

SUMMARY RECORD OF THE 436th MEETING

Held on Tuesday, 31 July 1979, at 3.15 p.m.

Chairman: Mr. LAMPTEY

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

Third periodic report of Mauritius (CERD/C/38) (concluded)

1. Mr. GHONEIM said that the report submitted by the Government of Mauritius was interesting and reflected that Government's efforts to respond to the comments made by members of the Committee in connexion with that Government's second periodic report. However, with regard to paragraph 1 of part I, he asked how it could be possible that there was no indigenous population of Mauritius. He also asked which of the current inhabitants' ancestors had been the first to arrive. If there had been no indigenous population, he asked on whom the first language, French, had been imposed as stated in paragraph 2.

2. With regard to the demographic composition of the country, he shared the misgivings expressed by other speakers about the inclusion of Muslims as an ethnic group. He asked which group would cover a Hindu who had converted to Islam. Moreover, he did not understand what criteria had been used to determine the fourth section of the population, distinguished by its "way of life".

3. With regard to the barriers of religion mentioned in paragraph 6, he asked whether religions had become less important and whether the holidays of religions other than the Christian religion were also feasts for all Mauritians.

4. Referring to part II of the report, he pointed out the inconsistency between the statement made in paragraph 3 that Mauritius did not find it necessary to give the force of law specifically to the Convention and the possibility of amending legislation as described in paragraph 17 on page 7. If it was true, as the report stated in paragraph 3 on page 7, that there was a long way to go towards realizing a fully integrated society, he asked why the Government did not bring current legislation into line with the provisions of the Convention.

5. With regard to the differentiation made in the treatment of different citizens as described in paragraphs 8 and 9 on page 6, he asked whether that fell within the scope of the special measures permitted under article 1, paragraph 4 of the Convention.

6. He objected to the use of the word "Muhammadan" rather than "Moslem", in paragraph 7 on page 8 and pointed out that similar laws existed in various societies throughout the world.

7. Mr. DEVETAK observed that the philosophy behind the statement made in paragraph 1 of part IV was very important to the implementation of the principles

/...

(Mr. Devetak)

and provisions of the Convention. He also welcomed the information provided on pages 21-25 which showed what a small country with many economic difficulties was doing to combat discrimination in various fields.

8. With regard to the many funds and corporations cited on pages 21-23, he asked how the different ethnic and racial groups were represented in their operation.

9. Regarding the implementation of article 7 of the Convention (pp. 26-37), he asked how the relationship between the educational facilities for the various ethnic and racial groups was regulated.

10. Mr. SVIRIDOV evaluated the content of the report positively and suggested that the Rapporteur should state in the Committee's report that the current report of Mauritius contained more complete information than the previous ones. The Government of Mauritius had borne in mind the comments made by the Committee about previous reports, and that attested to its responsible attitude towards that issue.

11. He expressed particular satisfaction over the provisions in the report concerning the measures taken in compliance with article 3 of the Convention, which reflected Mauritius' continued support for measures taken by the United Nations and other international organizations to end racial discrimination in southern Africa and constituted an effective contribution to the eradication of racism on the African continent.

12. He reiterated the vital importance of the statement in paragraph 1 of part IV of the report that legislative measures could not by themselves effectively and completely ensure the enjoyment of human rights and that in that area it was necessary to take the corresponding socio-economic measures in order to truly materialize the human rights that had been proclaimed. The next report should supply more specific data on what had been done in that regard. The same could be said of paragraph 2 of part IV of the report.

13. With regard to the demographic composition of the country, he asked that more precise information be provided in future reports, bearing in mind article 1 of the Convention.

14. Paragraph 3 on page 7 of the Russian text of the report referred to the existence in Mauritius of numerous multiracial organizations, but only one was mentioned. He welcomed the existence of those numerous organizations, but hoped that in the future more detailed information would be submitted on them, on their statutes and on their objectives.

15. Mr. DECHEZELLES, replying to a question asked earlier by Mr. Ghoneim, explained that, when Mauritius had been discovered three centuries previously, it had been uninhabited. The first settlers had spoken French and that language had not actually been imposed on any previous inhabitants.

/...

16. The CHAIRMAN, clarifying certain points that had been raised, said that the holidays of all the major religions were observed in Mauritius without discrimination. He noted that members of the Committee would like to see the next report present data on the number of Africans, Europeans, Asians, etc., rather than a breakdown that included religion.

17. Mr. KOONJUL (Mauritius) assured members of the Committee that their comments would be transmitted to his Government and would be reflected in its next report.

