

**INTERNATIONAL
COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



Distr.
GENERAL

CCPR/C/SR.236
28 July 1980

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Tenth session

SUMMARY RECORD OF THE 236TH MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 24 July 1980, at 3 p.m.

Chairman:

Sir Vincent EVANS

CONTENTS

Consideration of reports submitted by States parties under article 40 of the
Covenant (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E-6108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.80-16354

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)

Costa Rica (continued) (CCPR/C/1/Add.46)

1. Mr. BOUZIRI said that the representative of Costa Rica had given some valuable geographical, economic, social and historical information about his country, which, with its stable democratic institutions, enjoyed an excellent reputation among its Latin American neighbours. He wondered whether the representative of Costa Rica could tell him why a country initially so poor, whose wealth seemed to have come entirely from the activity of its people, had been called Costa Rica.
2. In connexion with article 1 of the Covenant, it was stated in the report that Costa Rica regarded the right of self-determination of people as an indivisible right applicable to everyone. It might be thought surprising that a country which thus affirmed its belief in the fundamental right of self-determination and gave practical evidence of its democratic and anti-colonialist convictions should have its embassy in Israel, a colonialist country, at Jerusalem and not at Tel Aviv, when the United Nations in its resolution had always refused to consider Jerusalem the capital of Israel. He would also like to know the position of the Government of Costa Rica on the right of the Palestinian people to self-determination and to constitute an independent and sovereign State. He stressed that he was concerned only about the legal, not the political, aspects of the question.
3. Regarding article 2 (pages 2 and 3 of the report), he noted that article 7 of the Costa Rican Constitution provided that "international conventions approved by the Legislative Assembly shall prevail over the laws" and that the Covenant was thus automatically incorporated in the municipal legislation of the country.
4. Paragraph 2 of the same article of the Covenant obliged States parties to take the necessary steps to give effect to the rights recognized in the Covenant. On page 2 of its report, the Government of Costa Rica stated that since the ratification of the Covenant "many regulations have been issued to safeguard the rights in question". On that subject he felt very much the same concern as Mr. Prado Vallejo and would like to know whether the Costa Rican Government had taken all the necessary steps to ensure compliance with the provisions of the Covenant incorporated into its municipal legislation. He had some doubts on that point and, without going over the same ground as other members of the Committee, he pointed out that in connexion with article 20 of the Covenant (page 15 of the report) it was stated that "there is no express prohibition on propaganda for war; nevertheless, there are various penalties for public incitement to, or advocacy of a crime". He concluded from that that no legislative measure or regulation had been passed expressly penalizing violations of paragraph 1 of article 20 of the Covenant. That paragraph could therefore be regarded as inoperative even though it had been automatically incorporated in the country's municipal legislation. He would like to know what was the precise significance of incorporation of the provisions of the Covenant in Costa Rican legislation and what steps were taken to give wide publicity to the Covenant; publication of the text in the Official Gazette did not seem to him a sufficiently effective way of bringing the contents of the Covenant to the knowledge of the inhabitants. Nevertheless, Costa Rica had given real evidence of courage and determination in the struggle for human rights by ratifying the Optional Protocol to the Covenant.

5. In connexion with article 3 (page 4 of the report) on equality of the sexes, the presence of a woman in the Costa Rican delegation showed that equality between the sexes was a practical reality in the country. According to the report, article 371 of the Penal Code prescribed penalties for any person who applied any discriminatory measure based on considerations of sex. He would like to know whether in practice there was real equality between women's and men's salaries, since experience showed that employers, whether or not the country was developed, often applied unfavourable criteria to women, thus perpetuating a widespread insidious discrimination. He would also like to know whether in fact men were not in a more favourable position than women in the case of divorce.

