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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-ninth session

SUMMARY RECORD OF THE 1161st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 August 1996, at 3 p.m.

Chairman: Mr. BANTON

CONTENTS

GE.96-17753 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Tenth to fourteenth periodic reports of India (CERD/C/299/Add.3)

1. At the invitation of the Chairman, the members of the Indian delegation took places at the Committee table.

2. Mrs. GHOSE (India) apologized for the fact that her country's report (CERD/C/299/Add.3) had been submitted 10 years late. As indicated in paragraph 2, that had basically been due to India's federal system and the fact that the concept of "race" was not an obvious one for Indians. In addition, the existing structures were no longer equal to the task of producing reports and her country was considering establishing a specific body to do so.

3. The report was brief, since India had chosen to reply to the questions which the members would raise after having read it rather than submit a lengthy report at the outset. That method had been chosen deliberately and could be dropped for the next report if the Committee wished.

4. India was a multiracial and multicultural society. Its population was much more aware of distinction of caste, religion and sex than racial differences. For that reason, race as a ground for discrimination had never been invoked before the Indian courts of law (report, para. 10). "Caste" denoted a social and class distinction (para. 6). The "Scheduled" Castes and Tribes referred to in some annexes of the Indian Constitution were among the economically underprivileged groups and the Constitution provided for positive discrimination measures to improve their economic situation and help them enter the mainstream of national life (para. 6). Those measures had been known to elicit hostility from other population groups, but India remained convinced that they were necessary and justified. Efforts had also focused on education, which was one of the means of eliminating prejudice.

5. A recently established National Human Rights Commission (para. 12) had done some excellent work in that area. The different States had been encouraged to establish such commissions and human rights courts and to focus attention on human rights education (in the military academies and police schools in particular).

6. The Government could not do everything by itself. The non-governmental organizations, which had developed impressively in recent years, were a valuable source of information and the cooperation that had begun between them and the authorities had proved to be valuable. India hoped to attain its objectives and it was certain that the Committee's suggestions and questions would help it to do so.

7. The CHAIRMAN thanked the Indian delegation and assured it that the Committee was aware that the preparation of numerous reports for treaty bodies was a burden for States parties. In view of that difficulty and the

restrictions on the secretariat, when considering reports, the Committee should indicate very precisely what information it wished the State party to provide in its next reports.

8. He took note with interest of the perplexity which the concept of "race" caused in India, whereas the drafters of the Convention had thought "race" was a transcultural concept for which equivalents existed in all languages. Despite that perplexity, the Convention was a valuable resource which should be used as advantageously as possible. The approach taken by the representative of India to the question of race was therefore helpful to the Committee.

9. Mr. RECHETOV (Country Rapporteur) said that the introduction of the representative of India reflected a critical and healthy approach to the situation in the country. The difficulties raised by the complexity of the concepts at issue, such as race and caste, should have no influence on either the reports' regularity or quality. The Committee had prepared guidelines for the preparation of reports, and it was entitled to expect States parties to comply with them.

10. Legislation alone could not solve all the problems, but since the caste system in India had repercussions on the lives of the public at large, changes in the existing structure needed to be speeded up. He welcomed the establishment of the National Human Rights Commission, which was performing a useful task. He would like additional information on the process of democratization, which was apparently being accompanied by acts of separatism and even terrorism in India. To be sure, India was the largest democracy in the world, but democracy and respect for human rights did not always go together.

11. Regrettably the report lacked demographic and social information such as that contained in the table in annex I of the preceding report (CERD/C/149/Add.11). Even if racial discrimination had never been invoked before the courts (para. 10), it was still true that part of the population was considered to be different, and that was important from the standpoint of the Convention. The Committee would like more details on the castes. According to its information, the members of certain lower castes might be denied access to springs when it would be necessary to share water with other communities - and water was a major problem in India - or access to restaurants or other public places. Children in rural schools were divided according to caste. The members of the lower castes were oppressed and made up the majority of the population in a state of servitude.

12. The Committee would also appreciate information on the known religious and linguistic minorities. India was a large country in which many languages and religions coexisted, usually successfully, despite the difficulties. The Committee could not subscribe to the allegation, which had often been heard, but disproved by history, that conflicts between Hinduism and Islam were inevitable. Over the centuries, the Muslims had made a valuable contribution to the construction of the country and it should be possible to eliminate dissension. With regard to Jammu and Kashmir, the information available spoke of persecution that had allegedly caused some Indian minority groups to flee to other regions. The Committee would welcome further information in that connection. It was true that the concept of "race" was vaguely delineated.