18. Mr. BAHNEV said that the Committee should not try to find a rigid formula for the division of races or nationalities into categories. The Government of Mauritius had included a religious group because it was distinct from other groups and was accordingly treated as a race. He recalled that the Committee had not objected to that interpretation at its previous meeting.

19. The CHAIRMAN, speaking in his personal capacity, said that he did not agree with Mr. Bahnev. Neither the Committee nor the Convention, as was stated in article 1 of the latter, was dealing with discrimination on the basis of religion, and, therefore, the demographic composition reported should not include religious groups. A breakdown of the groups referred to in part I of the report, i.e. Europeans, Indians, Africans and Chinese, was what interested the majority of members.

20. Mr. BAHNEV said that, rather than looking for an additional criterion to create new limitations and obstacles, the Committee and States parties must find the most effective way of achieving racial harmony and of eliminating racial discrimination.

21. Mr. Koonjul (Mauritius) withdrew.

Fifth periodic report of Nigeria (CERD/C/20/Add.31)

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

23. Mr. AKINLEYE (Nigeria), introducing the fifth periodic report of Nigeria, assured members of the Committee that his Government would listen to their comments and suggestions.

24. Mr. VALENCIA RODRIGUEZ said that the valuable report submitted by the Government of Nigeria reflected the seriousness with which that Government viewed its obligations under the Convention and its desire to maintain a constructive dialogue with the Committee.

25. With regard to the implementation of article 3 of the Convention, the Constitution of Nigeria was especially important because it prohibited any manifestation of racism. For example, article 33 of the Constitution emphasized equal treatment in the administration of justice.

/...

(Mr. Valencia Rodriguez)

26. With regard to article 36 (2) of the Constitution, he asked whether the prohibition mentioned applied to all citizens and whether that affected the nature of broadcasts, for example, whether permission was granted to broadcast one type of information and not another.

27. The rights to housing and to education did not appear to be duly guaranteed by the Constitution, and he suggested that the Government might study the possibility of instituting such constitutional guarantees.

28. He asked whether the state of emergency referred to in Nigeria's previous report was still in effect and, if so, whether it was affecting the full enjoyment of the rights listed in article 5 of the Convention and whether any restrictions had been imposed on any particular tribal or racial group.

29. While the recourse and procedures described for the implementation of article 6 of the Convention were satisfactory, they could be brought better into line with each other and with article 6.

30. Although the information provided in part IV of the report showed that racial discrimination was a punishable offence, he suggested that the Nigerian Government should examine its position vis-à-vis the formal commitments entered into under article 4 (a) and (b) of the Convention.

31. Finally, he requested that in its next report Nigeria should submit more information on education, exchange programme and public information programmes aimed at promoting understanding, tolerance and friendship among nations in accordance with article 7 of the Convention. He also requested that the next report should contain information on the demographic composition of the country and on the scope of the activities undertaken and results achieved by the National Committee for the Dissemination of Information on the Evils of Apartheid. In general, the report was objective and complete.

32. Mr. NABAVI commended the Government of Nigeria on its continuing efforts to implement the provisions of the Convention. He recalled that, during the consideration of the fourth periodic report of Nigeria, the Committee had asked to what extent the suspension of the Constitution affected the implementation of the provisions concerning human rights, and especially the principle of non-discrimination, contained in the Convention. The report offered no answer to that question. Paragraph 1 of the report referred to chapter IV of Decree No. 25 - Constitution of the Federal Republic of Nigeria (Enactment) Decree 1978; he asked whether that decree related to a new Constitution or to the 1963 Constitution, which had been partially suspended.

33. In the course of the consideration of the fourth periodic report of Nigeria, there had been a discussion about Nigeria's compliance with article 4 (a) and (b) of the Convention, and it had been stressed that sections 50 and 51 of the Criminal Code, quoted in the current report, did not correspond to the provisions of that article of the Convention. The arguments which had been put forward could be found in the Committee's report to the General Assembly, and the Committee

/...

(Mr. Nabavi)

had requested the Government of Nigeria to provide more detailed information on the subject. He was somewhat surprised that that Government had not taken into account the Committee's views. The argument contained in paragraph 11 of the report was not an adequate response; he recalled that, during the discussion of the fourth periodic report, members of the Committee had felt that section 50 (2) of the Criminal Code, defining seditious intention, was not relevant to racial discrimination as defined in article 4 (a) and (b) of the Convention. The same applied to section 63 of the Criminal Code, quoted in the same paragraph.

