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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-second session

SUMMARY RECORD OF THE 1580th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 20 March 2003, at 3 p.m.

Chairman: Mr. DIACONU

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The meeting was called to order at 3.10 p.m.

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

Draft concluding observations concerning the thirteenth to sixteenth periodic reports of Ecuador (CERD/C/62/CO/4)

1. Mr. TANG Chengyuan (Country Rapporteur) said that the text had been drawn up taking into consideration the comments previously submitted to him by the Committee members, but that some had been received too late to be included. Mr. Herndl had said that he would introduce an amendment to paragraph 8.

2. The CHAIRMAN invited the Committee to consider the document paragraph by paragraph.

Paragraphs 1 and 2

3. Paragraphs 1 and 2 were adopted.

Paragraph 3

4. Mr. ABOUL-NASR said that the word “introduced” was unclear.

5. The CHAIRMAN suggested that the word “introduced” should be replaced by the word “adopted”.

6. Paragraph 3, as amended, was adopted.

Paragraph 4

7. Paragraph 4 was adopted.

Paragraph 5

8. Paragraph 5 was adopted.

Paragraph 6

9. Mr. ABOUL-NASR asked whether it would be more appropriate to refer to multilingual education rather than to bilingual education.

10. Mr. TANG Chengyuan (Country Rapporteur) said the State party itself had referred in its report to bilingual education.

11. Paragraph 6 was adopted.

Paragraph 7

12. Paragraph 7 was adopted.

Paragraph 8

13. Mr. ABOUL-NASR said that it was inappropriate to welcome an intention to ratify the amendment to article 8. Practically every country intended to ratify the amendment.

14. Mr. HERNDL proposed that the last part of the paragraph referring to United Nations General Assembly resolution 47/111 should be deleted and replaced by the following new sentence: “In this connection, the Committee refers to United Nations General Assembly resolution 57/194 of 18 December 2002, in which the General Assembly strongly urges States parties to accelerate their domestic ratification procedures.”

15. Mr. THORNBERRY proposed that the word “expressed” should be inserted before the word “intention”.

16. Paragraph 8, as amended, was adopted.

Paragraph 9

17. Mr. RESHETOV proposed that the word “sound” should be deleted.

18. The CHAIRMAN said that some criteria already existed, but were not considered the most appropriate to deal with the question. The word “sound” should be maintained.

19. Mr. THORNBERRY said that the State party’s approach was quite good. If standards based on self-identification were included, then the criteria for determining ethnic composition could of course become somewhat problematic.

20. Paragraph 9, as amended, was adopted.

Paragraph 10

21. Paragraph 10 was adopted.

Paragraph 11

22. Paragraph 11 was adopted with minor editorial changes.

Paragraph 12

23. Mr. YUTZIS proposed that the following text should be added after the word “uprisings”: “The Committee recommends that the State party should ensure that such acts are avoided and, in this connection, considers it appropriate to recommend that the State party should include ...”.

24. Mr. AMIR proposed that the word “basic” should be deleted.

25. Paragraph 12, as amended, was adopted.

Paragraph 13

26. Following a discussion in which Mr. SICILIANOS, the CHAIRMAN, Mr. TANG Chengyuan (Country Rapporteur), Mr. AMIR, Mr. de GOUTTES and Mr. RESHETOV took part, the CHAIRMAN suggested that paragraph 13 should be deleted.

27. It was so decided.

Paragraph 14

28. Mr. ABOUL-NASR said that the paragraph was too long and covered too many subjects.

29. Mr. THIAM, supported by Mr. SICILIANOS, proposed that the paragraph should be divided into two, with the second one starting with the words “The Committee urges the State party to intensify ...”.

30. Mr. THORNBERRY proposed that the words “based on economic and social disparities and prejudices within society” should be deleted.

31. Mr. PILLAI said that the length of the text should be reduced considerably so that it could be left as a single paragraph. The section referring to the Committee’s concerns could be deleted.

32. Mr. SICILIANOS said that such an approach would entail a loss of clarity, as the first part of paragraph 14 set out the Committee’s concerns and the second part consisted of the related recommendations.