6. He noted that article 1 of the Electoral Code provided that all Costa Rican nationals of either sex who fulfilled the required conditions were electors, but he would like to have confirmation that women were eligible. He would also like to know how many women were members of Parliament and what was the proportion of men employed in the administration or in the diplomatic service; whether a woman could be a minister, vice-president or even Head of State; whether all girls went to school at primary school age, what was the situation of Indian girls and whether there was also equality in secondary and higher education.

7. Regarding article 8 (pages 6 and 7) he drew attention to the provisions of articles 55 and 102 of the Penal Code concerning prison work and pointed out that, even though it was stated that "such work will be performed on the understanding that the offender agrees to do it", unpaid work of that kind, possibly for the profit of a private enterprise, would seem hard to reconcile with the provisions of the Covenant since it would certainly be difficult to establish proof of the prisoner's agreement.

8. On article 11 (page 8), article 38 of the Constitution, which said that "no one shall be imprisoned for debt", seemed both more protective and more restrictive than the provision of the Covenant, which excluded imprisonment merely on the ground of inability to fulfil any -- not necessarily a financial -- contractual obligation. He would like to know the general situation in Costa Rica in that respect.

9. He had the same doubts about article 12 (page 8) as those expressed by Mr. Tomuschat.

10. On article 18 (page 14), he noted that article 76 of the Political Constitution provided for freedom of worship, but he doubted whether article 25, which provided that no one should be forced to join any association, could be interpreted as necessarily guaranteeing freedom of religion and the right not to be compelled to belong to any particular religion.

11. By virtue of articles 11 and 194 of the Constitution civil servants were obliged to swear a religious oath. He would like to know what was the position of agnostic officials in that respect and what oath they took. The representative of Costa Rica had stated that 98 per cent of the people in his country were Catholics. The basis for that surprisingly precise figure should be specified.

12. Article 75 of the Constitution made the Catholic religion the State religion and thus seemed to confer a privilege on the Catholic Church; as Mr. Prado Vallejo had pointed out, that was perhaps not strictly in conformity with the Covenant. There was reason to doubt whether there was a real separation of Church and State in the case of an official State-aided church. He would like to know what form the State assistance to the Church took. The same article of the Constitution authorized other worship which was not opposed to universal morality and good customs.

The nature of morality was subjective; he doubted whether universal morality even existed. The wording was particularly vague and could open the door to many abuses.

13. Regarding article 24 (pages 17 and 18), he drew attention to the liberal nature of article 53 of the Constitution, which imposed the same obligations on parents in respect of children born in or out of wedlock. Protection seemed comprehensive and he would like to know whether in the case of inheritance the natural or adulterine child received the same share as his legitimate brothers or whether there was a difference in the proportion. He also asked whether the penalty for adultery was the same for men and for women. Until recently in countries such as France women adulterers had invariably been sentenced to imprisonment, whereas men had not received the same sentence unless adultery had been committed in the conjugal home.

14. With regard to article 27, he noted that the report did not expressly mention the question of the Indian population, a problem which varied in the different Latin American countries. There were admittedly very few Indians in Costa Rica, accounting for only about 1 to 2 per cent of the population. Nevertheless, he would like to know whether they were subject to the same laws as all the other citizens or whether they had a separate legal status or legal personality; what education was provided for them and in what language; whether their own language was recognized by law for the purposes of teaching and whether teaching was given in their dialects or only in Spanish; what was the situation regarding their land and whether the legislative measures in force effectively prevented their land from passing into the hands of other persons. In that connexion, he cited the case of the China Kika Reserve, which the Indians had completely lost, and referred to a statement by the Comisión Nacional de Asuntos Indígenas (CONAI) according to which the Instituto de Tierras y Colonización (ITCO) had sold the land belonging to the Boroca Reserve to non-Indians in 1976 (Noticiario indigenista en America indígena, Volumen XXXV, No. 2, p.426, Publicación trimestrial del Instituto indigenista interamericano). While recognizing the great credit due to the Costa Rica Government for its efforts on behalf of the Indian communities, he would like to know what future was envisaged for those groups.