34. On the question already raised regarding the demographic composition of Nigeria, he recalled that, even at the time when it had considered the initial report of Nigeria, the Committee had requested information about the distribution of the Nigerian population on the basis of ethnic and racial elements; yet the current report contained no information on the subject. He hoped that, if it was not possible for the representative of Nigeria to clarify those points, the Government of Nigeria would provide the information requested in the next report.

35. Mr. VIDELA ESCALADA said that the report contained some positive elements but still lacked some of the information which had been requested. On the question raised as to the Constitution currently in force in Nigeria, a comparison of some of the articles of the Constitution quoted in previous reports with those quoted in the current report could give an answer. For example, the third and fourth periodic reports had referred to article 28 as a basic element in the Constitution, but the same provisions appeared in the current report as article 39.

36. The information provided on article 5 of the Convention was very satisfactory and showed how the Government of Nigeria was dealing with the various aspects of that article. In relation to article 4 of the Convention, however, the sections of the Criminal Code quoted did not correspond to the specific requirements of that article. He also felt that the information provided on the application of article 7 of the Convention should be supplemented in the next report.

37. Mr. GOUNDIAM said that it was well known that, like a number of other African countries, Nigeria was an ethnic mixture and therefore had to contend with regionalism and tribalism. He recalled that the first attempt to conclude an African convention on human rights had been made by the President of Nigeria in 1961. The Nigerian Government was deeply concerned about the search for the cultural identity of all components of the black world, and one of the best African universities offering courses in black civilization was situated in Nigeria.

38. Although the report quoted provisions of Nigerian legislation in great detail, those provisions were not altogether satisfactory. He noted that in Nigeria, as in many English-speaking African countries, if the provisions of international conventions were to be applicable by the courts they had to be incorporated into domestic law. The Nigerian Government should take into account the observations made by the Committee in that connexion during the consideration of the fourth periodic report and enact precise laws to give effect to the provisions of the Convention.

/...

(Mr. Goundiam)

39. In relation to article 42 of the Nigerian Constitution, quoted in paragraph 8 of the report, he asked what procedure was followed for the implementation of those legal provisions and what steps could be taken by the plaintiff. He also asked how the National Assembly made provision for rendering financial assistance to indigent citizens of Nigeria in specific cases and what procedure was followed in relation to article 42 (4) (b) (ii). He endorsed the remarks made by previous speakers about sections 50 and 51 of the Nigerian Criminal Code; the Nigerian Government attempted to draw an analogy between those sections of the Criminal Code and the provisions of article 6 of the Convention, but the process of analogy was inadmissible in criminal law, and laws must be precise and clear. Thus, the Nigerian Government must enact specific provisions to correspond to the requirements of article 4 of the Convention.

40. During its consideration of the fourth periodic report, the Committee had expressed concern that the Nigerian Government had apparently done nothing to apply the provisions of article 7 of the Convention; he was somewhat surprised at that, since Nigeria was in the forefront of the search for the cultural identity of the black world and all its components. The report was incomplete to the extent that the Nigerian Government had not described some of the progress made in that respect, for example, through its membership in African regional and subregional organizations.

41. Mr. BAHNEV said he hoped that the continuing dialogue between the Committee and the Nigerian Government would produce fruitful results. In relation to article 33 (12) of the Nigerian Constitution, quoted in paragraph 2 of the report, he recalled the comments that had been made about Nigeria's obligations under article 4 of the Convention and about the shortcomings of sections 50 and 51 of the Nigerian Criminal Code. There was apparently no adequate written legislation in Nigeria to cover those obligations. He asked whether the common-law obligation referred to in paragraph 7 of the report was embodied in a written law of Nigeria.

42. In connexion with article 42 (4) of the Nigerian Constitution, quoted in paragraph 8 of the report, he asked what the term "indigent citizen" meant and whether there were other cases when Nigerian citizens were divided into categories.

43. With regard to article 32 (1) of the Constitution, quoted in paragraph 5 (g) of the report, he asked whether the fulfilment of an obligation imposed by law, mentioned in paragraph (b) of that article, referred to debt obligations or to obligations arising from a court sentence, or whether it encompassed other types of obligations as well.

44. He hoped that, in the light of the Committee's discussions, the next report from Nigeria would provide additional information in accordance with the requests which had again been made by the Committee.

45. Mr. NETTEL said that quite a number of pertinent remarks had been made about the section of the report concerned with article 6 of the Convention. The

/...

