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ON CIVIL AND  
POLITICAL RIGHTS**



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Tenth session

SUMMARY RECORD OF THE 222ND MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 15 July 1980, at 3 p.m.

Chairman:

Sir Vincent EVANS

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Covenant (continued)

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Report of Colombia (continued) (CCPR/C/1/Add.50)

1. Mr. SADI expressed appreciation to the Government of Colombia for its well-documented report and for the presence in the Committee of its Minister of Foreign Affairs, proof of its interest in the matter. He wished first of all to make it clear that the observations he planned to make should not be considered as criticisms, but rather represented his interpretation of the human rights situation in Colombia, judged on the basis of the report under consideration. The purpose of the Committee's examination was to establish a dialogue with the governments concerned in order to draw attention to possible shortcomings in the field of human rights in any given country, so that the government of that country might, on the one hand, provide supplementary information and, on the other, perhaps remedy those shortcomings.

2. He noted, first, that in Colombia the Constitution was the supreme law and that the Covenant, once ratified, had been incorporated into Colombian internal legislation. He would like, therefore, to know the exact position of the Covenant with respect to the Colombian Constitution. The fact that Colombia had ratified not only the Covenant but also the Optional Protocol showed that it was resolved to respect the principles enshrined in that instrument, as indeed, had been apparent during the taking of hostages at the Dominican Embassy in Bogota, when the Colombian Government had adopted rational and peaceful measures.

3. With regard to the state of siege, he expressed surprise that it was still in force, particularly bearing in mind that Colombia had been an independent country for 170 years and might therefore have been expected to adopt a different attitude from that of countries with less experience of political life and democratic traditions. Furthermore, attention should be drawn in that connexion to the danger of the argument of underdevelopment used by many countries to justify non-respect for human rights. True, the developing countries had to face many difficulties and it was understandable that democracy in such countries was not yet complete. It was nevertheless necessary to ensure that that situation did not encourage abuses. In the case of Colombia, he was happy to learn that despite the existence of a state of siege, most freedoms were respected, but he wondered why, in that case, the state of siege was maintained. For his part, he did not interpret the Covenant as a means of justifying violence and terrorism. The Covenant implied both rights and obligations, and while it was true that every government had the right and the obligation to defend itself and to protect its institutions, there were two means of doing so: either by respecting the law, or by more expeditious measures, which were contrary to law. The Covenant showed the path to be followed in that connexion.

4. With respect to article 1 of the Covenant (p.4 of the report), he said that in his opinion self-determination was a continuous process and not merely a method of achieving sovereignty. Most democratic countries continued to exercise self-determination by applying standards of the kind contained in the Covenant.

5. With regard to article 2, he simply noted that, as far as he was concerned, the expression "without any discrimination", used in the report (p. 5) should be understood as referring to all the provisions of article 2 of the Covenant.

6. With respect to article 6 (pp. 7 and 8 of the report), he observed that article 364 of the Colombian Penal Code established that if the motive for a homicide was mercy, the penalty imposed on the guilty person might be mitigated. He considered that to be a dangerous provision which, moreover, was in contravention of the Covenant.

7. With regard to article 18 of the Covenant (p. 40), he observed that article 53 of the Colombian Constitution might give rise to dangerous discriminatory practices as it would allow, for example, Muslim or Jewish practices to be considered "contrary to Christian morality" and consequently to be prohibited. That article of the Constitution was thus contrary to the provisions of article 18 of the Covenant.

8. Concerning article 20 (p. 44), the Colombian Government stated that no special legislation had been adopted to cover that eventuality, which had never arisen in Colombia. That did not appear to be a sufficient reason, and it would be desirable for the Government to adopt an appropriate provision.

9. With regard to article 23 (p. 47), he did not think that the terms of the Covenant permitted the father to exercise the powers conferred on him by article 117 of the Colombian Civil Code.

10. With respect to article 24 (p. 48), he said that he had heard that there were many vagrant children in Bogota; he asked the representative of Colombia if that were true, and if so, what the Government was doing to protect those children. Naturally, the problem of abandoned children was not peculiar to Colombia, but measures should be taken to remedy it wherever it was found.

11. Finally, he said that the penalties provided for by the Colombian Penal Code in the case of the rape of a minor did not appear to him to be sufficiently severe.

