

851st meeting

Tuesday, 22 August 1989
at 10.15 a.m.

Chairman: Mr. LAMPTEY

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Eighth and ninth periodic reports of Sweden (CERD/C/158/Add.7 and
CERD/C/184/Add.1 (concluded)

At the invitation of the Chairman, Mr. Corell and Mr. Ekman (Sweden)
resumed their places at the Committee table.

1. Mr. CORELL (Sweden), replying to Mr. Yutzis' question on the numbers of emigrant children admitted to secondary school and university, said he could not give a precise answer, mainly because the latest influx of immigrants had not yet passed through the stage of university admission. However, many refugees to Sweden from the Baltic States during the Second World War were now prominent citizens in Swedish society, and he had no doubt that the same would one day be true of the children of the present immigrants. The Government was fully aware of the importance of giving immigrants an education equal to that given to Swedish children.

2. Mr. Aboul-Nasr had asked with reference to the booklet "Immigrants in the Company" distributed at the previous meeting whether Nordic citizens were treated more favourably than citizens of other countries. The answer was yes, but that situation was acceptable: since remote times there had been close contacts between the five Nordic countries, Norway, Sweden, Denmark, Iceland and Finland, which to a certain extent understood each other's languages. In many respects the Nordic countries formed a common labour market: every Nordic citizen had the right to accept employment freely and reside in any other Nordic country. That situation resulted in a form of positive discrimination which was permissible under the Convention. Mr. Aboul-Nasr had also asked whether citizens of non-Nordic countries, for example, a Frenchman and a Tunisian, were given equal treatment in Sweden. The answer was unequivocally yes. With regard to the difference between the terms "foreigners", "immigrants" and "asylum-seekers", as used in the report, foreigners were those who were not citizens, including tourists, immigrants or asylum seekers; immigrants were those who had entered the country and applied for permission to reside there. A Swedish citizen might be considered an immigrant if he had originally come to Sweden from another country. Asylum-seekers were those seeking asylum under the 1951 Convention relating to the Status of Refugees.

3. In reply to the question by Mr. Song Shuhua on the administration of Sami schools and the proportion of Sami in local administration, he said that on several occasions the Swedish Parliament had declared that the Sami must have a choice of two equivalent educational alternatives at compulsory school level: Sami schools and regular compulsory schools. The Sami schools were headed by a special Sami school board consisting of nine members appointed by the Government, including five Sami representatives, so that the Sami had a majority on the board. The Sami Law Commission had proposed that the new representative body to be set up for the Sami should exert some influence on a matter of such importance to Sami education, and had therefore recommended

that the Sami representatives on the Sami school board, including the Chairman, should be appointed by that new body. With regard to the proportion of Sami in local administration, it must be borne in mind that the estimated Sami population was between 15,000 and 20,000 out of a total Swedish population of eight and a half million. Many Sami lived in Stockholm or Gothenberg; only 2,500-2,700 were involved in reindeer herding. It was hard to say how many Sami of this small part of the population took part in local administration.

4. In reply to the question by Mr. Song Shuhua on Namibia and South Africa, he said that there had been many developments since the eighth report had been drafted in 1986. At present there were 50 Swedish policemen serving in Namibia.

5. Mr. EKMAN (Sweden), replying to the question by Mr. Song Shuhua about the existence of training schools for gipsies and other persons from minority groups who had lost their traditional openings for business activities, said that like any other person in Sweden, a gipsy could be given labour-market training organized by a special government board. The conditions were that the person concerned was unemployed or risked being unemployed or found it difficult to enter the labour market; that he or she was 20 years of age, registered at the employment office as seeking employment, and in the opinion of that office needed training to obtain regular employment. Besides labour market training, other kinds of economic support were available to the unemployed in general.

6. Mr. CORELL (Sweden), replying to Mr. Reshetov's question about the alternatives to military service in Sweden, said that Swedish Act No. 413 of 1966 on alternatives to military service stipulated that where a person liable to military service had serious personal convictions which prevented him from fulfilling that service, he could undertake an alternative form of service. Sweden had played an active part in the discussion of legislation of that kind in various countries. The subject had been extensively considered in the Council of Europe and had been brought to the attention of the Commission on Human Rights; it had also arisen in the Conference on Security and Co-operation in Europe.

