



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-third session

SUMMARY RECORD OF THE 1603rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 18 August 2003, at 10 a.m.

Chairman: Mr. DIACONU

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Sixteenth periodic report of Norway (continued) (CERD/C/430/Add.2; HRI/CORE/1/Add.6)

1. At the invitation of the Chairman, the members of the delegation of Norway resumed their places at the Committee table.
2. Mr. WILLE (Norway), replying to questions by Committee members, said that the relationship between Norwegian law and international instruments was governed by the dualist principle, although Norwegian law was always presumed to be in accordance with international law. The Committee appointed to consider how legal protection against ethnic discrimination could be strengthened had however proposed that the Convention be incorporated into Norwegian law through an amendment to the Human Rights Act of 1999, which had already incorporated the European Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights into Norwegian law. As a consequence, those instruments had force of law and, according to section 3 of the Act, took precedence over any conflicting domestic legislation. The Government was currently considering the Committee's proposal and a decision was expected early in 2004.
3. The Finnmark Act, a new bill relating to land and water rights in Finnmark, was under review by Parliament. Its provisions had been drafted following consultations with appropriate bodies, including the Sami Parliament. Its purpose was to protect the natural resource base of Sami culture and to promote positive development based on sustainable utilization of resources. The Act did not interfere with established rights and respected international norms regarding indigenous peoples and minorities.
4. Since Sami people and Norwegians lived side by side in Finnmark, however, the Sami's interests had to be balanced against those of the rest of the population and the Act therefore created an administrative arrangement based on the principle of equal rights without distinction based on ethnicity, in order to encourage cooperation among all ethnic groups. To that end, a landowner body, the Finnmark Estate, would be established as a separate legal entity to own and manage land and natural resources on behalf of all the inhabitants of Finnmark. The Estate would have responsibility for all land currently owned by the State, approximately 95 per cent of the Finnmark land area.
5. The Finnmark Estate would be an independent body governed by a seven-member board, including three members elected by the Finnmark County Council, three members elected by the Sami Parliament, all of whom must be residents of Finnmark, and one State-appointed board member with no right to vote, whose primary function would be to ensure dialogue between the Estate and the central Government. The latter would reserve the right to expropriate land for public purposes without compensation. Section 3 of the Act stated that it must be implemented in accordance with the provisions of international law relating to indigenous peoples and minorities, including, with regard to land and water rights, article 14 of International Labour

Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and article 27 of the International Covenant on Civil and Political Rights. In accordance with the recommendation of a parliamentary committee reviewing the bill, the Government would appoint two independent experts to assess the compatibility of the Act with international obligations.

6. The Sami people had not been included in the list of national minorities covered by the Council of Europe's Framework Convention for the Protection of National Minorities at the request of the Sami people themselves, who believed that as indigenous peoples they had stronger rights under other international instruments, such as ILO Convention No. 169.

7. Regarding the question of statistics, he said that accurate information on the size of the Sami population and other minorities was not available because ethnic origin was not recorded in censuses for reasons of privacy. The authorities nevertheless held regular consultations with minority groups and their organizations and were well informed about their views and demands.

8. He acknowledged that racism and discrimination existed in Norwegian society but said racist activities were rarely organized. The committee appointed to consider how legal protection against ethnic discrimination could be strengthened had reviewed the question of a ban on racist organizations and had decided that such a ban would not be effective, partly because the groups involved in racist activity were not formal organizations but loose networks, and partly because banning selected organizations would have the effect in practice of legalizing all others. The committee had therefore proposed the introduction of civil and criminal sanctions against organized racist activities and collective acts of discrimination, all forms of which would therefore be prohibited, regardless of whether the perpetrators belonged to a formal organization or not. Although he agreed that section 330 of the Penal Code presupposed that racist organizations could be prohibited, that provision itself could not be used to prohibit them.

9. His Government was currently considering tabling new legislation prohibiting ethnic discrimination early in 2004. He confirmed that the public authorities would not be exempted from the terms of that legislation. His Government took the view that Norway was a multi-ethnic and multicultural society and was in the process of drafting a report to Parliament on the challenges posed by a multicultural society. He also confirmed that Norway was not a party to the International Convention against Apartheid in Sports.