12. Mr. BOUZIRI thanked the Colombian Government for the excellent report it had submitted, but pointed out that the French translation of the report contained a number of errors.

13. Taking up the consideration of the report, he asked first of all what measures had been taken by the Colombian Government to publicize the Covenant and the Protocol among the population, apart from publishing them in the official gazette.

14. Referring to a newspaper article, he recalled that the representative of Colombia had stated that his country had always defended self-determination. However, he noted that the Colombian Embassy in Israel was in Jerusalem, a situation which he could not understand and which was contrary to the decisions of the United Nations. How did Colombia, which had always opposed colonialism, explain its attitude in that particular case?

15. With regard to women, he noted that legislative measures had been enacted in their favour, but he would like to know what their situation was in everyday life, the number of women as compared with that of men in Parliament, the municipal councils and the administration, the number of girls attending school as compared with boys, whether women received equal pay with men for equal work, and so forth.

As everyone knew, in order to achieve equality between men and women it was not enough merely to pass legislation, for even in the advanced and progressive countries there were reservations and a certain "machismo" with regard to women. In Tunisia, for example, although since the country's attainment of independence in 1956 women had frequently been elected to Parliament, the legislative elections of November 1979 had revealed an anti-feminist vote, not only on the part of men but also on that of women themselves. In May 1980, during the campaign preceding the municipal elections, press, radio, television and politicians had urged the electorate to elect the women candidates standing for election. The Head of State had even stated that if sufficient women were not elected, he would ask Parliament to amend the law so as to allocate at least one-third of the seats to women. That showed that for the laws to be implemented it was necessary also to change attitudes.

16. In some countries, abortion was among the rights and freedoms of the couple, or at least of the woman. In various developing countries with very high birth rates, legislation allowed women to terminate pregnancy. That was true in Tunisia, where a woman who had already had five children could seek an abortion even without her husband's consent. He asked what was the situation in Colombia in that respect.

17. With regard to article 17 (p. 34 of the report), he noted that article 38 of the Colombian National Constitution allowed the authorities to intercept letters and private papers for the purpose of securing legal evidence. He asked if persons affected by such measures could submit a complaint when abuses were committed, and if so, to whom. He also asked if telephone tapping was authorized.

18. With respect to article 18 (p. 40) he asked, in connexion with article 53 of the Colombian Constitution, what cults were contrary to Christian morality or to the law. Muslims and Jews, in their respective religions, had rules which might be considered contrary to Christian morality. What, then, was the situation of those religions and of indigenous South American religions? Was there complete freedom to be atheist, and what was the meaning of "acts contrary to Christian morality or prejudicial to public order"?

19. In connexion with articles 21 and 22 (pp. 44-45), he asked if persons who professed extremist, fascist or anarchistic ideas or upheld certain extreme left-wing ideologies could assemble freely or form trade-union organizations. In that connexion, an ILO report seemed to indicate that Colombian legislation established certain limitations in the matter of trade-unions, and he would be grateful for details on that subject.

20. With regard to article 23 (p. 47), the report under consideration stated that divorce was allowed in Colombia. In practice, however, the law or judges often imposed more restrictive conditions on women, while a man met with greater understanding when he sought a divorce. He asked what the situation was in Colombia in that respect.

21. Concerning article 24 (p. 48) he asked if the situation of a natural child recognized by one of the parents was the same as that of its siblings with regard to inheritance.

22. He also asked, with respect to article 25 (p. 62), how many political parties there were, what were the legal conditions for forming a party, and if persons professing extreme right-wing or left-wing, fascist or anarchist ideas, or ideas contrary to Christian morality, could form political parties.

23. With regard to article 27, he asked for further details on the Indian community, which was referred to only by a periphrasis in the Colombian legislation. He would like to know what was the situation of that community, if it participated in the life of the country, if it could vote, and if its members, or only those who were assimilated, could be elected. The report stated, on page 64, that the Government had put before Congress a bill to accelerate the adoption of a National Statute for the Indians. He asked if the persons concerned had been consulted and if they had been asked whether they wanted such a statute. He also asked what was meant by bilingual education. Further, he found it difficult to understand why the indigenous communities in a democratic, civilized country did not possess legal personality. He noted also that the report stated that the Indians or the indigenous communities could be represented judicially or extrajudicially by officials from the Administrative Department for the Development of Indian Community Affairs determined by the Government, and asked why the Indians could not themselves choose their representatives. Finally, he expressed surprise at the fact that Colombia, which had been independent for 160 years, was only now concerning itself with protecting its indigenous communities.