7. Mr. Reshetov had drawn attention to the fact that Sami school education and education for immigrants in their mother tongue were not compulsory. Although there was an interest in keeping the knowledge of those languages alive, people could not be forced to participate in such education. The possibility was offered, but parents and children must be free to choose.

8. With regard to Mr. Beshir's question on antipathies within groups of immigrants and intercommunication between those groups, he stressed three points: first, the Government was very conscious of the risk of friction between different groups of immigrants and had therefore set up an Advisory Council on Immigration Policy in 1975 with representatives of various immigrant groups. That body, which was attached to the Ministry of Labour and was headed by the Minister in charge of immigration affairs, provided a forum. Secondly, since there was freedom of association in Sweden, different immigrant groups could form any umbrella organization they wished. Thirdly, it had been observed that there might be confrontations between groups of immigrants in the event of developments causing strong differences of opinion in the country of origin, but not much could be done about such situations.

9. With regard to the Ombudsman against Ethnic Discrimination, the appointment was not political: he was appointed by the Government, but had to exercise his authority in accordance with the law. The present Ombudsman, Peter Noble, a well known Swedish barrister and expert on refugee matters, was one of the most outspoken critics in Sweden and had been appointed for that reason: he was totally independent.

10. Mr. Banton had referred to the possible problems that might be faced by 276,000 children of immigrants in the future. The Government was fully aware that there might be problems but an answer to the question would call for the preparation of a sociological report on a scale totally disproportionate to the information provided in the rest of the report. It was difficult for his Government to answer questions unless they were precise.

11. With regard to the examples quoted from the United Kingdom of a coloured man compensated for having been refused a job and a prisoner awarded damages because he had not been allowed to work in the prison kitchen, as a lawyer he hesitated to answer hypothetical questions but he thought that, if such cases arose in Sweden, it would be possible to secure the conviction of the persons responsible under the Swedish Penal Code; the person responsible in the prison would certainly be sentenced for abuse of authority. However, the best solution for Sweden might be to leave such issues to the Labour Market bodies, which might be in the best position to combat that kind of discrimination.

12. The Ombudsman against Ethnic Discrimination did not have the right to require information under oath because, as he had said at the previous meeting, that was not in accordance with the rules governing the Ombudsman's office. Those rules might be changed in the future.

13. Mr. EKMAN (Sweden), replying to Mr. Foighel's question concerning the number of asylum-seekers who had received residence permits, said that about 20,000 persons a year applied for asylum and that in 1988 just over 16,000 with a refugee background had received residence permits, of whom one third were refugees under the 1951 Convention. Another 15,000 persons who were related to people already living in Sweden had also received residence permits in 1988. Altogether, around 33,000 persons had received residence permits.

14. Mr. CORELL (Sweden), replying to Mr. Foighel's question on the relation between freedom of association and the limitation of the freedom to communicate, said that there had been discussions in Sweden on that subject and referred to the first paragraph of chapter 2, article 1, of the Swedish Constitution, quoted in paragraph 127 of the eighth periodic report (CERD/C/158/Add.7). Freedom of expression was not unlimited in Sweden. Under article 13 of the Constitution, it could be restricted on account of safety of the realm, the national economy, public order and security, the integrity of the individual, the sanctity of privacy, and the prevention and prosecution of crime. The provisions on agitation against an ethnic group could be looked upon as a limitation of the right to freedom of expression. A particular part of the question related to freedom of the press. The Freedom of the Press Act contained in chapter 7, article 4, of the Constitution laid down that, with due regard to the purpose of universal freedom of the press, as set forth in chapter 1, any representation should be considered as punishable by law if it involved, as set forth in sub-paragraph 8, threats against or contempt for a group of people of a particular race, skin colour or national or ethnic

origin, or of a particular religious confession. If such statements were printed or broadcast, the editor or responsible journalist would be punishable. Sub-paragraph 8 had become sub-paragraph 11 as a result of the most recent changes in the legislation.

15. In reply to Mr. Shahi, he said that the possible overlap between the spheres of competence of the Ombudsman against Ethnic Discrimination, the Advisory Committee on Questions concerning Ethnic Discrimination and the Special Commission Against Racism and Xenophobia was further evidence of the seriousness with which the Government regarded those questions and of its efforts to find the best steps to deal with them.