15. Mr. OPSAHL said that he too had appreciated the information given by the representative of Costa Rica on the general situation in that country, and in particular its commitment to the struggle for human rights. The report scrupulously respected the Committee's guidelines and seemed satisfactory both in form and in substance. The details given concerning articles 6, 7 and 8 were welcome and the replies to the questions put earlier by members on the specific application of the legislation described would supplement the Costa Rican representative's introductory statement in order to give the Committee a complete picture of the application of the Covenant in the country.

16. He had found the assertion that it was possible for a country to live without maintaining a permanent army particularly comforting.

17. He would like to know whether the report submitted to the Human Rights Committee by Costa Rica had been published and circulated among the population and if it had been the subject of public discussion and comment.

18. With regard to article 2 of the Covenant (page 2) he observed that in accordance with article 7 of the Constitution the provisions of the Covenant, as an international convention approved by the Legislative Assembly, were directly applicable and prevailed over national legislation, a situation which existed among few other States Parties. As Mr. Bouziri and Mr. Prado Vallejo had pointed out, however, such a radical legislative measure did not automatically ensure full and complete application of the Covenant in the internal legal order. He would like to know whether any official departments or university institutions had made a specific

study of the effects of the direct applicability of the Covenant, which seemed to have become a source of law for the Costa Rican courts, in the light of domestic legislation. He would also like to know if the Costa Rican courts had had occasion to interpret the Covenant and if there were cases in which its provisions had prevailed in practice over the provisions of domestic law.

19. Costa Rica was a party to the Optional Protocol to the Covenant but the Committee had not so far received any communications under the Protocol. He would like to be assured that that was so only because there had been no difficulty in applying the provisions of the Covenant. Another explanation might be connected with Costa Rica's participation in the inter-American machinery for the protection of human rights and he would like to know whether the provisions of article 7 of the Constitution were equally valid for regional and for universal instruments. He also asked whether the provisions of the Penal Code for penalties in the event of offences against the human rights established in the treaties signed by Costa Rica were frequently applied.

20. He noted with regret that the report made no mention of the provisions of article 5 of the Covenant and, in particular, of paragraph 2 of that article. He would like to be assured that the integration of the Covenant into the internal legislation, which gave the Covenant precedence over the earlier laws, had in no way, weakened, the protection of fundamental human rights in Costa Rica.

21. Turning to article 9 (page 7), and in particular paragraph 1 of the article, he asked what legislative or statutory measures and what procedures were applicable with regard to deprivation of liberty for purposes other than those of penal law: for example, psychiatric internment, placing of minors, detention of foreigners under expulsion orders, etc.

22. He noted that the report said very little about the position of Costa Rica with regard to article 13 (page 9). Article 19 of the Constitution laid down that aliens had the same rights and duties as Costa Ricans but the report added that there were exceptions and limitations established by the Constitution and by other laws. The existence of exceptions and limitations was obviously logical, in particular in the case of the right of an alien to remain in the national territory, but the report did not state whether there were any legislative provisions governing all those cases. It stated there was a law regulating extradition, but there were other ways of getting rid of an alien, for example by expelling him, and article 13 of the Covenant concerned expulsion and not extradition. He asked whether expulsion was a measure left wholly to the discretion of the executive power or if, as required under article 13, it was governed by a law. Lastly, he asked what safeguards there were in the event of extradition.

23. With regard to article 14, he noted that the judgement had to be read aloud to the public prosecutor and to the defendant and his counsel and set down in a written document. He asked whether judgements rendered were made public, as required by article 14 of the Covenant. Paragraph 2 of article 14 laid down that anyone charged with a criminal offence was presumed innocent until proved guilty according to law. He asked if that provision of the Covenant was applied in a limited fashion in Costa Rica, as the report seemed to indicate, and whether an accused who did not understand or speak the language of the country could have the free assistance of an interpreter (paragraph 3 (f)) even if he was found guilty.