The Committee was interested in knowing how the mechanisms that guaranteed the protection of the human rights of everyone, without distinction, functioned in a given country. People whose rights had been violated should be able to defend themselves in the courts. On that point, the Committee would welcome details on the claim for monetary compensation for a human rights violation (para. 32). Acts by the armed forces were also considered to be very important from the standpoint of the Convention. According to his information, there had been a 1992 decision adding a paragraph to article 197 of the Code of Civil Procedure, to the effect that representatives of the armed forces were not held responsible for their acts. The Committee would appreciate information on that decision and, if possible, would like to hear that that provision would be changed.

13. Regarding the unrest in Jammu and Kashmir, he categorically reaffirmed that the Committee did not have the least intention of encouraging separatism. Similarly, the attempt to present the conflict taking place in the province as an exclusively religious one did not reflect the true situation. The troubles afflicting India were largely the result of human rights issues. The widespread violence in Jammu and Kashmir could be attributed to the fact that the regulation procedures were not respected when elections were held, and that encouraged fundamentalism and separatism. It was therefore of the utmost importance to restore democratic institutions in the province and guarantee the transparency of electoral processes through the presence of international observers. It was also extremely important to ensure that the educational system functioned smoothly, for, in situations like the one in Jammu and Kashmir, education could make a vital contribution.

14. Economic and social conditions were also not unrelated to India's problems. The figures spoke for themselves: 55 per cent of the Muslim population had an income under subsistence level and 40 per cent of that group was illiterate. In such a context, bodies like the National Commission on Minorities had an extremely important role to play.

15. As the Indian delegation had said in its oral introduction, the authorities placed high hopes in the work of the National Human Rights Commission. That organization helped to draw the authorities' attention to abuses committed by law enforcement bodies. On its initiative, moreover, the Supreme Court had adopted a number of decisions on compensation for the victims of human rights violations. The Commission was also busy drawing up complete lists of people reporting violations of their human rights by members of the security forces and the military. That organization, which dealt with the entire range of problems found in Indian society, unquestionably played a valuable role.

16. Mr. WOLFRUM said that, considering that the State party had not submitted a report for over eight years, it could have provided a more complete picture of the situation in the country. More detailed information would have improved the dialogue with the Committee. It should be noted, first, that the report stressed constitutional and legislative measures and contained little information on other types of measures that States parties were bound to account for under article 9 of the Convention. The Indian delegation had, however, provided some very useful information in its oral introduction.

17. The articles of the Constitution mentioned in paragraphs 10, 15 and 18 were fully in keeping with the principles of the Convention. Attention should be drawn to article 15 (2), which extended the prohibition against discrimination to relationships between individuals. That was a commendable measure which he would like to see come into general use. It would, however, be interesting to know how that provision was applied in daily life. Had specific cases already arisen, and who had the burden of proof when cases were brought before the courts?

18. Paragraph 20 of the report stated that under article 366 (2) of the Constitution, an Anglo-Indian was defined "as a person whose father or any of whose male progenitors in the male line is or was of European descent". Although he subscribed to the argument on which that statement was based, he wondered why an Anglo-Indian could not have a female ancestor, especially as there were many cases of Englishwomen marrying Indian men.

19. In enacting criminal legislation to prohibit racial discrimination, the State party had complied fully with the provisions of the Convention, but no information was given on the implementation of that legislation. It would be interesting to know what kinds of cases the courts had dealt with and what their decisions had been.

20. The interpretation of the term "descent" (Convention, art. 1) in paragraph 7 of the report was not acceptable. If "descent" was the equivalent of "race", it would not have been necessary to include both concepts in the Convention. The State party's position on the question could not fail to be of concern to the Committee.

21. He would also like to know whether the anti-terrorism legislation was applicable to the situation in the States of Jammu and Kashmir and Assam.