16. In reply to Mr. Yutzis, who had asked with reference to paragraph 128 of the eighth report why the compulsory school curriculum contained a sentence to the effect that the religious heritage of immigrants was a valuable contribution, he said that Sweden had originally been a heathen country and had then become Catholic. After it had been decided in 1593 that it should become Lutheran, there had not been many possibilities for people of other religious communities to practise their religion in Sweden. The Conventicle Act had prohibited association for the purpose of conducting religious services; that Act had not been repealed until 1858, after which freedom of religion had gained ground. Sweden had acceded to the International Covenant on Civil and Political Rights. However, education was obligatory; boys might otherwise spend their time playing soccer. Exemption from attendance was granted only if it could be proved that the child was being educated by its parents, or in another school founded by its parents together with others, practising another religion. The aim was to see that no children were excluded from religious education.

17. With regard to the question on South Africa, he agreed with Mr. Yutzis that it deserved thorough examination and would therefore be answered in the next report.

18. Mr. SHAHI thanked the Swedish representative for his full reply. He asked whether the compulsory school curriculum, by declaring that the knowledge of the Christian religion should be broadened on the basis of the Bible, was not considered incompatible with the separation of Church and State in Sweden.

19. Mr. BANTON said he had not received an answer to that part of his question concerning possible discrimination in recruitment to positions in the labour market and arrangements for just and adequate reparation in the event of such discrimination, as required by article 6 of the Convention.

20. Mr. CORELL (Sweden), replying to Mr. Shahi, said that the curriculum in Sweden was considered compatible not only with Sweden's international obligations but also with the relationship between Church and State in Sweden. There had been historically close ties, and the Church was a State church. Many took the view that the ties between Church and State should be severed, but the question was difficult, since those ties were very old.

21. In reply to Mr. Banton, he said that no arrangements of the kind he had mentioned existed under Swedish law at present, but the Ombudsman had said he had not discovered any such discrimination. If it occurred, other measures would be taken, but if the question of appointments to particular positions

was brought under the aegis of the courts, the system of recruitment would become very formalized and the operation of the entire labour market would become a matter for the courts. Special rules applied to civil servants, who did have the right to have their cases examined, but that was not true of the labour market as a whole. Opinions on the subject were mixed; the Swedish trade union congress was in favour of further study of the question, whereas employers took a negative attitude.

22. Mr. ABOUL-NASR, referring to the statement by the representative of Sweden that citizens of Nordic countries were treated better than persons from non-Nordic countries, said he was not sure whether that sort of preferential treatment was compatible with article 1 of the Convention. He had some doubts in that regard, but thought that the Committee should consider the question at some future date.

23. Mr. PARTSCH noted that there was a whole series of provisions in international trade law concerning most-favoured-nation treatment. If Mr. Aboul-Nasr was right, the whole system of most-favoured-nation treatment in international law would collapse.

24. Mr. ABOUL-NASR stressed that while he had no firm views on the point he had raised, he thought that the Committee should look into it.

25. Mr. RESHETOV said that he too thought that the point raised by Mr. Aboul-Nasr was important and noted that it had been discussed in regional and sub-regional groups.

26. He did not agree with Mr. Partsch and thought that there was no parallel between the situation in the field of human rights and that of international trade. Agreements might be reached in the trade sector with regard to all sorts of conditions. In the area of human rights, however, there was a system of norms enshrined in the Convention and in the International Covenants. In that connection he had written a book in 1979 in which he had pointed out that where there was a conflict between national norms and international norms, those in the international instrument clearly took precedence. Unfortunately, with regard to regional norms there were exceptions and gaps. Therefore, he thought that it was not appropriate to draw analogies between international trade law and international standards in the field of human rights.

27. The CHAIRMAN, noting that Mr. Aboul-Nasr had said that he had some doubts about the point raised and that the Committee should discuss it at some time in the future, appealed to members to revert to their consideration of the report of Sweden.

28. Mr. SHERIFIS said that Sweden could be proud of its record in the field of human rights.

29. Mr. FOIGHEL said that he would heed the Chairman's appeal but thought that the Committee should at some time in the future take up the point raised by Mr. Aboul-Nasr.