10. Turning to the issue of asylum-seekers and refugees, he said that rejections by the Directorate of Immigration could be appealed to the independent, quasi-judicial Immigration Appeals Board. Although the latter was attached to the Ministry of Local Government and Regional Development, that Ministry had no influence over its decisions. The Board dealt with issues such as asylum, family reunification, residence, work and settlement permits, rejections of entry, expulsions and visas. It had a staff of over 170, of whom 16 were Board Leaders qualified as magistrates; in addition, approximately 150 lay persons volunteered as ad hoc appeals board members. Some 15 non-governmental organizations had appointed members.

11. A Board Leader decided the procedure for dealing with each case, a decision which could not be appealed. Fairly clear-cut cases could be decided without a board hearing, either by a Board Leader alone or by the legal secretariat. In 2002, approximately 50 per cent of cases had

been decided in that way. In less clear-cut cases, board hearings could be held with or without the presence of the appellant, depending on whether the relevant facts of the case were in dispute and whether it was believed the appellant could provide additional information. Hearings were chaired by a Board Leader assisted by two lay board members. The Board's legal secretariat prepared a file describing the case, the relevant legal framework and the central issues. The appellant, if present, could provide additional information or be questioned by the Board, while the appellant's lawyer or representative was given an opportunity to sum up the case. Decisions were taken by majority vote and could be appealed through the regular judicial system.

12. Rejected asylum-seekers that could not be returned were entitled to services and facilities under the Municipal Health Services Act; their children had the right to receive primary and lower secondary education and were entitled to services under the Child Welfare Act. Under certain conditions temporary work permits could be granted, although generally speaking rejected asylum-seekers who could return voluntarily were not granted temporary work permits.

13. The implementation of Security Council resolution 1373 (2001) had given rise to amendments to the Aliens Act concerning refusal of entry or expulsion on the grounds of involvement in terrorism. That did not, however, affect Norway's obligation regarding non-refoulement. In addition, expulsion could not be ordered if that measure constituted disproportionately severe punishment in relation to the seriousness of an offence.

14. The number of asylum-seekers had increased by approximately 75 per cent from 2000 to 2002 and Norway was one of the two or three countries in Europe which received the highest number of asylum requests. That had posed challenges, but in spite of media attention given to involvement by asylum-seekers and immigrants in serious crime, there were no indications of growing racism in Norway. On the contrary, there seemed to be a growing awareness of the need to combat discrimination and promote equal rights.

15. Religion had been made a compulsory subject in primary school in 1997. Following a review in 2001, Parliament had maintained the programme, as well as the right to partial exemption on the grounds of a pupil's personal religious or moral views.

16. Ms. UNSTAD (Norway), replying to further questions by Committee members, said that differences in income between immigrant groups could be explained by the fact that immigrants from Western Europe were often highly qualified and well paid specialists. With regard to the Plan of Action to Combat Racism and Discrimination (1998-2001), she said the Plan had clarified the concepts of racism and discrimination and increased awareness and coordination within the Government as well as civil society. Lessons learned from that Plan had been incorporated into the new Plan of Action for 2002-2006. Consultations had also been held with immigrant organizations, the Centre for Combating Ethnic Discrimination, labour and employer organizations and the municipal sector. A committee made up of representatives from non-governmental organizations, the Liaison Committee between Immigrants and the Authorities and various ministries had been established to follow up implementation of the Plan. At the committee's first meeting in April 2003 several ministries had presented proposals for implementation of the Plan and received comments and suggestions from non-governmental organizations and other participants. The priority anti-discrimination measures described in paragraph 26 of Norway's sixteenth periodic report had been implemented or incorporated into the new Plan of Action. The main areas of concern continued to be housing and labour.

17. It was difficult to monitor racism and discrimination and provide precise facts and figures about that subjective, complex and contextual issue. The adoption of targeted measures had, however, been facilitated by reports from the Centre for Combating Ethnic Discrimination, the Directorate of Immigration, non-governmental organizations and organizations representing ethnic minorities. Statistics were also available on the standard of living of the immigrant population and her Government was planning a new survey on the standard of living of immigrants. Despite efforts by the Directorate of Immigration, it was difficult to standardize the reporting of racist incidents and discrimination since different organizations had different reporting methods.