24. Turning to article 17, he observed that there again, since the Covenant was directly applicable, it might be thought that the Costa Rican authorities protected the rights stated in that article. As, however, the report referred to article 190 of the Costa Rican Penal Code on unlawful eavesdropping and to article 205 of that Code on unlawful search and seizure, he wondered whether there were laws authorizing eavesdropping and search and seizure; for example, if the police were authorized to listen to telephone conversations or to carry out searches, and in what circumstances.

25. Article 22 of the Covenant gave wide protection to freedom of association, particularly trade union rights. The ILO had provided the Committee with information on that subject. In 1977 and 1980 an ILO committee of experts had submitted observations on the subject of Costa Rica concerning the application of two ILO Conventions. It had said in particular that the right to hold trade union meetings in plantations should be protected by law. It seemed that the Government had introduced a bill on that subject but it had not yet been adopted when the observations had been made. Apparently employers were putting obstacles in the way of workers' organizations. He asked what the current situation was.

26. Mr. HANGA said that the clear and comprehensive report submitted to the Committee enabled it better to understand the operation of the machinery by which the rights embodied in the Covenant were implemented. In addition, the historical outline given by the representative of Costa Rica made it easier to understand the structure of contemporary legal and political institutions in the country.

27. The first part of the report concerned the integration of the provisions of the Covenant into Costa Rican legislation, which would mean that the provision of the Covenant had the force of constitutional provisions. He asked if that was so. In spite of the integration of the provisions of the Covenant into national legislation, there were still a few gaps. For example, it was stated in the penultimate paragraph of page 11 that the Code of Criminal Procedure established some sentences against which there was no appeal. That was contrary to article 14, paragraph 5, of the Covenant. Similarly, as Mr. Bouziri had pointed out, article 20 of the Covenant was not covered by any specific provision. Of course, the Covenant was an integral part of Costa Rican legislation but there was no law prohibiting propaganda for war. Those examples were intended to show that there were still some areas in which the provisions of the Covenant were not specifically reflected in the domestic law of Costa Rica.

28. It was stated on page 1 of the report that approval of the Covenant had not necessitated the enactment of special legislation, owing to the fact that the majority of the principles set forth in it were already incorporated in the legal system and that, in addition, a number of regulations had come into force in order to supplement the provisions of the Covenant. That was very interesting and he asked in which areas the provisions going beyond those of the Covenant had been enacted.

29. Referring to page 4, concerning article 3, he asked whether Costa Rican legislation provided for assistance to mothers of large families.

30. With regard to article 16 (page 13), he noted that the report gave considerable information and he had only a small question of detail to ask. Civil status generally began at birth but it could also begin at conception and the child conceived was then presumed to be born whenever his interests were concerned. He asked whether in Costa Rica the legal personality began before birth and, if such was the case, what were the consequences, for example from the point of view of rights of inheritance, abortion, etc.

31. On pages 14 and 15, the report mentioned article 19 of the Covenant and quoted article 29 of the Constitution, which provided for certain restrictions on the right of expression. He would like to know whether those restrictions were the same as those envisaged in article 19, paragraph 3 (a) and (b).

32. With regard to article 22 (pages 15 and 16) he quoted article 56 of the Constitution, which seemed to him of considerable interest. The wording of the article was very modern. He asked what the economic and political role of the employers' unions and workers' unions were, what their relationship was and whether the Government had ratified the two ILO Conventions of 1948 on freedom of association and of 1949 on the right to organize and the right to collective bargaining.

33. With regard to article 23, referred to on pages 16 and 17 of the report, he quoted article 52 of the Constitution and asked how equality of the family was ensured by the matrimonial property régime.

34. The report provided a great deal of information on article 24. All he wished to know was whether a natural child could be recognized as a legitimate child at his or his mother's request, against the will of the father.

35. With regard to article 26 (page 19), the report quoted article 33 of the Constitution. He asked whether that general formula ensured the elimination of all types of discrimination covered by article 26.