24. Mr. TOMUSCHAT, while paying tribute to the Colombian Government for having been one of the first countries to ratify the Covenant, said that the Committee's task was not to mete out praise or blame, but to see how far States were respecting the obligations they had assumed by becoming Parties to the Covenant. The report of Colombia did not give sufficient information on mechanisms set up to ensure effective respect for human rights, especially as that country was at present living under a state of siege. What, for instance, was the position concerning the right of peaceful assembly provided for in article 21 of the Covenant? And if the conclusions and recommendations of the mission which Amnesty International had sent to make inquiries on the spot bore no relation to reality, as the Colombian Government maintained, it would have been preferable if the report had contained replies to specific points in it. Although a government might have good reasons for imposing a state of siege, it should take care not to repress violence by means of even greater violence, thus endangering the human rights which it was its duty to protect, even when it was a question of persons breaking the laws of the State. Moreover, since the state of siege implied certain restrictions on human rights, it would have been advisable to speak about them openly. He was therefore surprised that the Colombian Government had not, as it was required to do under the terms of article 4, paragraph 3 of the Covenant, given notice that it was availing itself of the right of derogation, and he wondered whether that was due to forgetfulness on its part or whether the reason was quite simply that there had been no need to have recourse to the derogation procedure.

25. As regards the incorporation of the Covenant into Colombia's legal system, he would have liked to know whether judicial decisions had been handed down interpreting, applying, or even rejecting provisions of the Covenant. In particular, what happened in cases of conflict between the provisions of the Covenant and those of specifically national legislation?

26. He did not fully understand what remedies were available to victims of judicial errors, and was surprised that article 67 of the Administrative Code referred only to civil or administrative regulations and not to the Constitution or the Covenant.

27. With reference to article 6 of the Covenant, he welcomed the fact that the death penalty had been abolished in Colombia, but was concerned to note that Decree No. 0070 of 1978 did not provide for proceedings to be taken against members of the police force who had killed a person in the course of certain specific operations. In his view, that omission left a door open to all kinds of abuse.

28. Respect for the provisions of article 7 might be strengthened, in his opinion, by the establishment of public commissions to investigate allegations of infringements of the rights specified in that article. He noted that, under the Constitution, a person might be held in detention for up to 10 days, but nothing was said about the conditions of such detention and that, in his view, might well lead to abuses.

29. As regards article 9, the report referred only to detention in connexion with court proceedings, but what was the position in cases of unjustified detention in psychiatric institutions, for example? And was it open to any authority, as seemed to be the case according to article 58 of the National Police Code, mentioned on page 16 of the report, to summon any person to appear before it?

30. Turning to article 12, he said he understood that certain areas had been placed under a system of special control and he would like clarification on that point. As regards the restrictions imposed on the rights provided for in that article, he recalled that the article required that they should be provided by law.

31. With regard to article 14, in view of the fact that military justice played a prominent role in Colombia at present, he would like to know how the military courts were composed and whether they enjoyed the independence and impartiality called for by article 14? Did the accused have sufficient time to prepare their defence, and could the defence counsel be present? Moreover, how did it come about that the police was empowered to impose penal sanctions? Finally, since everyone was to be presumed innocent until proved guilty according to law, he had difficulty in seeing the justification, in relation to article 14 of the Covenant, of the provision that bail could be imposed on a person against whom no crime had been proved, and that in the event of failure to pay he would be liable to imprisonment; he would like to have clarification of that point.

32. As regards article 19, he noted that, under the Statute of Security Decree No. 1923 anyone disturbing public order was liable to a prison sentence of up to five years and, in view of the relative harshness of the penalty and because of the large part played by the military tribunals in such instances, he would like further information on how the authorities interpreted such an offence. The same considerations held as regards the offence of "subversive propaganda" mentioned in article 7 of the Statute. What exactly was meant by that? Did a person who criticized the Government not risk being considered guilty of subversive propaganda? And was that not contrary to the provisions of article 19 of the Covenant? As to article 279 of the Penal Code, he wondered whether it was true that under the provisions of that article a person who had inadvertently published or spread a false report could be sentenced to imprisonment for one to six years.