30. Mr. AHMADU said that he associated himself with the comments made by Mr. Sherifis concerning the report of Sweden.

31. Mr. RESHETOV said that he also wished to associate himself with the view expressed by members concerning the high standard of Sweden's record in the human rights field. It was a country which had a longstanding democratic tradition. However, there was a minor point he would like to have clarified. It seemed that a pupil who was an atheist could be required to participate in religious education classes.

32. The CHAIRMAN pointed out that the first sentence of paragraph 130 and the second sentence of paragraph 131 of the eighth report would apply in the case of an atheist, who would therefore be granted an exemption.

33. In response to a point raised by Mr. YUTZIS concerning the second sentence of paragraph 130, Mr. CORELL (Sweden) drew attention to paragraph 131 of the eighth report and said that he would endeavour to ensure that the situation regarding exemption from religious education was described in greater detail in his country's next report.

34. The CHAIRMAN expressed the Committee's appreciation for the efforts made by Sweden in combating racial discrimination and promoting human rights in general. He thanked the representatives of Sweden for their frankness and participation in the work of the Committee and said that members looked forward to the country's next periodic report. The Committee had thus concluded its consideration of the eighth and ninth reports of Sweden (CERD/C/158/Add.7 and CERD/C/184/Add.1).

Mr. Corell and Mr. Ekman (Sweden) withdrew.

Ninth periodic report of Nigeria (CERD/C/148/Add.25)

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

35. Mr. SANYAOLU (Nigeria), introducing the ninth periodic report of Nigeria (CERD/C/149/Add.25), said that during the period under consideration Nigeria had continued its efforts to protect the right, dignity and worth of the human being, thus maintaining the tenets of the International Convention on the Elimination of all Forms of Racial Discrimination.

36. He then read out paragraphs of the report describing the new administration and the status of some constitutional provisions and containing information relating to articles 2 and 3 of the Convention. He also drew the Committee's attention to the cases listed in the report which demonstrated that citizens were able to go before the courts and that where judgements were adverse to the Government, it complied with them. Note should also be taken of the information provided under article 7, which showed that efforts were being made to improve the living standards of ethnic groups as well as housing and services and to reduce unemployment.

37. Mrs. SADIQ ALI, speaking as rapporteur entrusted with the preliminary examination of the ninth periodic report of Nigeria (CERD/C/149/Add.25), said that the report was a little disappointing in view of Nigeria's great religious and ethnic diversity and high level of education. In particular, it did not answer some of the questions raised during discussion of the eighth report (CERD/C/118/Add.14) and had not provided information on the ethnic composition of the population. She was aware of the difficulty of obtaining

precise statistics but hoped that the census scheduled for 1991 would produce reliable data on ethnic composition, since such information was vital to the Committee in understanding the problems of a pluralistic country like Nigeria and appreciating the relative proportions of Christians in the south of the country and Muslims in the north.

38. While the Government had already established two new states carved out of the present Kaduna and Cross Rivers states, the political bureau had recommended the speedy creation of six further states. The President had said that the number of states in Nigeria should remain at 21, but state creation seemed likely to be a major political issue in Nigeria when civilian government was restored. She asked whether states would be established in response to ethnic, linguistic or religious demands and inquired as to the availability of information on the demographic composition and ethnic representation of existing states.

39. Paragraph 19 of the report stated that the Committee's comments on full compliance with article 4 of the Convention had been conveyed to the appropriate authority and she hoped that the following report would contain a response to those comments.

40. The report did not satisfy members' requests for further information on the dissemination of the principles and objectives of the Convention and other human rights instruments and the existence of university courses on those topics. It was also somewhat out of date, since it did not mention the current review of the 1979 Constitution. A Constitutional Review Committee had been set up to return the country to civilian rule by 1992. Furthermore, the report did not follow the Committee's guidelines. Paragraphs 27 to 29 were related to article 2 rather than article 7 and the section from the latter half of paragraph 14 to the end of paragraph 18 should have been included under article 5, not article 3.

41. As Nigeria was preparing for the end of military rule, she requested information on the implementation of article 2, paragraph 1 (c), of the Convention, which referred to a review of governmental, national and local policies. She also asked for details of the measures being taken to defuse the "ethnic, religious and linguistic tensions" mentioned in paragraph 3 of the report.