(Mr. Nettel)

explanations provided in relation to article 42, paragraphs (1) to (3), of the Nigerian Constitution, in the light of article 6 of the Convention were far from satisfactory; paragraphs (1) and (2) of article 42 contained very general provisions, and it could be seen clearly from paragraphs (3) and (4) that those were programmatic provisions which had to be implemented by some other kind of legal instrument. He asked what exactly the rules were. The information provided on the programmatic provisions of the Nigerian Constitution was not helpful; the Committee needed to know about the practical provisions and the remedies available to the individual. He asked whether the Chief Justice of Nigeria had made any rules under article 42 (3) and whether the National Assembly had exercised the powers available to it under article 42 (4). The Committee had to be informed on those matters so as to be able to form an opinion as to whether the relevant provisions of the Nigerian Constitution, and the laws implementing them, were in conformity with the Convention. Moreover, article 42 of the Nigerian Constitution did not cover everything that was required under article 6 of the Convention. He asked whether there was a specific procedure enabling an individual to sue the State for discrimination by a State official. The section of the report dealing with article 6 of the Convention would have to be enlarged. He fully endorsed the comments made in relation to article 4 of the Convention and could find nothing in the texts of Nigerian legislation quoted which met the requirements of article 4, paragraph (d). Thus, it could not be said that there was any dialogue between the Committee and the Nigerian Government regarding the very relevant provisions of articles 4 and 6 of the Convention.

46. Mr. DECHEZELLES congratulated the Nigerian Government on its continuing dialogue with the Committee and expressed the hope that it would be fruitful. The observations made, and the questions asked, had been very relevant. Members of the Committee had been right to concentrate on article 39 of the Nigerian Constitution, which forbade racial discrimination, and to point out that sections 50 and 51 of the Criminal Code did not correspond to the provisions of article 4 of the Convention. In that connexion, it had been rightly stressed that if a crime was to be established it must be precisely defined by law. The provisions referred to in paragraph 6 (e) and paragraph 7 were not embodied in any legal texts. Yet the Government of the Federal Republic of Nigeria made a clear declaration of intent, with admirable sincerity, in paragraph 9 of the report, which the Committee should note.

47. The report of Nigeria lacked information on the social and demographic nature of the country, and it was therefore impossible to assess the state of development of Nigerian legislation. It should be remembered that Nigeria was a very large country which counted for much in Africa and which for many years had been noted for its political stability. Nigeria contained a fifth of the total population of Africa, and was divided into different ethnic groups and tribes; there were also significant linguistic and religious divisions. The country was made up of four federal regions, each with a dominant ethnic identity, and the administrative divisions added to the difficulties to be resolved. That situation had posed delicate problems from the outset for a new State which had to forge national unity and alleviate racial friction, and the forces of regionalism had

/...

(Mr. Dechezelles)

deprived it of one means of achieving such unity through the system of a single party. Two aspects of Nigerian culture, namely religion and education, were difficult to dissociate, since Islam and Christianity strongly influenced education. He hoped that Nigeria would expand on those difficulties in its next report.

48. Mr. DEVETAK said that it was clear from the five reports submitted that the Committee's dialogue with the Nigerian Government had been very constructive, and he congratulated that Government on the efforts it had made to implement the Convention. He pointed out that, apart from the reference to the National Committee in paragraph 14 of the report, no specific information was provided on the implementation of the provisions of article 7 of the Convention in the fields of teaching, education, culture and information; details on that subject would have been very useful, given the multi-ethnic nature of Nigerian society.

49. He felt that more information was required on Nigeria's international stand on the implementation of article 3 of the Convention and of the corresponding general recommendations. The Committee was well aware of Nigeria's international activities to combat racism, racial discrimination and the racist régimes of southern Africa, and specific information on its contribution to the efforts of the Non-Aligned States in that field and on its activities with regard to the national liberation movements of southern Africa would have been useful.

50. Mr. PARTSCH said that the Committee could not be sure which of the provisions quoted in the report were in force and which were not. The Nigerian Government's first report had indicated that political activities had been temporarily suspended, and he asked whether Decree No. 25, referred to in paragraph 1 of the report, had revoked or confirmed that suspension of fundamental rights and whether those rights had otherwise been changed or added to.

51. Mr. SVIRIDOV welcomed the submission of Nigeria's report. It was the fifth report and that in itself was a source of satisfaction since such a large number of reports bore witness to the long-standing co-operation between the Committee and that country, which had the largest population in Africa.