33. The CHAIRMAN suggested that paragraph 14 should be divided into two paragraphs, as proposed, but left under the same paragraph number.

34. Paragraph 14, as amended, was adopted.

Paragraph 15

35. Mr. ABOUL-NASR said that education and literacy had already been covered in paragraph 14, which referred to the implementation of article 5 of the Convention. Paragraph 15 should therefore be deleted.

36. Mr. THIAM said that he did not agree that the paragraph should be deleted because the Committee was making a specific recommendation to the State party that it should not only increase the number of its teaching staff, but that it should increase the number of bilingual teachers as well. Those indications were not covered by article 5.

37. Mr. PILLAI said it was unclear whether the word “access” in the seventh line was what the Committee had intended or whether “coverage” would be better.
38. Mr. TANG Chengyuan (Country Rapporteur) said that both should be used.
39. Mr. THORNBERRY said it was not clear exactly what kind of data the Committee was requesting when it asked for information on the percentage of minorities who had access to the mass media. It was also not clear whether the Committee’s request for an increase in the number of teaching staff applied to the State as a whole or specifically to indigenous and Afro-Ecuadorian people.
40. The CHAIRMAN proposed that the Committee should ask for statistics on programmes broadcast in the country’s minority languages in the mass media, including television and radio. The end of paragraph 15 would therefore read “as well as on programmes in their own language in the mass media, including television and radio programmes”.
41. Mr. AMIR said that the references to the “high illiteracy rate” and “exposure to sexual abuse” were humiliating. The Committee’s role was to guide States parties, not to police them. He was also concerned that States parties might not have the means to comply with the Committee’s requests, which should therefore be formulated in a more cooperative and less demanding spirit.
42. Mr. THIAM, supported by Ms. JANUARY-BARDILL and Mr. de GOUTTES, said that it was important for the Committee to mention the illiteracy problem of the indigenous and Afro-Ecuadorian people in Ecuador. Education was one of the highest priorities in the fight against discrimination, yet States were often reluctant to allocate sufficient funds to it, preferring to spend more on defence and other budget items.
43. Mr. THORNBERRY said that increasing the number of general teaching staff was a goal for all States. A more focused request would be to ask the State party to increase the number of bilingual teaching staff.
44. Mr. YUTZIS suggested that the words “with regard to the high illiteracy rate” could be replaced by “with regard to the importance of the problem of illiteracy”.
45. Mr. THORNBERRY said that, in order to make education effective for indigenous populations, it was important for teaching staff to originate from within those communities.
46. The CHAIRMAN proposed that the text should read: “to increase the number of teaching personnel from among these communities”.
47. Mr. de GOUTTES said that that proposal might give the impression that the Committee was not interested in the State party increasing the number of bilingual teachers who were not from the minority communities.
48. The CHAIRMAN proposed that the text should read “the Committee recommends that the State party take measures to increase the number of bilingual teaching personnel, in particular from among these communities”.

49. Mr. ABOUL-NASR said that the Committee should be more modest in its approach. It should let the State party decide for itself how best to interpret its obligations under article 5 of the Convention regarding education. He was concerned that the State party might not have the means to implement the Committee's suggestions.

50. Mr. THORNBERRY said that the suggestion by the Chairman would actually represent less of a burden on the State party's budget than the text as it now stood.

51. Paragraph 15, as amended, was adopted.

Paragraph 16

52. Mr. ABOUL-NASR questioned how women belonging to ethnic minorities in Ecuador could participate in political life when many of them could not read or write.

53. Mr. TANG Chengyuan (Country Rapporteur) said it was true that many Afro-Ecuadorian women had a low social status, but that was what the recommendations contained in paragraph 16 were intended to correct.

54. The CHAIRMAN proposed that the second sentence should be deleted, as it was merely descriptive.

55. Paragraph 16, as amended, was adopted.

Paragraph 17

56. Paragraph 17 was adopted.

Paragraph 18

57. Mr. THORNBERRY said that that the word "mistrust" should be replaced by the words "lack of confidence".

58. Mr. PILLAI said the word "deeply" should be deleted.

59. Paragraph 18, as amended, was adopted.

Paragraph 19

60. Paragraph 19 was adopted.

Paragraph 20

61. Mr. THORNBERRY said that the word "system" should be replaced by the word "systems", as there was more than one indigenous judicial system in Ecuador.