36. Lastly, with regard to article 27 (pages 19 and 20), he would like to know whether the Covenant had been published and circulated in the languages of the national minorities and what administrative and political measures had been adopted to ensure the active participation of minorities in political affairs and in the political and social life of the country.

37. Mr. DIEYE said that the report submitted was a model of its kind, for it took up the various articles of the Covenant in order, comparing them with the actual juridical situation in the country, which was exactly what the Committee asked of States Parties submitting reports. There was nothing surprising about that since the report emanated from a country which had always been noted internationally for its consistent efforts on behalf of human rights. Costa Rica was proof of the fact that countries which had not yet achieved full development were capable of outstanding work in the human rights and other fields. The geopolitical situation of Costa Rica was no easy one, and not particularly favourable to human rights activities. The country had shown great determination in its firm stand on the human rights issue, and with that in mind he wondered whether it might not, perhaps, involve itself more closely in some of the conflicts affecting the region. Since the issue at stake was the defence of human rights, he hoped that, in spite of the major difficulties to which such a commitment might give rise, Costa Rica might, possibly, set an example by becoming the first Latin American country to make the declaration mentioned in article 41 of the Convention.

38. Turning to the report, he said that he had been struck by several facts. In the first place, as far as the judiciary was concerned, the report gave scarcely any details on the status of Costa Rican officers of the law. Reference was made to the independence of the judiciary, but with little in the way of explanation. It was stated that officers of the Supreme Court were elected and that the President of the Court had to be Costa Rican by birth. He would like to know whether the independence of officers of the law was the same at the Supreme Court level as for lower courts; what guarantees were accorded officers at all levels; what happened when a ruling was given against the State or such institutions as the Executive; and what specific steps the judiciary could take to ensure execution of its rulings.

39. With reference to homicide, the report stated that some forms involved aggravating circumstances, for example the assassination of important persons; he wondered what persons were considered important. Again, the report categorized attempted suicide as a major crime; he would like to know how a person could be prosecuted and sentenced for attempted suicide.

40. In relation to paragraph 1 of article 8 of the Convention, the report cited article 20 of the Political Constitution. He would like to know what was meant by the statement "and no one under the protection of the law can be a slave", in view of the fact that, as a general rule, all the inhabitants of Costa Rica were under the protection of the law and that no distinction was made between them.

41. On page 7, the report stated, with reference to paragraph 5 of article 9 of the Convention, that any victim of unlawful arrest or detention was entitled to compensation. Several different cases might arise in that connexion. Firstly, the arrest might take place in the course of a preliminary investigation, in which event, it would be the police who made the arrest. He wondered for how many days the police could hold a person they had arrested and whether the person concerned could, if the occasion arose, apply to the authorities for compensation. Secondly, he would like to know whether the person so arrested was brought before a magistrate and whether, in the event of the latter deciding to uphold the detention pending further inquiries, and eventually coming to the conclusion that the arrested person was innocent, he would thereupon be released. He asked whether such a person could apply for compensation when the magistrate had decided that there was no case against him, or whether he could only do so in the event of his detention extending up to the time of acquittal. Finally, if such a person was found guilty but was merely fined, would he be in a position to claim compensation in respect of his detention?

42. He would like to know whether the right of every person to legal aid came into operation from the outset of the preliminary investigation, since abuses were most frequent at the stage of police involvement.

43. With regard to children, who were all entitled to inherit, whether legitimate, natural or adulterine, he asked whether the provisions were applicable also to incestuous children and what share of the estate was allocated to each category.

44. He noted that, as far as the exercise of parental authority was concerned, equality between men and women was no empty boast in Costa Rica, but he would like to know whether the sharing of parental authority between husband and wife was strictly specified, and who, in the event of disagreement, had the final say. He asked whether provision was made in the interest of the family for recourse to a judge - which, in his view, was a step that should be taken only if the couple was on the verge of a break-up.