52. With regard to part III of the report, he suggested that, along with the expressions of Nigeria's firm undertaking to comply with the provisions of the relevant articles of the Convention, the corresponding legal, administrative and other measures that had been adopted to put those articles into practice should have been included.

53. He pointed out that in the fifth report no information had been given on Nigeria's attitude towards the racist régimes of southern Africa. Such information would have been useful, particularly in the light of the vital importance of that issue with regard to the realization of the objectives of the Decade for Action to Combat Racism and Racial Discrimination. Information on that subject had been supplied in the fourth report and it had been noted that a customs decree issued in Nigeria had provided for the complete prohibition of all

/...

(Mr. Sviridov)

commercial relations with the racist regimes mentioned. Nevertheless, Nigeria should supply further information in its next report

54. Mr. SHAHI paid tribute to Nigeria's record in the field of international activities to combat racial discrimination. He had noted with interest the mention of religion in article 39 of the Nigerian Constitution and wondered how significant was the omission of any reference to religion from paragraphs 4 and 7 of the report.

55. Mr. GHONEIM said that he shared the concern expressed by Mr. Partsch and asked, in view of the current elections, whether the 1963 Constitution was still in force.

56. The CHAIRMAN suggested that the representative of Nigeria might indicate whether the 1978 Constitution had entered into force upon promulgation or whether it was to enter into force at a future date, and also whether the subsidiary legislation provided for in the Constitution had already been decreed by the Government or whether it was to be enacted by the newly elected Parliament.

57. Mr. AKINLEYE (Nigeria) informed the Committee that, as a matter of fact and of law, there was no longer a state of emergency in Nigeria, and that the elections were in their final stages.

58. With regard to the country's unity, he said that considerable decentralization had taken place and that the four old regions had become 19 states, each of which was under the jurisdiction of a governor and enjoyed effective co-ordination with the national Government.

59. With regard to Mr. Shahi's question concerning religion, he said that Nigeria was a secular State and that every citizen was free to practise the religion of his choice.

60. In reply to the questions concerning the Constitution, he informed the Committee that the 1963 Constitution was still in force. The 1978 Constitution had been ratified and would enter into force on 1 October 1979. However, he pointed out that the 1963 Constitution's guarantees concerning fundamental human rights were all embodied in the new Constitution.

61. He expressed his Government's appreciation for the favourable comments made in the Committee with regard to the report and to Nigeria's activities in the struggle against apartheid and assured the Committee that his Government's next report would provide very detailed information.

62. Mr. Akinleye (Nigeria) withdrew.

Fourth periodic report of Sweden (CERD/C/48/Add.1)

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

/...

64. Mr. NORDENFELT (Sweden), introducing the fourth periodic report of Sweden, expressed his Government's appreciation for the Committee's work. He informed the Committee that the bill referred to in paragraph 5 (a) of the report had become somewhat more limited in scope than had originally been envisaged. The Act of 1886 would be repealed with regard to aliens residing in Sweden, but the provisions in question would remain in force with regard to non-resident aliens.

65. Mr. TENEKIDES, referring to the question of the preservation of the cultural identity of the Lapps, asked what was the relationship between reindeer breeding and Lapp culture. He also asked whether there were any statistics concerning immigration into Sweden and said that the statement, made in paragraph 9 of the report, that Sweden had developed into "a multilingual and multicultural society" showed great courage on the part of a country whose population had formerly been composed of a single ethnic group. Lastly, he asked what distinction was drawn by Swedish law between immigrants and refugees and what precise meaning was attributed to the latter term.

66. Sweden had long been a champion of human rights at both the national and the international levels. He recalled specifically that the action taken by Sweden and the other Scandinavian countries before the Commission on Human Rights of the Council of Europe with regard to the oppressive military régime in Greece and the decision taken, as a result of the Commission's report, by the Council of Ministers of the Council of Europe had made a vital contribution to the restoration of freedom and democracy in Greece.

67. He suggested that the report might have given a more detailed explanation concerning the question of racist organizations and the measures that had been taken or could be taken against such organizations. Paragraph 5 (g) of the report, which indicated that the national law of other States was not applied in so far as it contained elements of racial discrimination, confirmed the view, held by himself and others, that the principle of non-discrimination was a part of jus cogens.

68. In conclusion, he observed that all the rights specified in the Convention were apparently covered by Swedish law and said that much of the information provided on the application of article 7 of the Convention in secondary and university-level education could be held up as an example, as indeed could the report as a whole.