62. Paragraph 20, as amended, was adopted.

Paragraph 21

63. Mr. PILLAI proposed that the words “reports of ” should be inserted after the words “The Committee is concerned at the”. The words “persistence of racial prejudices and stereotypes within Ecuadorian society, as exemplified by, inter alia, the” should be deleted.

64. Paragraph 21, as amended, was adopted.

Paragraphs 22 and 23

65. Paragraphs 22 and 23 were adopted.

Paragraph 24

66. The CHAIRMAN said that the Committee was requesting the State party to submit its seventeenth, eighteenth and nineteenth periodic reports in one document by January 2006. That appeared to be a reasonable deadline.

67. Mr. PILLAI noted that the sixteenth periodic report was dated 2000, but had actually not been submitted to the Committee until 2002. There would thus be only four years between the submission of Ecuador’s reports, not six.

68. Paragraph 24 was adopted.

69. The draft concluding observations concerning the thirteenth to sixteenth periodic reports of Ecuador as a whole, as amended, were adopted.

Draft concluding observations concerning the initial, second and third periodic reports of Saudi Arabia (CERD/C/62/CO/12)

Paragraphs 1 and 2

70. Paragraphs 1 and 2 were adopted.

Paragraph 3

71. Mr. THORNBERRY said the word “on” should be inserted before the words “what factors” in the last sentence.

72. Paragraph 3, as amended, was adopted.

Paragraph 4

73. Paragraph 4 was adopted.

Paragraph 5

74. Mr. THIAM said that the word “greater” should be replaced by the word “the”.

75. Paragraph 5 was adopted.

Paragraph 6

76. Mr. THORNBERRY said that the word “foreigner” should be replaced by the word “foreign”.

77. Paragraph 6, as amended, was adopted.

Paragraphs 7 and 8

78. Paragraphs 7 and 8 were adopted.

Paragraph 9

79. Mr. ABOUL-NASR said that he could not endorse paragraph 9, as States parties were entitled to make reservations under the Convention. However, he would not object to the adoption of the paragraph if the other Committee members held a different view. It would be preferable to give specific reasons why the State party’s reservation was not acceptable to the Committee.

80. The CHAIRMAN said that the wording of the paragraph was relatively mild, given some of the views of the Committee members.

81. Paragraph 9 was adopted.

Paragraph 10

82. Mr. ABOUL-NASR asked why paragraph 10 referred only to articles 2, 3 and 4 of the Convention.

83. The CHAIRMAN pointed out that articles 5 and 6 were mentioned in paragraph 11.

84. Mr. BOSSUYT (Country Rapporteur) said that, although articles 5 and 6 were mentioned in paragraph 11, he would not object if a reference to articles 5, 6 and 7 was added to paragraph 10.

85. The CHAIRMAN said that paragraph 10 should remain unchanged.

86. Paragraph 10 was adopted.

Paragraph 11

87. The CHAIRMAN said that the reference to article 4 should be deleted, as the article had already been mentioned in paragraph 10.

88. Mr. de GOUTTES and Mr. BOSSUYT (Country Rapporteur) said that paragraph 11 should not be amended because all of the articles, including article 4, were of direct relevance to its content.

89. Paragraph 11 was adopted.

Paragraphs 12 and 13

90. Paragraphs 12 and 13 were adopted.

Paragraph 14

91. The CHAIRMAN suggested that the words “and that a foreign man is unable to acquire Saudi nationality in the same manner as a foreign woman” should be deleted because they referred to gender discrimination, not to racial discrimination.

92. Mr. LINDGREN ALVES said that the Committee should discuss the issue, since it had been mentioned in the report.

93. The CHAIRMAN said that the Committee did not have to refer to everything mentioned in the report.

94. Mr. ABOUL-NASR said that paragraph 14 should be retained. A foreign national could have dual nationality. That would not be contrary to international law. Nationality should not be forced on a child. The child should be allowed to choose it when he turned a certain age. A problem would arise only if a woman was married to a foreign national who had no nationality. In such a case, the child would be deprived of a nationality. The words “who had no nationality” could be included after the words “foreign national”.