45. In conclusion, he urged Costa Rica to persist in aiming at full provision of human rights, and he welcomed the fact that there were countries, like Costa Rica and his own, which served as beacons in that regard.

46. Mr. JANCA said that, while he paid a tribute to the outstanding quality of the report and of its presentation by the representative of Costa Rica, the fact remained that it provided rather scant information about the legislative and other measures adopted to give effect to the rights recognized in the Convention. He would therefore be grateful for further details about the actual application of the provisions of the Convention, and for enlightenment on some of the matters mentioned in the report.

47. He was surprised that, even since the Covenant had entered into force, there were some sentences against which the Code of Criminal Procedure provided no appeal; that could lead to paradoxical situations. It might be supposed, for example, that a judge could be held responsible, under article 372 of the Penal Code, because he had strictly applied the Code of Criminal Procedure, unless it was open to him, as the representative of Costa Rica had implied - and that was a point which he would like to have confirmed - to resolve any contradiction between the Covenant and the provisions of domestic law in favour of the former.

48. With regard to article 2 of the Covenant, particularly paragraph 1, under which discrimination of any kind was prohibited, he noted that it was stated in article 76 of the Constitution of Costa Rica that the Roman Catholic and Apostolic religion was that of the State; he wondered whether that was, if not a cause of discrimination at least a ground for granting certain privileges to one group of individuals.

49. With reference to article 3 of the Covenant, he noted that the report of Costa Rica provided very full information on legislative and other measures to ensure equality of men and women in the enjoyment of all the rights set forth in the Covenant, but not on the progress achieved in the social emancipation of women in Costa Rica. It would, for example, be interesting to know how many women there were in public affairs and services; how many judges, physicians, University professors, etc. were women.

50. In the same context, he asked what rights a woman had in marriage. He wondered whether she could retain her maiden name; whether she had the same rights of inheritance as her husband; what were the grounds for divorce and, in the event of divorce, whether she was obliged to pay alimony to her husband if he was unable to provide for himself.

51. Turning to article 9 of the Covenant, he said that, in his view, the report was not sufficiently explicit on that matter. For example, it was not stated how long a person could be held in detention before being brought to trial. He would like to know also what were the guarantees for persons under arrest, mentioned in the third paragraph on page 7 of the report.

52. The same applied to article 13: the report did not state what guarantees were available to an alien threatened with expulsion. He wished to stress, however, that the part of the report dealing with the implementation of article 14 was as detailed as could be desired and, in particular, that it was frankly admitted, in connexion with paragraph 5, that there were sentences against which there was no appeal. There was another gap, however, in the last paragraph on page 10 of the report, where it was not stated whether or not the services of an interpreter were free.

53. In relation to article 19, he would be grateful for more detailed information on the meaning of article 86 of the Penal Code of Costa Rica, which regulated the publication of political propaganda by public printing services or periodicals which were not official organs of a particular political party. The same applied to restrictions on the exercise of the right of peaceful assembly and on freedom of association mentioned in the report.

54. With regard to article 25 of the Convention, he was somewhat astonished to read, in article 93 of the Constitution, that "voting is a primary and compulsory civic duty", since, in his view, the right to vote implied a right not to vote. He would be interested to know the attitude of the Costa Rican Government on that point.

55. Coming, as he did, from a country with many minorities, he had a special interest in article 27 and would like to know more about the identity and numerical size of the minorities in Costa Rica, about the way in which their cultural and language rights were safeguarded and about the guarantees for the representation of minorities mentioned in article 95 of the Political Constitution.

56. Mr. KOULISHEV thanked the representative of Costa Rica for his excellent introduction to an equally excellent report and noted that, without the amendment introduced to article 7 of the Constitution, it would not have been possible to understand the report as it stood. He welcomed the fact that the Government of Costa Rica had thought that it was not enough to incorporate the provisions of the Covenant into internal law but that it was also necessary to enact legislative provisions to ensure the full enjoyment of the rights acknowledged in the Covenant; he would appreciate it if the representative of Costa Rica could furnish a few examples in that regard.