33. Turning to article 21, he pointed out that the information provided did not reflect the present situation in Colombia and asked whether the right embodied in that article had not in fact been completely nullified.

34. As regards article 27, like Mr. Bouziri, he was astonished that the Indians were not considered to be a minority. Had they the right to organize themselves as they wished, or did the Government impose upon them certain forms of association? Finally, if there was any truth in the rumours that 45 Indian members of a regional council had been killed during the last eight years, how could such facts be reconciled with the duty of every Government to protect the life of its citizens in accordance with article 6 of the Covenant?

35. Mr. TARNOPOLSKY recalled that Colombia had signed the Optional Protocol, which was the best proof that it could give of its intention to ensure respect for human rights. He noted, however, that the provisions of article 4 of the Covenant had not been respected. In fact, the state of siege had been proclaimed some months after the entry into force of the Covenant and the first notification of the fact was that contained in the present report. However, under the terms of article 4, paragraph 3, the Colombian Government was obliged to give notice of the provisions from which it had derogated and of the reasons by which it had been actuated. Moreover, all derogations must be reported, and an explanation given as to why they had been deemed necessary.

36. Contemplating a time when the situation in Colombia would have returned to normal, and after noting that the provisions of article 7 appeared to be fully respected, he asked what should be understood by the penalty of rigorous imprisonment mentioned several times on page 9 of the report. Further, he would like to know under what conditions the penalty of solitary confinement could be applied.

37. As regards article 9, the report stated that persons suspected of attempting to disturb the public peace could be arrested and held in detention: he inquired who decided on such matters and how far preventive detention could be justified in peacetime. The same question came to mind in connexion with article 14. It appeared from the report that even in time of peace the exercise of a special type of jurisdiction, namely, military criminal jurisdiction, was possible, and he asked whether that was not contrary to the provisions of article 14 of the Covenant. He was also surprised to read, in article 434 of the Code of Criminal Procedure mentioned on page 27 of the report, that the person under arrest could be held incommunicado, as that appeared to him incompatible with subparagraphs (b) and (c) of article 14, paragraph 3, and with paragraph 2 of article 9. As regards the last sentence of article 636 of the Code of Criminal Procedure, set out on page 30 of the report, he inquired what was the reason for prohibiting juveniles from attending the hearing of their cases.

38. The provisions of article 591 of the Code of Criminal Procedure seemed to him entirely praiseworthy, but he would like to see, from specific examples, how far they had been applied in practice.

39. In connexion with article 19 of the Covenant (pp.40 et seq.), he noted that articles 9 and 19 of Act No. 29 of 1944 used the term "entity", and inquired what meaning was given to that word in practice and, more particularly, if it could be applied to the Government and to other public institutions.

40. Under the same heading, article 149 of the Penal Code concerned incitement to "sedition". He would like to learn the precise meaning given to that word and to know whether "sedition" went further than instigation to violence and if it included the fact of envisaging the possibility of a change of government.

41. As regards article 21 (pp.44-45), he would like to know what type of assembly was prohibited by article 46 of the Constitution.

42. Turning to article 25 (pp.62 et seq.), he noted on page 5 of the report the statement that the Colombian State respected the rights recognized in the Covenant and ensured that they were enjoyed in its territory "without any discrimination". However, article 94 of the Constitution specified that it was necessary to be "a Colombian by birth" to be elected as senator, article 115 imposed the same condition for the President of the Republic and articles 150 and 139 likewise imposed it for being a judge of the Supreme Court of Justice and for election as a State councillor. Such provisions appeared to contradict articles 2 and 25 of the Covenant, while at the same time article 8 of the Constitution (p.61) provided for the possibility of acquiring Colombian nationality by adoption. It would seem, then, that Colombians by adoption could not be candidates for certain public offices, contrary to the provisions of the articles of the Covenant to which he had referred.

43. Further, according to the penultimate paragraph on page 62 of the report, citizens who had been sentenced to imprisonment could not be elected to the Senate, except "in the case of persons convicted of political offences". That was the first time he had seen a reference to political offences. He wondered if it could be deduced from that expression that Colombian law contained certain provisions concerning political offences which were not mentioned in the report.