95. Mr. BOSSUYT (Country Rapporteur) said that, to his knowledge, no international law prohibited dual nationality. In the past, distinctions had often been made between men and women with regard to nationality issues. Generally speaking, however, that was no longer the case. Nowadays, both the mother and the father could transmit their nationality to their children. The Committee should be concerned with the issue because it related to foreigners. The distinctions made between men and women in Saudi Arabia were inadmissible because they undermined the principle of equality. The paragraph had been well formulated. There was nothing wrong with asking a State to consider amending the relevant legislation. The issue was not merely one of gender equality, but also one of distinctions between nationals and foreigners.

96. Ms. JANUARY-BARDILL said she agreed with Mr. Bossuyt that the words under consideration should not be deleted. While the question did not strictly come under the Convention, the Committee should comment on such unequal treatment.

97. The CHAIRMAN said that the matter was outside the framework of the Convention because the discrimination in question was based purely on gender.

98. Mr. BOSSUYT (Country Rapporteur) said that the Committee could not overlook discrimination against foreigners. Since an arbitrary distinction was being made between men and women who were foreigners, the issue related to the Convention.

99. Paragraph 14 was adopted.

Paragraph 15

100. Mr. YUTZIS said that the word “manner” was too general and should be replaced by the word “conditions”. People with other beliefs did not “manifest their beliefs” in the same way as Muslims.

101. The CHAIRMAN said he did not believe that there was a great difference between the two words.

102. Mr. THORNBERRY said that, if Mr. Yutzis’ suggestion was accepted, then the words “in the same manner” would have to be replaced by the words “under the same conditions”.

103. Mr. AMIR asked what was meant by the words “manifest their beliefs”. For example, could it be considered as a “manifestation of beliefs” if most women in a country wore a scarf, while a woman from a different ethnic group did not?

104. The CHAIRMAN said that the issue depended on the country and its traditions. Some countries even had disputes about the wearing of head scarves to school.

105. Mr. THIAM said that the Committee risked creating additional problems for Saudi Arabia. The State could adopt legislative measures, but, if it had given people of other religions permission to manifest their beliefs, could it control the reaction?

106. The CHAIRMAN said that the Committee was not asking the State to adopt measures, but merely to provide information.

107. Mr. YUTZIS said that paragraph 15 should be retained. Even though the Committee was not saying everything it wanted to say, the point was a valid one.

108. Mr. ABOUL-NASR said that, in many Muslim countries, even Muslims were not allowed to practise some of their beliefs if those beliefs were considered extremist. He suggested that the word “other” should be replaced by the word “some”. The words “under the same conditions as Muslims” should be deleted.

109. Mr. THORNBERRY suggested that the words “enjoy the right to” should be added before the word “manifest”. The Committee would thus be referring to international standards on the issue. International standards not only declared the right to belief as a basic freedom, but also included limitations on manifestations of that right.

110. Mr. THIAM said that he was concerned only about the ability of the State to fulfil its obligations. The Committee already knew the response of the delegation to the information contained in the paragraph. It was pointless to ask the State to do something which it would clearly refuse to do.

111. Ms. JANUARY-BARDILL and Mr. SICILIANOS said they believed that the term “beliefs” was too general and should be preceded by the word “religious”.

112. Mr. YUTZIS agreed that the term “religious beliefs” would be more appropriate. He disagreed with Mr. Thiam’s suggestion. Not allowing people to manifest their beliefs was a significant limitation. The Committee’s objective was to try to ensure that such a limitation would not be imposed and that people would be allowed publicly to manifest their beliefs.

113. The CHAIRMAN suggested that the words “of other” should be replaced by “belonging to some” and that the word “Muslims” should be replaced by the words “other groups”.

114. Mr. BOSSUYT (Country Rapporteur) said that the paragraph was “extremely kind” in its formulation and was not asking for too much. International law contained provisions which gave everyone the right to manifest his beliefs in any country. The Committee was merely noting that only one religion could be practised in Saudi Arabia and requesting information in that regard.