42. The Constituent Assembly was responsible for drafting and ratifying the Constitution under which Nigeria would return to full civilian government in 1992. She asked why the Government had removed Sharia from the list of debatable items in that Assembly, leaving it in the hands of the military. She asked whether that decision complied with article 5 (d) (vii) of the Convention and requested information on the status of the Islamic Courts in the 11 northern Nigerian States and on the possibility of their extension to other regions.

43. She asked whether the Assembly's decision to lift the ban on party politics and permit the registration of two political parties might not result in a north/south, Muslim/Christian dichotomy.

44. With reference to article 3 of the Convention, she said that Nigeria played an outstanding role in the anti-apartheid movement and was an inspiration to others. However, she requested details of the case of

Dr. Patrick Wilmot, reportedly deported for criticizing Nigerian businessmen who sold Nigerian oil to South Africa, and she asked what action had been taken against those businessmen.

45. In April 1987, clashes between Muslims and Christians in Kaduna State had led to 12 killings and approximately 700 detentions. Under Nigerian law, a person was innocent until proven guilty but on that occasion the security forces had beaten and tortured suspects, most of whom had been minors, in flagrant violation of article 5 (b) of the Convention. She requested information on the treatment of the detainees and asked how quickly they had been brought before the relevant military authorities and whether any action had been taken against the offending members of the security forces.

46. She also requested information on the judicial inquiry into the deaths of 24 convicts during a prison riot on 6 May 1987 in Benin prison and referred to the reports of hundreds of condemned prisoners awaiting execution in overcrowded prisons. The Minister of Internal Affairs had stated in September 1988 that 27,860 prisoners of the total prison population of 58,000 were awaiting trial and she asked what action was being taken to expedite those trials. She also requested clarification of the phrase "acts prejudicial to public order" in paragraph 20 of the report, so that the Committee could judge whether the relevant Nigerian legislation was in conformity with the Convention.

47. Paragraph 3 of the report referred to the repeal of Decree No. 4 of 1984, which had restricted the freedom of the press. She would therefore like to know the reason for the temporary ban which the Government had placed on the journal Newswatch on 25 April 1987. She also referred to reports of the interrogation and detention of editors and reporters who published stories to which the Government objected and drew attention to allegations of harassment of editors and publishers by the security forces.

48. The Government had banned the National Association of Nigerian Students (NANS), suspended the Nigerian Labour Congress (NLC) and proscribed the Academic Staff Union of Universities (ASUU) by a decree of July 1988. She requested an explanation of those actions, which contradicted the statement in paragraph 22 of the report that "the right to join trade unions, social and professional organizations is guaranteed by the 1979 Constitution" and seemed incongruous at a time when Nigeria was moving towards a return to civilian government.

49. According to a joint commission which had met in May 1987, the dual nationality of a number of citizens of Benino-Nigerian origin had increased the difficulty of combating illegal traffic and immigration. She asked if any steps had been taken to resolve that problem and also requested an explanation of the presence of Cameroon troops in Bornu state and the border clashes in that area. She asked whether there were problems with the demarcation of the border or with transnational ethnicity.

50. With reference to article 6 of the Convention, she would like to know the extent of the Nigerian Aid Council's legal assistance to members of the indigenous populations, particularly in any cases of racial discrimination.

51. She stressed the importance of article 7 and the role of education in promoting respect for human rights and fundamental freedoms, especially among

teachers, magistrates and the police. She hoped that Nigeria would study the Committee's guidelines on article 7 and that its following report would provide a clearer picture of the situation in the country.

52. Mr. BESHIR said that Nigeria was a very important country, which played a leading role in African affairs, hence there was great interest in its attitude to human rights in general and its implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in particular. Nigeria's prominence in the anti-apartheid campaign was recognized and applauded throughout the world but there was some concern about human rights in Nigeria itself, as the country had been ruled by a succession of mainly military governments since becoming independent. He requested information on the country's current régime and the alliance between the military and civilian groups. He would like to know what the nature of the relationship was between the Armed Forces Ruling Council (AFRC) and the Federal Government and which of the two had ultimate authority. Similar situations existed in other African countries and they were eager to learn from Nigeria's experiences.

53. Paragraph 24 of the report (CERD/C/149/Add.25) stated that constitutional provisions for freedom of religion, religious practice and religious education were "generally respected throughout the country". He requested a definition of the phrase "generally respected", which he considered somewhat ambiguous. The paragraph went on to say that religious travel, including the pilgrimage to Mecca, was permitted and in some cases officially supported. He asked whether the phrase "in some cases" implied a form of discrimination.