44. As regards article 26, the report stated that the equality of all persons before the law was a fundamental principle of Colombian law. However, article 26 of the Covenant was not confined to requiring the equality of all before the law; it provided also that everyone had the right, without discrimination, "to the equal protection of the law", and that "the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination". It thus required the Government to take positive measures to prevent any discrimination not only by the State but also by private individuals.

45. As for article 27, he could not understand why the "indigenous groups" mentioned in the report could not be regarded as an ethnic minority when Colombia itself recognized the distinct character of the Amerindians, the original inhabitants of the country, who appeared indeed to constitute a linguistic, ethnic and perhaps even religious minority. In that connexion, he would like to learn what was the situation as regards conflicts over land claims, and to what extent, under articles 1 and 27 of the Covenant, it might be possible for the Amerindians to claim self-determination and a status of nation separate from that of Colombia. Finally, he would like statistical information on the number of Amerindians receiving education up to university standard and on the medical services available to them.

46. Mr. KOULISHEV said that from reading the report and particularly the provisions of the Colombian Constitution, he had observed that Colombia had a very old democratic and legal tradition which completely justified the Committee in being exacting in its examination of the report. He hoped to receive some additional information on economic and social conditions in the country as a whole which would undoubtedly make it easier to understand the voluminous information provided by the State Party.

47. With regard to article 2 (p.5), he observed that the provisions of the Covenant had been incorporated into Colombian internal legislation only by virtue of a law, there being no provision to that effect in the Constitution. He would like to have more information on that point and to know exactly what was the relationship between



the Covenant on the one hand and the Constitution, laws and decrees on the other. He would also like to know which of the various texts prevailed over the others and whether the Courts could rule on the compatibility of laws and decrees with the country's international obligations and especially those flowing from the Covenant.

48. In that connexion, a general comment might be made which was relevant to all States Parties. There was a tendency to overestimate the merit of the direct introduction of the Covenant into a country's domestic legal system and to disregard the fact that some of the provisions of that instrument could not be applied directly, that they were not "self-executing" but, on the contrary, required the intervention of the legislator to institute the necessary penalties and procedures. That was the case in particular with articles 2 and 20 of the Covenant.

49. Furthermore, the existence of a state of siege in Colombia since October 1976 raised certain fundamental questions. He noted that according to pages 2 and 3 and page 7 of the report, all the rights referred to in article 4, paragraph 2, of the Covenant had not been suspended. He observed, however, that Colombia did not appear to have respected the provisions of paragraph 3 of that article, and he would like to have an explanation on that point. The many legal provisions relating to the state of siege, and especially those in the Constitution, suggested that Colombian legislation was particularly rich in that field. It would be interesting to know whether such measures had often been introduced in the course of the country's history since the Second World War, for it was legitimate to wonder whether that temporary state of affairs was not, in fact, being maintained longer than was necessary. Additional information on the laws reproduced in annex 3 would make it possible to estimate better the scope of the texts relating to the state of siege.

50. Furthermore, the information on pages 3 and 4 regarding available remedies did not give sufficient detail about the powers and functions of the administrative courts, and he would like to have some further information on that point.

51. With regard to article 3 (p.5), he was pleased to note the legislative changes which had been made in 1974 to improve the position of women and to establish equality between men and women in the sphere of civil and political rights. Nevertheless, he would like to know what the situation was in other closely related fields such as that of employment. He would like to have information on the participation of women in social and political life and in education in order to have a clearer idea of the part played by women in the life of the country. He would also like to know what effect marriage had on a woman's nationality and whether she could retain her nationality.

52. With regard to article 9 (pp.10 et seq.), he would like to have additional information on the nature and, if it was a sum of money, the amount, of the bail provided for in article 453 of the Code of Criminal Procedure, for the report was silent on that point.

53. With regard to article 14 (pp.22 et seq.), he had difficulty in understanding the reasons why article 636 of the Code of Criminal Procedure (p.30) stipulated that the juvenile should not attend the hearing of his case. It was doubtful whether that provision was in conformity with article 14, paragraph 3(b), of the Covenant, and he would like to have more detailed information on the subject. He would also like additional information on the country's judicial system and more particularly on how it functioned under the state of siege. He would like to know what areas of civil law were subject to the jurisdiction of the military courts.

54. With regard to article 20 (p.44), he observed that articles 129 and 132 of the Penal Code did not meet all the requirements of that provision of the Covenant.