115. Mr. YUTZIS asked why it was a problem to refer to Muslims, in the same manner as reference would be made to any other religion. A State religion preventing minority religions from being practised was a phenomenon which had existed in a number of countries for a long time. In Saudi Arabia, the State religion was Islam and there was practically no difference between the State and the religion.

116. Mr. de GOUTTES suggested that the Committee could avoid referring to Muslims, but retain the word “other” in the first line.

117. Paragraph 15, as amended, was adopted.

Paragraph 16

118. Mr. PILLAI said that the words “given the high proportion (60 per cent) of migrant workers in Saudi Arabia” were unclear.

119. Mr. BOSSUYT (Country Rapporteur) proposed that those words should be replaced by the words “given that 60 per cent of the workforce in Saudi Arabia is composed of migrant workers”.

120. Mr. RESHETOV suggested that the word “workforce” should be replaced by the words “labour force”.

121. Paragraph 16, as amended, was adopted.

Paragraph 17

122. Mr. BOSSUYT (Country Rapporteur) suggested that the word “migrant” should be added before the word “women”.

123. The CHAIRMAN asked why no reference was made to migrant men.

124. Mr. BOSSUYT (Country Rapporteur) said that, according to the allegation made, migrant women suffered the most in their relations with their employers. To allow for the Chairman’s point, however, he suggested that the words “in particular” should be inserted after the word “situation”.

125. Paragraph 17, as amended, was adopted.

Paragraph 18

126. Mr. ABOUL-NASR asked whether the Committee had information which established that a disproportionate number of foreigners were facing the death penalty.

127. Mr. BOSSUYT (Country Rapporteur) said that it might be better to remove the word “allegedly” from its current place and insert it before the word “disproportionate”.

128. Mr. THORNBERRY suggested the following wording: “The Committee is concerned by allegations that a disproportionate number of foreigners are facing the death penalty”. The words “migrant workers being sentenced to death without any legal assistance” should be rephrased to read: “migrant workers who have not received any legal assistance being sentenced to death” in order to make the statement less ambiguous.

129. Paragraph 18, as amended, was adopted.

Paragraph 19

130. Mr. ABOUL-NASR said it was his impression that most countries were trying to introduce employment plans to favour the hiring of their own nationals. Was there any particular reason for expressing alarm about a “Saudization Plan”? Was the Committee of the view that the migrant workers, who made up 60 per cent of the working population, should all be allowed to remain in Saudi Arabia?

131. Mr. BOSSUYT (Country Rapporteur) said that there was nothing wrong with a country seeking to promote employment for its nationals. But it was somewhat unusual that there should be a plan under which millions of persons currently working in Saudi Arabia would be forced to leave the country in a short space of time. In other countries with large numbers of migrant workers, such persons were allowed to settle there after a certain period.

132. Mr. ABOUL-NASR said that the Committee must bear in mind the situation in Saudi Arabia. Of the millions who went on the pilgrimage every year, many did not leave, but stayed in the country illegally. They could not be accepted as legal migrant workers.

133. Mr. THIAM said that it would be difficult to tell Saudi Arabia that it could not promote a Saudization process. Paragraph 19 as it stood seemed to be saying that the Government did not have the right to “Saudize” the workforce. A more flexible wording must be found in which the Committee asked the Government to ensure that the Saudization Plan took account of the rights of migrant workers.

134. Mr. BOSSUYT (Country Rapporteur), replying to a comment by Mr. Aboul-Nasr, said that undocumented aliens were not at issue. Every country had the right to remove such persons from its territory. Paragraph 19 had to do with the millions of legal migrant workers who had been told that their contracts would not be renewed. Migrant workers who had resided in a country acquired a right of residence after a certain number of years even if they lost their employment. That did not seem to be the case in Saudi Arabia.

135. Mr. AMIR pointed out that migrant workers did not sign contracts with the State, but with private companies.

136. Ms. JANUARY-BARDILL proposed that the words “which could imply that the contract of millions of migrant workers would not be renewed”, which were too speculative, should be replaced by the words “and particularly on the implications of the Plan for migrant workers”. Once it had more information, the Committee could make additional recommendations.