18. The Council for Judicial Education was prepared to provide training on multicultural issues to judges. However, due to a lack of interest only one such course had been held in Oslo to date. In order to address the problem of the shortage of qualified interpreters, her Government had allocated the equivalent of approximately 2.2 million United States dollars in order to train staff and to develop databases available to public services across the country. Standards to guarantee the quality of interpretation were being developed and measures were under way to test and accredit court interpreters.

19. With regard to the high unemployment rate amongst immigrants, in particular certain groups such as Africans, she said that low education levels, lack of knowledge of the Norwegian language and society as well as discrimination, were contributing factors. Current unemployment rates were 3.9 per cent for the general population and 9.8 per cent for immigrants. The latter were entitled to the same assistance and training as the general population and made up 16 per cent of all unemployed and 30 per cent of participants in labour market courses. Immigrants were also eligible for specific measures such as courses in Norwegian. The labour authorities had made immigrants a priority and had set a goal of finding employment for 60 per cent of immigrants; in the first quarter of 2003 that figure had been exceeded. The authorities encouraged employers to recruit immigrants and the newly adopted Act on an Introduction Programme for Newly Arrived Immigrants targeted asylum-seekers and individuals granted entry on humanitarian grounds. It required them to follow an individualized two-year programme to become familiar with Norway's society and language and prepare for the labour market or further education. Each participant would be provided with a benefit and her Government hoped that the programme would strengthen the position of women immigrants in particular in the labour market.

20. In order to combat discrimination in the housing market, the newly adopted legislation on housing, which would enter into force in 2004, included provisions which prohibited discrimination by both private and public landlords. The new Act Prohibiting Ethnic Discrimination, to be submitted to Parliament in early 2004, would also help fight discrimination in the housing market. With regard to the amendment to section 55 (a) of the Working Environment Act, which had been amended in July 2001 to strengthen protection against discrimination in employment, she said that to date there had been no court cases based on that amendment.

21. Regarding the initiatives taken by the Government to increase the participation of minority groups in elections, the Government's strategy for the upcoming local election was to publish brochures in several languages containing information on voting rights and on how to vote. Immigrant organizations and persons working with immigrants in municipalities and other agencies had been invited to order the brochures.

22. With regard to Norway's policy on immigrant labour, after a liberal period, restrictions on the immigration of labour into Norway had been introduced in 1975, although exceptions had been made for certain categories of highly skilled workers. An offer of employment was required before an application could be made and the granting of a work permit could become grounds for permanent residence in Norway after three years of continuous residence with a valid permit. Permits were also granted to other categories of workers, including seasonal workers, trainees, au pairs, and researchers. While the new regime governing immigrant labour had generally been maintained, numerous amendments to the regulations had been introduced, as a result of which the control of immigrant labour had gradually become more liberal. In Norway, refugees were defined as immigrants, since they had in effect migrated to the country. Unlike the rest of Europe, the population of Norway was not declining, but most of the small net increase was attributable to immigration.

23. The Government sought to combat racial discrimination at nightclubs, restaurants and bars through legislative and other measures. The 1997 Act relating to inns and catering establishments, for example, could be used to deny or revoke licences for repeated violations of the provisions of the Penal Code that prohibited such discrimination. Under the Act relating to the sale of alcoholic beverages, racial discrimination, while not in itself sufficient grounds for revocation of a licence, could be grounds for denial of an application. Under the new Plan of Action to Combat Racism and Racial Discrimination (2002-2006), the Government was preparing legislation to make discrimination a ground for the revocation of liquor licences.

24. Regarding the concept of race, there was no scientific basis to the idea that there were different races. Indeed, one important step in combating racism was to do away with the idea that human beings could be classified into different races, with not only different physical attributes but also different psychological and intellectual characteristics. Consequently, the concept of race had not been used in the new Plan of Action and would not be used in future acts or amendments.