22. It would be interesting to know how the members of the castes were treated by individuals, since the authorities' attitude towards them was not a problem. How did the authorities, especially the police, react when members of a caste were prevented from taking water from a village well reserved for another caste or were victims of discrimination, for example in tea rooms or restaurants? According to some information, children belonging to certain castes were separated from the other children in schools in the rural areas. Did such practices actually take place and, if so, were they widespread or limited to certain regions?

23. Mr. VALENCIA RODRIGUEZ, referring to the comments in paragraphs 6 and 7 of the report noted that, although the concept of "scheduled castes and tribes" was not based on race, it did have an ethnic connotation and discrimination against members of that group was therefore within the purview of article 1 of the Convention. Castes and tribes were extremely important in Indian society and it would be appreciated if the delegation could provide more details on the question and, in particular, on the reasons for the persistence of that phenomenon, especially as India had long been a pillar of international efforts to eliminate racial discrimination. It had also been the first country, in 1946, to raise the problem of apartheid in the United Nations General Assembly.

24. In connection with article 2 of the Convention, he drew attention to article 15 of the Indian Constitution, which prohibited the State and individuals from making any distinction between citizens. The practical aspects of that provision were described in detail in the Indian Penal Code. For a better understanding of the scope of that principle, the Committee would like more details on how it was applied, especially to relations between individuals.

25. Article 366 of the Indian Constitution provided Anglo-Indians with privileges for a period originally not to exceed 10 years. It would be interesting to know whether they had since been eliminated. There were also many minority ethnic groups in India living under extremely difficult conditions and therefore in need of protection. He would like clarifications on their economic, social and cultural situation and the steps taken by the State to improve their living conditions.

26. The constitutional and legislative provisions mentioned in paragraphs 24 and 25 of the report were, to be sure, positive, but they were insufficient to meet the requirements of article 4 of the Convention. Much still needed to be done in that area.

27. With regard to article 5 of the Convention, the information provided by the State party was useful, but not detailed enough. The Committee needed much more precise information in order to make sure that there was in fact no discrimination on grounds of ethnic origin, race or nationality.

28. In connection with article 6 of the Convention, the report stressed the independence of the judiciary and the role of the High Courts, especially the Supreme Court, in cases involving the violation of rights guaranteed by the Convention, but gave no indication of the composition and functions of the people's courts. It would be interesting to know whether there was any overlapping between the people's courts and the ordinary courts.

29. With regard to paragraph 2 of the report, he noted that article 6 of the Convention firmly obliged States to take steps to assure just reparation to victims of acts of discrimination.

30. Concerning the implementation of the provisions of article 7, the various steps taken by the Indian authorities to strengthen tolerance and understanding among the different population groups were commendable, especially the changes in the school curricula and the activities organized by the Indian Council on Cultural Relations. Nevertheless, in a vast and highly populated country like India, which was a mosaic of cultures and languages, broader campaigns had to be conducted to make the public at large aware of the provisions of the Convention, so that victims of acts of discrimination should be familiar with their rights and know which domestic and international remedies were available to them.

31. Mr. de GOUTTES said that the information provided orally by the Indian delegation had fortunately supplemented a periodic report that was too brief for a large and complex country like India. In the general part of the report, he would have liked to see updated demographic information, details on the indicators of lack of social integration of the most disadvantaged groups and details on disappearances, executions and hostage-takings - reported by

numerous sources - occurring during clashes between the Government and armed political groups, especially in Kashmir, Punjab, Assam and other States in the northern part of the country. The section of the report containing an article-by-article analysis was unfortunately too theoretical and focused too much on the legal aspect.

32. Referring to what might be called India's great paradox, he said that, according to the report, on the one hand, Indian society was not ethnically homogeneous and, on the other, race as an issue did not impinge on the outlook of Indian citizens. In explanation of that contradiction, the State party noted in paragraph 6 of the report that "caste" denoted a social distinction and was not based on race, and that would make the provisions of article 2 of the Convention inapplicable. In his view, the problem was complex, but it was unacceptable to say that the serious discrimination against certain castes, especially the untouchables, was not within the Committee's competence.

33. The information on Indian criminal legislation contained in paragraphs 11 to 28 of the report did not help the Committee ascertain whether that legislation was in conformity with article 4 of the Convention. Any clarifications which the Indian delegation might provide would be welcome.

