countries, and wondered whether the latter were stateless gypsies.

52. Mr. DAYAL thought that the Swedish report showed that the Swedish Government was making an effort to discharge in a satisfactory manner the obligations assumed by it under the Convention. With regard to paragraph 7 of the report, however, it seemed that there was a conflict of competence between the Ombudsman and the Chancellor of Justice. The case referred to in annex I was interesting, and he would like to know what penalty had been imposed. He also requested information on the precise nature of the immigration policy followed by Sweden. He endorsed the comments made by Mr. Nettel and Mr. Valencia Rodriguez with reference to article 4 of the Convention.

53. Mr. NABAVI considered that the Swedish Government was fulfilling very thoroughly the obligations it had assumed under the Convention. It was gratifying to find in the third periodic report of Sweden copious information on the ethnic composition of the Swedish population, and to note that the Swedish Government had made an effort to give effect to the provisions of article 14 of the Convention. There nevertheless seemed to be a lacuna in section 5 of chapter 16 of the Penal Code in that it contained no statement concerning the illegal nature of racist organizations. In his opinion, that lacuna existed even bearing in mind the fact that each State party, in giving effect to the provisions of the Convention, took account of the political and social situation in its territory. It was therefore to be hoped that the representative of Sweden would clarify the scope of the provisions of that section of the Swedish Penal Code. Not until that had been done would the Committee be able to express an opinion.

54. Mr. PARTSCH asked whether, when the Swedish Government had expressed reservations concerning article 14 of the Convention, it had known that it was difficult to implement them because the name of the alleged victim was not communicated to the State party concerned. Referring to another point raised in the report, he said it was exemplary that, under Swedish legislation, the alleged victim should be free to institute criminal proceedings if the public prosecutor was unwilling to prosecute. As regards the gypsies, he noted that the same problems and the same measures were also to be found in Finland. Referring to Mr. Blishchenko's comments, he observed that many non-Nordic gypsies had originated in the Ukraine.

55. Mr. DECHEZELLES, observing that the Swedish report was, in a number of ways, one of the best the Committee had examined so far, drew attention to three measures adopted by the Swedish Government: the decision to arrange native-tongue education for the benefit of immigrant children; the decision to pay an old-age pension to persons emigrating from Sweden; and the granting of the right to vote and eligibility in certain elections to aliens who had resided in Sweden for at least three years. No other country in the world had yet dared to adopt such provisions. Admittedly, their adoption by the Swedish Government had been due to the fact that immigrants into Sweden constituted a proportionally small and relatively homogeneous group. Even so, such provisions constituted a lesson in democracy for all countries.

56. Mr. INGLES paid tribute to the quality of the report submitted by Sweden. He too, however, considered that chapter 16, section 5, of the Swedish Penal Code did not give effect to the provisions of article 4 (b) of the Convention, and that chapter 16, section 8, of the Code did not entirely satisfy the requirements of article 4 (a) of the Convention. In addition, he noted that all the offences referred to in article 4 (a) of the Convention were considered as punishable, whereas chapter 16, section 5, of the Swedish Penal Code provided that no responsibility should be imposed where the crime was petty and that a crime should be considered petty if there was only insignificant danger that the urging or the attempt in question might be followed by deed.

57. As regards the education programme referred to in the report, he considered that it should be addressed not only to the minority, but also to the majority of the population, so as to modify the attitude of the population and to enable it to overcome its prejudices. It was to be hoped that the Swedish Government would take measures to that end.

58. He had read in the press of a plan to unite in a single group the members of a minority such as the Lapps or the gypsies; he would welcome clarification of that point.

59. Mrs. WARZAZI observed that the Swedish programmes mentioned in the report could be said to be based on the following motto: equality, freedom of choice and co-operation. Gratitude was therefore due to the Swedish Government for the measures which it was taking in order to give effect to the provisions of the Convention.

60. Mr. LARSSON (Sweden), replying to those members of the Committee who had observed that the Swedish Penal Code did not give full effect to the provisions of article 4 (b) of the Convention, said that the Swedish Government considered that Swedish legislation had in fact satisfied the requirements of the above-mentioned provisions; although the organizations in question were not declared illegal or prohibited, their members could be punished, which was the essential point. He doubted whether amendments to the Swedish Constitution would be made in that connexion.

61. The establishment or indication of the body referred to in article 14, paragraph 2, of the Convention would not seem to be obligatory because, according to the text of that paragraph, any State party "may" establish such a body. It was not stipulated that the State party "shall" establish a body. In fact, the functions of the body provided for in article 14, paragraph 2 were, to a certain extent, performed by the Chancellor of Justice or the Ombudsman. The Swedish Government would reply in its fourth report to the questions raised concerning the Lapps.

62. Noting that regret had been expressed by a member of the Committee concerning the omission from the Swedish report of a reference to the implementation of article 7, he observed that questions relating to human rights, and racial discrimination in particular, were dealt with in school curricula.

63. One member of the Committee had asked whether there was any difference in treatment as between Swedish and alien workers; the answer was a categorical no. If such a difference existed, the trade unions would take pains to remedy it. It

had also been asked whether there was any difference in treatment as between Scandinavian, other European and non-European aliens; in that connexion, it should be noted that wide-ranging co-operation treaties had been concluded between the Nordic countries, in particular on the waiving of visa requirements. Thus there were certainly differences in treatment between aliens, but no country could deny another the right to make such distinctions. One member of the Committee had expressed the view that a debate in the Riksdag, mentioned in the report, had revealed discriminatory attitudes on the part of certain Swedish Members of Parliament; he wished to emphasize that there had been no controversy on that question. The amendment to chapter I, section 8 (subsequently section 9), of the Constitution had been approved unanimously.

64. As the Commission on Immigration had been established only recently, he could not discuss it in detail; it was an advisory body. The objectives of immigration policy were listed in paragraph 8 of the report and would be described in greater detail in the next report. As regards the mass media, the Government could not exercise control over them but, as independent entities, they performed their duties in a satisfactory manner.

65. The question of the existence of an organization comprising various ethnic groups would be examined and dealt with in the next periodic report. He added that there was no conflict of competence between the Attorney General and the Ombudsman. The other questions to which, for lack of time, he had been unable to reply, would be duly dealt with in the next report.

66. Mr. SAYEGH said he wished to make a comment with respect to article 14 of the Convention in the expectation of a response by Sweden in its next report: it was apparent from paragraphs 3, 4 and 5 of that article that the alternative for States parties was not whether or not they should establish the body referred to in paragraph 2, but rather whether they should establish a new body or indicate an existing body. It was, in fact, stipulated in paragraph 4 that the body in question had an obligation to keep a register of petitions, and for that purpose it was indeed essential that such a body should exist. In paragraph 5, reference was made to the right of the petitioner to address a communication to the Committee, and for that purpose it was essential that the Committee should know which body had been established or indicated and what it did. Lastly, in paragraph 3, it was stipulated that the name of any body established or indicated in accordance with paragraph 2 should be deposited by the State Party concerned with the Secretary-General of the United Nations.

67. The CHAIRMAN thanked the representative of Sweden for attending the meeting and for his co-operation. He hoped that Sweden would continue the dialogue with the Committee by answering the questions asked by its members, and he requested the representative of Sweden to express the Committee's thanks to the Swedish Government.

The meeting rose at 6.40 p.m.