57. He would have liked fuller information on the judicial system. Were there any administrative remedies, parallel to the judicial remedies? The equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant, in accordance with article 3 of the Covenant, was no doubt stated in article 33 of the Political Constitution and in other texts but he would like to have confirmation of the fact that the formula "Todo hombre es igual ..." was intended to cover women as well. He would like to know how that principle was applied in social, political and economic matters.

58. As far as article 4 was concerned, it was his understanding that a state of emergency had never been proclaimed in Costa Rica and he would like to have that confirmed. In addition, he noted that the report was silent on the question of remedies available to an alien threatened with expulsion and he would like to have precise information on that point. He would also like to know what were the sentences against which, as stated in the penultimate paragraph on page 11 of the report, there was no appeal.

59. Lastly, in connexion with article 27, he asked which were the minorities referred to in the report, what was their status, how their guarantees of representation were ensured and what possibilities were available to them to preserve their own culture and their language.

60. Mr. SADI paid a tribute to the Government of Costa Rica for its submission of a report of such high quality and, more especially, for carrying out the commitments it had undertaken in the matter of human rights, thus making of Costa Rica a model country in which the Human Rights Committee should perhaps, for that reason, consider meeting one day.

61. Since the provisions of the Covenant prevailed over those of the ordinary legislation of Costa Rica, he felt that there was no need to put any questions on that point. He was under the impression, however, that it was not the same in the case of the Constitution. Hence the few questions which followed.

62. In the first place, he would like to have some particulars about the duties of aliens, to which article 19 of the Political Constitution referred. Secondly, his understanding of paragraph 3 of article 1 of the Covenant, which specified that "The States parties ... shall promote the realization of the right of self-determination" was that the States parties were under an obligation to support all resolutions of the United Nations in favour of the right of oppressed peoples to self-determination and to help those peoples by means of concrete acts. He would like to know whether that was also the understanding of the representative of Costa Rica.

63. With regard to article 28 of the Constitution, concerning freedom of opinion, he was surprised to see that the right in question was not stated in positive terms as it was in the Covenant. Furthermore, he questioned whether the provision in that same article which debarred members of the clergy from carrying out political propaganda was consistent with the corresponding provisions of the Covenant. It also seemed to him that there might be a slight infringement of religious equality in the provisions of article 74 of the Constitution, which appeared to give a privileged place to Christian principles of social justice. He recognized, however, that if it was the wish of the majority to adopt a given religion as the State religion, then in accordance with the rules of democracy there was no infringement of the law.

64. Turning to article 29 of the Constitution, he asked what was to be understood by the term "abuse" in it. With reference to article 93 of the Constitution, he asked whether there was equality in the matter of voting rights in Costa Rica. He noted that in order to be elected deputy it was necessary to be Costa Rican by birth or to have possessed Costa Rican nationality for at least 10 years; he doubted whether that distinction was altogether consistent with the Covenant.

65. Mr. FREER-JIMENEZ (Costa Rica) said that he was overwhelmed by the words of praise concerning the report by Costa Rica, but also by the avalanche of questions to which it had given rise and which related to the most diverse subjects, such as constitutional law, international law, civil law, criminal law, criminal procedure and civil procedure. He was afraid that he was not able to answer all the questions for lack of the necessary legal knowledge. Accordingly, he asked whether the Committee might perhaps consider some method of transmitting the questions which he had not been able to answer to the Costa Rican experts who had been concerned in the preparation of the report and who were more competent than he to answer them.

66. The CHAIRMAN said that he understood the position of the Costa Rican representative and assured him that the Committee would be glad to hear any explanations he was in a position to give. Any questions which remained unanswered could certainly be transmitted subsequently to the Costa Rican experts who would be able to answer them.

The meeting rose at 6.15 p.m.