34. Paragraph 10 of the report stated that "race" as a ground for discrimination had never been invoked before the courts of law of India so far. Such a statement made him wonder whether citizens were informed of their rights and the remedies available and whether the lack of court cases was not due to the fact that the police and judicial authorities were not sufficiently attentive to that type of offence.

35. He would like to be given an assessment of the work of the National Human Rights Commission, the National Commission for Scheduled Castes and Scheduled Tribes and the National Commission on Minorities mentioned in paragraph 12 of the report.

36. It would also be interesting to know whether the Government intended to make the declaration provided for in article 14 of the Convention. That would be an extremely significant gesture.

37. The CHAIRMAN proposed that consideration of the periodic report of India should be suspended until the next meeting.

38. The Indian delegation withdrew.

Tenth to twelfth periodic reports of Malta (CERD/C/262/Add.4)

39. At the invitation of the Chairman, the members of the Maltese delegation took places at the Committee table.

40. Mr. QUINTANO (Malta), representing the Office of the Attorney-General of Malta, said that, since the submission of the last periodic reports, there had been no instances of racial intolerance or discrimination in the country, primarily because the population was both a limited one (approximately 370,000 people) and a homogeneous one with no traditional minorities. That homogeneity was strengthened by the nature of the Maltese language itself, which was a mixture of Arabic and European elements. Although recent

information about the make-up of the Maltese population by nationality was unavailable, there was an increasing number of foreign students in Malta. The children of refugees in Malta also had no difficulty in becoming integrated.

41. Despite the absence of racial tensions in Malta, legal remedies were available to anyone alleging discrimination on grounds of race, colour or origin. The Constitution prohibited discrimination and could be invoked before the courts. Access to the courts was easy and inexpensive and legal services were provided for people who could not afford them. If the judgement was in favour of the applicant, the laws challenged had to be amended in accordance with new article 242 of the Code of Organization and Civil Procedure and compensation was awarded. All those provisions were in line with articles 6 and 4 (c) of the Convention. Substantial damages had been awarded in cases of political discrimination, but he did not know of a single case of compensation for discrimination on the basis of race, origin or nationality. The European Convention on Human Rights had also been incorporated into Maltese legislation and could be invoked before the courts and applicants could seize the European bodies. Article 45 of the Constitution, which prohibited discrimination, was frequently invoked before the courts, but usually in cases involving discrimination on political or religious grounds. The 1932 Seditious Propaganda (Prohibition) Ordinance (para. 6), which had been amended 10 times, prohibited any incitement to racial hatred and established severe penalties for infringements of the law. Although no specific legislation on racial discrimination had been enacted, the exercise of the rights listed in article 5 of the Convention was enforced by the above-mentioned provisions. Mention should also be made of Act XXI of 1995 establishing the Office of the Ombudsman, mentioned in paragraph 9 of the report. The Ombudsman, who had extensive powers to ensure the protection of individuals against abuse of authority, had not received any complaints since his appointment.

42. It might be wondered why the Constitution contained such an extensive article prohibiting discrimination based on race, colour or origin when Malta had no problems in those areas. The answer lay in the history of the country: when Malta, a former British colony, had become independent in 1964, it had chosen to base its Constitution on the framework constitution being adopted by most of the former colonies, in order to anticipate any problems in the area of discrimination.

43. Steps had been taken to provide human rights education to the members of the police and help them to understand the need to treat all individuals equally. The courts were independent and impartial and judges were appointed virtually for life. They could only be removed by a two-thirds majority of the House, which was practically impossible to attain since there were two dominant forces in the political arena. No judge had been removed to date.

44. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that, although Malta's report was generally in keeping with the Committee's guidelines, it was somewhat lacking in detail. On substance, he welcomed the fact that there had been no incidents of racial discrimination in Malta and that a complex intercultural harmony prevailed in the country. Even if there were no significant ethnic minorities and the Maltese Government did not feel the need to adopt specific legislation, however, it should be stressed that no society

was immune to racial discrimination and that some prejudice, based on ancient traditions, persisted. Generally speaking, it would be interesting to know what progress had been made in the discussions on constitutional reform mentioned in paragraph 23 of the report.