55. With respect to article 27 (pp.6 et seq.), he noted the existence of a bill to confer special powers on the President of the Republic to accelerate the adoption of a "National Statute for the Indians". He wished to know whether the Bill was likely to be passed and whether the Indians had a legal status under the legislation in force.

56. In conclusion, he recalled that in his introduction the Colombian representative had referred to legal reforms under study which would put an end to the state of siege. He inquired what the scope of the reforms would be and whether they would be confined to the judicial system or would cover a wider sphere.

57. Mr. HANGA said that the Colombian representative's statement had given him a better understanding of the machinery whereby the provisions of the Covenant were applied to the life of the country. The first part of the report explained the interrelationship of the various legal texts, and stated that the Covenant was an integral part of Colombia's internal legislation. He would like to know whether its provisions had the status of ordinary laws or of constitutional provisions.

58. With regard to article 3 (pp. 5 - 6) he would like to know whether both men and women benefited from the application of the principle of "equal pay for equal work", and what part women played in the field of education.

59. Turning to article 6 (pp. 7-8), he noted that the country had abolished the death penalty and had introduced into its Penal Code various provisions for the punishment of homicide. He observed nevertheless that criminal law was not the only guarantee of the right to life and he inquired what measures had been taken to combat environmental pollution and to ensure the protection of workers against industrial accidents and what the responsibility of employers was in that connexion.

60. Referring to article 9 (pp. 10 et seq.), he asked whether a person who had been the victim of unlawful arrest or detention had the right to moral compensation and if so, of what kind.

61. With regard to article 10 (pp. 17 et seq.), he noted that a new prison code was being prepared and asked what principles the new legislation was to be based on, whether it would make provision for the social rehabilitation of prisoners and what provisions were in force regarding contacts between prisoners and the outside world and their counsel.

62. With regard to article 14 (pp. 22 et seq.), he inquired whether, in practice, future judges were required to meet certain conditions as to character.

63. Turning to article 18 (p. 40), he asked whether conscientious objection permitted under the law, and whether provision was made for an alternative form of service and, if so, of what sort. On the same topic, he had some doubts as to whether the text of article 53 of the Constitution was in conformity with the requirements of the Covenant.

64. With regard to article 19 (pp. 40 et seq.), he inquired whether the term "public peace" used in article 42 of the Constitution was in conformity with the provisions of subparagraphs (a) and (b) of paragraph 3 of article 19 and if it meant the same thing as the words "national security" used in subparagraph (b).

65. With regard to article 20 (p. 44), he noted that according to the report "propaganda for war and advocacy of national, racial or religious hatred ... are not known to occur in Colombia" and that they "have not attracted the special attention of the legislative bodies". However, at the beginning of the report it was stated that the Covenant formed an integral part of Colombian internal legislation and article 20 of that instrument expressly stipulated that "any propaganda for war shall be prohibited by law". That clearly meant that States Parties were obliged to enact laws prohibiting propaganda for war and any advocacy of national, racial or religious hatred.

66. Turning to article 21 (pp. 44 - 45), he asked what interpretation was given by the jurisprudence to the words "assembly that ... obstructs public thoroughfares" used in article 46 of the Constitution; in particular he would like to know whether they corresponded to the concept of "public safety" which appeared in article 21 of the Covenant.

67. With respect to article 22 (pp. 45 - 46) he wished to know whether it was possible for workers' trade unions to guarantee and to improve the economic conditions of their members, whether they took part in the negotiating of collective work contracts and what role the trade unions played before the courts or bodies competent to settle labour disputes.

68. With regard to article 24 (pp. 48 et seq.), he noted that family matters were regulated in a very detailed manner in Colombian legislation.

69. As to article 26 (p. 64), he noted that the equality of all persons before the law was a principle of Colombian law but he wondered nevertheless whether the provisions of title III of the Constitution corresponded exactly to the spirit of article 26 of the Covenant. Work appeared to be regarded as a duty whereas it was also regarded as a right nowadays. He would like to know what the position of the jurisprudence was on that point. He would also like some information on the exact legal significance of the concept of permanent public assemblies which appeared in article 47 of the Constitution.

70. Finally, with regard to article 27 (pp. 64 et seq.), he would like to know how the rights of indigenous groups were guaranteed and whether they participated in the country's political life in accordance with its long-standing democratic traditions.

The meeting rose at 6.05 p.m.