54. Paragraph 26 was also ambiguous and did not give a clear picture of the real situation in the country. He asked for precise details of the "greater ethnic and religious diversity" said to be reflected in the composition of the current Government and of the present military administration's policy, which was described as "geared towards" the goal of human rights. He asked whether the Amnesty International office in Lagos was registered as a Nigerian or an international office.

55. He commended the policy of distributing oil wealth referred to in paragraph 27 but asked for clarification of the phrases "disadvantaged groups", "special privileges" and "adequate development". He would also like details of the School to Land programme mentioned in paragraph 29 of the report.

56. Mr. SHAHI deeply regretted the fact that the demographic information requested during discussion of the eighth periodic report of Nigeria had not been provided.

57. The ninth report (CERD/C/149/Add.25) stated that the Armed Forces Ruling Council (AFRC) and the National Council of Ministers were the country's two governing bodies. He asked for details of the representation of various ethnic groups within each of those bodies.

58. Although Nigeria was a federation, the military régime's system of government meant that it closely resembled a unitary State, since provincial governors were members of the armed forces and therefore directly responsible to their Chief of Staff, the President. He asked whether the system ensured that all ethnic groups were adequately represented in provincial governments.

He was aware that Nigerian domestic legislation could not comply with all provisions of the Convention until civilian government had been restored.

59. Mr. FERRERO COSTA shared the disappointment expressed by Mrs. Sadiq Ali that the ninth report (CERD/C/149/Add.25) of Nigeria provided so little information and did not answer questions raised by the Committee during previous discussions. He hoped that the following report would be more comprehensive and detailed.

60. He requested further information on the demographic composition of the country, notably the relationship between Muslims and Christians, and asked whether both groups participated in the Government.

61. He emphasized the importance of article 4 of the Convention and regretted the report's failure to provide information on Nigeria's implementation of that article. He asked whether any specific steps had been taken.

62. Similarly, the report gave no details on the application of article 6 of the Convention, which was also of fundamental importance. He asked what action was being taken by the Government to assure the "effective protection and remedies" called for by that article.

63. Mr. ABOUL-NASR said that the Committee had to bear in mind the exceptional situation in Nigeria. The country had been brought to the verge of collapse by civil war and it had required military intervention to restore law and order, unify the nation and prepare for a return to normal conditions. Allowances should therefore be made for the shortcomings of the ninth report (CERD/C/149/Add.25), although it was to be hoped that the following report would be more satisfactory. Furthermore, he reminded members that they were concerned with the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and questions on the Muslim/Christian division of Nigeria were therefore irrelevant. While he was fully aware of the scale of the problems faced by Nigeria, he asked for some indication as to when full civilian government was likely to be restored.

64. Mr. AHMADU observed that the ninth report (CERD/C/149/Add.25) covered the situation in Nigeria up to 1986, whereas most of the Committee's comments and questions related to developments since that date and would consequently need to be answered by the representative of Nigeria or dealt with as soon as possible in the tenth periodic report. The information to be provided would, of course, reflect the considerable progress made, including the adoption and promulgation of the new Constitution.

65. He expressed the fear that the Committee was at times overstepping the bounds of what was required of it under the Convention by delving into general human rights issues, which were dealt with by other bodies. He was also troubled by the constant requests, to developing countries in particular, for demographic data regarding ethnic and religious groups. Like Mr. Aboul-Nasr, he did not think that the establishment of rigid distinctions between such groups was conducive to harmony and racial and religious integration.

66. The reporting of events up to 1986 in the ninth periodic report was to be commended. The record of the Government which had come to power in the latter part of 1985 concerning the implementation of the Convention bore no

comparison to that of the administration it had replaced, and the rule of law was being upheld. The civil war, which in his view had been waged on economic rather than tribal or religious grounds, had ended in 1970; those troubled times were long since over and he did not think that the report should contain any further information in that regard.