45. Concerning the implementation of the Convention article by article, he reminded the Maltese authorities that, in signing the Convention, they had promised to enact special legislation to give effect to article 4 (a), (b) and (c), taking account of the principles embodied in the Universal Declaration of Human Rights and the rights provided for in article 5. The Seditious Propaganda (Prohibition) Ordinance (para. 6) was therefore not sufficient, especially as paragraph 10 of the report stressed that racial discrimination was widely unaccepted in Maltese society. The Committee therefore hoped that the next report would contain information on specific legislation enacted.

46. With regard to the implementation of article 5 of the Convention, paragraph 11 of the report stated that everyone in Malta was entitled to individual freedoms. If that was the case, why did article 44 of the Constitution explicitly guarantee the protection of freedom of movement to Maltese citizens only? Had there been cases where the freedom of movement of other persons had been restricted? More information was also needed on existing remedies for violations of that article of the Convention. Concerning article 45 of the Constitution, which prohibited discrimination on the ground of race and related more directly to the Convention, further information was also needed on any specific cases of discrimination. As to the remedies and reparation provided for in article 6 of the Convention, the report stated that individuals and groups had the possibility of recourse to the courts, the Constitutional Court, the European Court of Human Rights and the Human Rights Committee. To file a remedy with the Committee, however, a person first had to have turned to the European Court, in view of the reservation the Government had made when it had ratified the Optional Protocol. It would therefore be interesting to know how exactly Malta interpreted article 6 of the Convention and what legal or other effects derived from its interpretation. Might the Government consider withdrawing the reservation?

47. The report was also somewhat brief on the measures taken in the areas of education and training to combat racial prejudices, as required by article 7. It did say that social life was based on principles that fostered tolerance and that campaigns against the negative effects of racial discrimination had been undertaken in the media (paras. 18 and 10), but the Committee would like to know whether the Convention had been sufficiently published and distributed. On another matter, was the Maltese Government considering making the declaration under article 14 of the Convention, to the effect that it recognized the competence of the Committee to receive and consider communications from individuals?

48. With regard to the demographic composition of the country, the documentation provided by the delegation indicated that the number of naturalizations had increased. He would like to know which foreigners had become naturalized, what criteria governed the granting of naturalization and whether such criteria were applied without discrimination. The Committee had also been provided with a copy of an issue of Malta's Official Journal

containing the list of foreigners holding a work permit in November 1995. That was another case where it would be interesting to know the criteria used for issuing the permits.

49. Mr. GARVALOV said that the Maltese report raised a number of matters of principle. Even if Malta had an excellent record in combating racial discrimination, it could not claim to be completely immune to it. The Convention did not say that it applied only to States parties in which racial discrimination existed: the Convention made it compulsory for all States parties to take specific steps to give effect to the provisions of articles 2, 4 and 6, in particular. Again, it should be stressed that article 4 was binding.

50. The report was therefore interesting, but somewhat brief. For example, paragraph 5 said that it would be useless to repeat the diverging opinions of the Committee and the Maltese Government concerning the anti-discrimination legislation already described. In his view, however, there was no reason not to continue the discussion! Paragraph 6 was also somewhat ambiguous, stating that, although Maltese citizens were traditionally known for their acceptance of different cultures and ideologies, that did not automatically mean that all Maltese were persons "who could not be prejudiced".

51. With regard to paragraph 10, he found a contradiction between the fact that racial discrimination was unaccepted in Maltese society and the fact that the Government had deemed it necessary to undertake campaigns to mobilize public opinion about the negative effect of racial discrimination. He was convinced that campaigns were organized only when problems existed.

52. The establishment of an Ombudsman's office was an excellent initiative and he welcomed the fact that the work being done by the Ombudsman was provided for by law.

53. The same paragraph made it clear that Malta continued to believe that the measures provided for in article 4 of the Convention were not binding, despite the fact that the Committee had already clearly stated that they were. In that connection, he asked about the status of the Convention in domestic law and whether it could be invoked before the Maltese courts.

54. He had been very impressed by the information provided on the implementation of article 7. He wondered whether, in addition to the campaigns mentioned in article 10, human rights, in particular the provisions of the Convention, were taught in the schools.

55. Mr. de GOUTTES expressed appreciation for the information provided on the demographic and linguistic features of Malta. Another piece of information given, however, appeared to be somewhat questionable; like Mr. Valencia Rodriguez, he found it difficult to believe that there was no known racial discrimination on the island.