69. Mr. VALENCIA RODRIGUEZ welcomed the extensive information provided in the report with regard to the Lapps, and particularly paragraphs 2 (a) to 2 (g), which indicated the Swedish Government's serious attitude towards the protection and development of that group's human rights.

70. He welcomed the information supplied concerning article 4 (a) of the Convention, which, in his view, provided a satisfactory explanation of the questions concerned. With regard to article 4 (b) of the Convention, he agreed that each Government was responsible for the fulfilment of its international obligations. Every Government was answerable to the Parliament and the public opinion of its country. On the other hand, each member of the Committee had the responsibility to act conscientiously, impartially and objectively with the aim of

/...

(Mr. Valencia Rodriguez)

securing compliance with the Convention. However, he believed that it would be unwise to apply a uniform rule to all States; instead, the social, cultural and historical characteristics of each country should be taken into account. He therefore agreed with the views expressed by the Swedish Government in the last part of paragraph 4 of its report.

71. With regard to the implementation of article 5 (a) of the Convention, he said it was regrettable that the Swedish Government had not proceeded in the manner indicated in paragraph 5 of its report; the repeal of the Act of 1886 would have contributed effectively to strengthening the right to equal treatment before the tribunals and all other organs administering justice. He asked what restrictions currently applied to the ownership of property by aliens (para. 5 (h)). With regard to certain rights relating to entry into Sweden and the right to work in that country, he said that the distinction drawn between the citizens of the Nordic countries and other aliens was not strictly in harmony with the Convention. However, it should be recognized that among certain countries, particularly those with geographical, historical or sociological links, the establishment of subregional markets or labour markets, as in the case of the Nordic countries, represented a growing trend.

72. He welcomed the full information supplied in the report and in annexes 2 to 4 on the competence of the Ombudsman and of the Chancellor of Justice, and also the translation of the 1972 Act regarding damages, contained in annex 5. The information provided on the application of article 7 of the Convention illustrated the efforts made by the Swedish Government to eradicate racial prejudice. He welcomed the information provided in paragraph 11 of the report and asked for further information on the amendments to the Aliens Act, referred to in subparagraph (c). He expressed particular satisfaction with the appointment of the Parliamentary Ombudsmen and the commissioner referred to in subparagraphs (d) and (e) respectively, and hoped that the Swedish Government would continue to provide information on the activities of those officials. The cases outlined in paragraph 12 of the report showed clearly that the legislation and the courts of Sweden were adequately equipped to prevent and to penalize acts of racial discrimination, and he hoped that the Government would continue to supply information on such cases. In conclusion, he congratulated the Swedish Government on its report.

73. Mr. NETTEL recalled that, during the discussion of the third periodic report of Sweden, he had expressed satisfaction with the Swedish Government's approach to the implementation of the Convention. The description of the question of the protection of the Lapp minority was very interesting, and the measures which had been applied were highly satisfactory. He did not subscribe to the view that the measures to protect the Lapp minority might tend to confine the Lapp population within a certain territory and perpetuate a certain way of life and certain types of occupation; in the light of article 1, paragraph 4, and article 2, paragraph 2, of the Convention, minority groups should be adequately developed but should also be protected. They should be helped, if necessary, to reach the same level of development as the rest of the population, but their special cultural traditions and characteristics should be protected; the Swedish measures managed to strike that difficult balance and were exemplary in nature.

/...

(Mr. Nettel)

74. The Swedish Government offered an interesting legal argument in paragraph 4, referring to article 4 of the Convention. He recalled that, during previous discussions of the periodic reports of Sweden, the Committee had not been fully satisfied that Swedish legislation complied with article 4 (b) of the Convention. He could not altogether accept the argument put forward in paragraph 4 of the report; since article 4 (b) of the Convention provided that organizations which promoted or incited racial discrimination must be declared illegal and prohibited, it was not sufficient to prohibit participation in such organizations. He did not feel that the Swedish Government's attempt to remedy the situation by referring to article 2, paragraph 1 (d), of the Convention was successful.

75. He welcomed the description in paragraph 11 of the report of measures taken in 1977 and 1978 to eliminate discrimination against immigrant groups in Sweden, as well as the summaries of decisions taken by the Swedish courts in cases of alleged racial discrimination. The list of decisions and judgements showed that the Swedish Government was honest in reporting on its efforts to implement the Convention, and he hoped that other reporting countries would provide similar information. It would be an advantage to the Committee to have further information on the cases mentioned in the report and perhaps even copies of the judgements delivered.

The meeting rose at 6 p.m.

/...