67. Mr. SHERIFIS expressed pleasure at the ongoing dialogue between the Committee and the reporting State. He was not in favour of any statement or action that might be conducive to ethnic division or strife, or of going back in history and accentuating former ethnic problems, which he hoped were a thing of the past. However, the Convention was very clear on the right to freedom of movement and residence and the right to own property, and he wished to know whether there were any restrictions of any kind on the application of article 5 (d) (i) and (v) in any of the provinces of Nigeria, and, if so, what reasons could be given. He also wished to know what guarantees there were for the participation of representatives of all groups or tribes in the Federal Government. Finally, with reference to article 3 of the Convention, he commended Nigeria's outstanding record in the struggle against apartheid and in world efforts to combat racial discrimination.

68. Mr. BESHIR concurred with Mr. Ahmadu's comments about creating divisions between religious groups. He himself felt particularly concerned when members of the Committee asked questions about the numbers of Christians and Muslims in a given country, as though those were the only significant divisions in a society. That applied also to questions about the ethnic or tribal breakdown, since words like "ethnicity" or "ethnic groups" could be used in a constructive or a negative way. Nigeria was a composite society, a nation in the making, and attention should be focused, where Nigeria and many other third world countries were concerned, on adopting a constructive approach to the establishment of a democratic society based on the rule of law and respect for basic human rights. That indeed was the underlying philosophy of the Convention. A society should not be considered from the standpoint of values different from those traditionally prevailing in the country concerned.

69. Mrs. SADIO ALI pointed out that she had merely said that if no data was available on the tribal communities, which did exist in Nigeria, she wished to be informed about the population of the new states currently being created and what they represented.

70. She felt there was no need to be over-sensitive about questions concerning Muslims and Christians. People had been killed and there had been a law-and-order situation in Kaduna state. Moreover, she had done no more than inquire about the implementation of article 5 (d) (viii) of the Convention.

71. The CHAIRMAN, speaking in his personal capacity, said that it was true, as had been pointed out at various times, that members of the Committee sometimes overstepped the bounds of the Convention, which was only natural in view of the structure of the Convention itself. The Convention dealt basically with race and racial discrimination, as defined in article 1, and with the enjoyment of certain rights on the basis of equality before the law, those rights being enumerated in article 5. Committee members might deem it necessary to ascertain whether those rights actually existed in the society concerned before considering whether they were enjoyed on the basis of equality before the law, which explained why their questions sometimes appeared to exceed the strict competence of the Committee and enter spheres covered by the International Covenants on Human Rights.

72. Again, it was helpful for the Committee to be informed of the demographic composition of States, especially in the case of a State which accepted that it was composed of different nationalities, ethnic groups or segments of minority groups. In such cases, the Committee was entitled to ask whether certain action taken or not taken by a majority group was not prompted by racial discrimination, as defined by the Convention.

73. With regard to religious groups in certain countries and the contention by some that religion was not the concern of the Convention or the Committee, situations might arise which might originally have nothing to do with racial discrimination but, with the blurring of ethnic and religious or ideological borderlines, might lead to conflict. It was for the States parties concerned to indicate whether there were such groupings and whether they were significant or relevant to the Convention, and they should not be sensitive about providing such information.

74. There had been much discussion in the Committee over the years about the interpretation of "ethnic" and "tribal" groups. Ethnicity was not necessarily linked to a specific tribe or clan, and it was therefore for the reporting State to explain the functioning of its society. If it did not consider certain groupings to be significant, the Committee would accept its explanations. Commenting on Mrs. Sadiq Ali's request for information on the administrative division of the country should figures on ethnic groups be unavailable, he did not consider such information to be very significant in terms of racial discrimination or race as defined in the Convention. Although it might be of interest for an understanding of the political structure, that might well be deemed to lie outside the Committee's competence.

75. It was the Committee's task to ensure that if a State provided for a right or for the enjoyment of a right, that right was fully and equally enjoyed by all before the law. If, however, no provision was made for the enjoyment of such a right, or restrictions existed that were applicable to all without discrimination and not directed to any particular group, then the matter did not fall within the purview of the Committee. Mr. Sherifis' question about restrictions to certain freedoms should be seen in that context.

76. With reference to Nigeria's ninth report, it could be said that it had been overtaken by events in Nigeria in recent years. The Nigerian authorities had been endeavouring to achieve unity and fashion a society in which there was no discrimination. It was hoped that the radical transformation of the constitutional situation would be completed by 1992. The new Constitution indeed contained many provisions that were quite unique. All that could be done was to request the inclusion of information on the latest developments in the next periodic report.

The meeting rose at 12.50 p.m.