56. Malta had made an interpretative declaration on article 4 of the Convention, which the Committee had refuted as far back as March 1991, when it had considered Malta's eleventh periodic report. The twelfth periodic report stated that there were plans "in the near future" to enact specific legislation. That was good news, but he would like to know whether it would

come to fruition and, if so, whether the State party's reservation would then be withdrawn.

57. Paragraph 9 also stated that the Government was considering making the required declaration under article 14 of the Convention. Would that step be taken soon? Malta had already accepted the declaration laid down in article 25 of the European Convention on Human Rights and, if it were to make the declaration under article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, it would be joining the ranks of the countries that had chosen to make both declarations. The step would not be negligible, for the two Conventions were complementary. Malta had also accepted the principle of individual remedies being filed with the Human Rights Committee, provided that such remedies had not been submitted to the European Court of Human Rights. He wondered whether that restriction would also apply to remedies filed with the Committee on the Elimination of Racial Discrimination.

58. Mr. WOLFRUM said that he strongly opposed the statement in paragraph 5 that it was not necessary to enact legislation to combat racial discrimination since there was no racial discrimination in Malta. He endorsed Mr. Garvalov's comments that it was inaccurate to state that the Maltese population was homogeneous, since the presence of refugees in Malta, as mentioned in paragraph 19, refuted that statement.

59. The misunderstanding between Malta and the Committee with regard to article 4 of the Convention continued. Malta's interpretation that there was no point in enacting specific legislation, since there were no concerted attempts to promote racial hatred or divisions in the country, was far too restrictive.

60. With regard to the implementation of article 2, the discussion in paragraph 7 of the report was not sufficiently explicit. The status of the Convention in Maltese domestic legislation was not clearly defined; it was not indicated whether the Convention could be directly invoked before the Maltese courts and, if so, in which cases: disputes with the Government only or disputes between individuals. It also did not indicate whether the text of the Convention had been published, either in English or in Maltese. He expected replies to those questions, if not at the current session, at least in the following report, which he hoped would be submitted on time.

61. Mr. SHERIFIS, noting that Malta and the Committee held firmly to their respective positions on the interpretation of articles 4 and 6, said that the Committee would surely not change its opinion, but it was prepared to help the State party modify its point of view.

62. The members of the Committee, as a whole and individually, were also convinced of the need for making the declaration provided for in article 14 of

the Convention. At a time when Malta was preparing for negotiations to enter the European Union, it should join the many other European countries that had made that declaration.

63. He would also like to know whether Malta had decided to adopt the amendment to the Convention concerning the financing of the Committee.

64. Mr. YUTZIS said that the diverging opinions of Malta and the Committee, which persisted despite the fact that the dialogue was moving ahead in other areas, might be due to the island's colonial history, which caused it to view racial discrimination from a specific viewpoint. Like Mr. de Gouttes, he stressed the preventive and educational nature of the law, whose purpose was not only repressive. For that reason, he could not accept the argument put forward by Malta in paragraph 5 of the report that there was no need to enact specific legislation unless there was significant ethnic diversity within a society.

65. Considering that a number of people had sought refuge in Malta, it would be quite surprising for the Maltese not to feel threatened. They would certainly be an exceptional case if they did not. The statement that "After all, everyone is entitled to his opinions" in paragraph 6 of the report called for comment: the right of every citizen to an opinion should certainly be respected, but there were opinions and opinions; someone who publicly stated that "Jews belong to an inferior race" was committing a crime and it was not certain that the provisions on seditious propaganda were applicable to such a case. Article 4 of the Convention required much more explicit measures. The nearly unanimous interpretation of articles 4 and 2 of the Convention by the Committee should encourage Malta to put an end to the controversy and duly apply those articles.

66. Mr. QUINTANO (Malta) said that, for lack of time, he would reply to the questions at the following meeting, but would like to bring the question of the diverging opinions of the Committee and Malta into perspective. Regrettably, the members of the Committee had probably not seen article 45 of the Constitution in its entirety or been informed of how vigorously the courts interpreted it. That article protected most of the rights listed in article 5 of the Convention and could easily be referred to in the Constitutional Court by anyone who felt that his or her rights had been violated.

67. Maltese legal experts were at work on bringing Maltese legislation into conformity with European instruments.

The meeting rose at 6 p.m.