137. Paragraph 19, as amended, was adopted.

Paragraph 20

138. Mr. RESHETOV suggested that the word “non-nationals” should be replaced by the word “non-citizens”.

139. Paragraph 20, as amended, was adopted.

Paragraph 21

140. Mr. ABOUL-NASR suggested that the word “permanent” should be deleted.

141. Paragraph 21, as amended, was adopted.

Paragraphs 22 to 27

142. Paragraphs 22 to 27 were adopted.

143. The draft concluding observations concerning the initial, second and third periodic reports of Saudi Arabia as a whole, as amended, were adopted subject to minor drafting changes.

Draft concluding observations concerning the fifteenth to seventeenth periodic reports of the Russian Federation (CERD/C/62/CO/11)

Paragraphs 1 to 8

144. Paragraphs 1 to 8 were adopted.

Paragraph 9

145. Mr. THORNBERRY (Country Rapporteur) suggested that the words “displaced Chechens” should be replaced by the words “displaced persons from Chechnya”.

146. Paragraph 9, as amended, was adopted.

Paragraphs 10 and 11

147. Paragraphs 10 and 11 were adopted.

Paragraph 12

148. The CHAIRMAN asked whether, under the Law on the Legal Status of Foreign Citizens, the persons referred to in paragraph 12 were considered to be illegal migrants or foreigners, which were not the same thing.

149. Mr. THORNBERRY (Country Rapporteur) said that the term was used both for those who had been in the territory of the Russian Federation and for foreigners; that was precisely the problem. Illegal migrants were put in the same category as foreigners, as though they had suddenly arrived. That seemed to affect some ethnic groups more than others and was not simply a question of legislation.

150. The CHAIRMAN asked Mr. Reshetov whether such persons were considered illegal migrants or foreigners.

151. Mr. RESHETOV said that they were regarded as illegal migrants. Although in principle he was not taking part in the discussion on the Russian Federation, he explained that the situation of such persons, whose status had not been regularized, was based not so much on the Law on the Legal Status of Foreign Citizens, as on the new Law on Citizenship, which had been introduced in 2002. It was the Law on Citizenship which had caused all the trouble and it therefore ought to be mentioned before the Law on the Legal Status of Foreign Citizens.

152. Mr. THORNBERRY (Country Rapporteur) said that in actual fact, the problem was caused by the two laws. Difficulties had also arisen from requirements under the new Law on Citizenship, such as fluency in the Russian language, which compounded the problem. He therefore agreed that both laws must be mentioned.

153. Paragraph 12, as amended, was adopted.

Paragraph 13

154. Paragraph 13 was adopted.

Paragraph 14

155. The CHAIRMAN said that, as he understood paragraph 14, the point was that the residence registration system was applied differently in different parts of the country and applied in a discriminatory manner in some regions. He requested Mr. Reshetov to confirm that point.

156. Mr. RESHETOV said the residence registration system had been applied only in the largest cities, but not smaller towns or in rural areas. It would thus be better to delete the words “throughout the Russian Federation” and insert the word “strictly” before the word “applied” in the last line.

157. Paragraph 14, as amended, was adopted.

Paragraph 15

158. Mr. BOSSUYT, referring to the second sentence in paragraph 15, said that it was not for the Committee to say who was entitled to citizenship under Russian law. He therefore suggested that the second sentence should be deleted, apart from the words “who arrived in the Russian Federation in 1989-91”, which could then be inserted in the third sentence between the words “the Meskhetians in Krasnodar Krai” and the words “are given residence registration”.

159. Paragraph 15, as amended, was adopted.

Paragraph 16

160. Mr. HERNDL suggested that the words “which promote racial discrimination” in the tenth line should be deleted and that the word “such” should be added before the word “organizations”. The Cossack organizations were not primarily bodies that promoted racial discrimination, but were acting in a manner that the Committee must criticize.

161. The CHAIRMAN suggested that the words “against ethnic groups” should be added at the end of the last sentence.

162. Paragraph 16, as amended, was adopted.

The meeting rose at 6.05 p.m.