25. Ms. SKARSTEIN (Norway), replying to the questions asked about police training, said that multicultural understanding and racism were among the topics included in the basic curriculum for all police students. The new Plan of Action also sought to promote greater awareness of minorities among police officers. Relatively few applicants to the Police Academy were from minority groups. During the period 2001-2003, a total of 240 students had been admitted, of that number, however, only 10, 4 and 7 in 2001, 2002 and 2003, respectively, had been from ethnic minorities.

26. With regard to oversight of the police practice of "stop and search", the Government had recently proposed to Parliament that money should be set aside for research into relations between the police and ethnic minorities and that a limited pilot project should be conducted, in

which a person stopped by the police would be issued a receipt that stated that he or she had been checked. It had also suggested that police uniforms should carry visible numbers to make it easier for the public to identify officers.

27. It was difficult to determine the reasons for the increase in 2001 in the number of reports made to the police about cases concerning violations of the provisions of the Penal Code that prohibited the dissemination of racist ideas. Increased confidence in the police, greater consciousness on the part of police officers about racism and the calls by anti-racist organizations for victims to report discrimination to the police were among the possible reasons. It should not be concluded, however, that the increased reporting was due to an increase in the level of racism in society.

28. Regarding the difference in the requirements for security clearance between the State and private sectors, his delegation did not have accurate information on security regulations in private enterprises. As in all countries, security clearance was required in order to fill certain positions in the State sector and it was generally difficult to find the necessary information about applicants who had lived in a number of different countries, irrespective of whether they were Norwegian- or foreign-born. Employers and employees could refer questions about security clearance to the National Security Authority.

29. The working group that had been established to consider the practice of the police and prosecuting authority in cases brought pursuant to sections 135 (a) and 349 (a) of the Penal Code had submitted its report in December 2002. The group had proposed a number of measures to improve the quality of work of the police and prosecutors, including training and organizational and administrative changes. It had also proposed that a checklist should be used during interrogations and in the work of prosecutors. The recommendations were being followed up by the Director-General of Public Prosecutions.

30. Concerning the Roma/Gypsies and Romani people/Travellers national minorities, her delegation had taken note of Mr. Amir's suggestion that more information should be provided on the living conditions of those ethnic groups under article 6 of the Convention. In the area of education, the Government recognized the need for flexible solutions to accommodate the educational needs of children from families that lived an itinerant lifestyle. The Ministry of Education had initiated a dialogue with Roma and Romani organizations to ascertain whether they were interested in special measures, such as distance teaching, while families were travelling. Although no concrete projects had been launched thus far, the national school data network currently under development would open up new possibilities for meeting the needs of children in itinerant families. At the request of one of the Romani organizations, the Ministry of Education was preparing a letter to inform local school authorities about the rights of pupils with special needs.

31. In response to the request for more information on the forced sterilization of Romani women, she recalled that the Sterilization Act had been passed in 1934. Research conducted in 2000 had concluded that 238 Romani women had been sterilized with the permission of the health authorities during the period from 1934 to 1977 and that 17 others had been unlawfully sterilized. A working group would shortly be completing its report on compensation for Romani women who had been forcibly sterilized and a new working group would consider all claims for compensation that the Government had received from different groups.

32. As to whether the Romani people/Travellers were returning to their former lifestyles following the abandonment of the policy of assimilation, there were many differences among that minority group in terms of level of education, living conditions, beliefs and lifestyles. The Norwegian Government respected the right of each individual to create his or her own identity and persons who belonged to a minority should have the right to decide whether or not they wanted to be treated as members of a national minority.

33. The Government was also aware of the treatment of Jewish and other minorities during the Second World War and had taken measures to reverse some of the effects of the abuses committed against such groups not only during but also before and after the Second World War. Those measures included financial support to the organizations of national minorities, the public dissemination of information on their history and current situation and the financing of museums. Parliament had also decided to allocate some 75 million Norwegian kroner to a fund for the Sami people as collective compensation for the damage and injustice done to them as a result of the former policy of assimilation.

34. Mr. HENRIKSEN (Norway), responding to the request for additional information on the rules governing the burden of proof in discrimination cases, said that under Norwegian civil law, the burden was on the complainant to prove that he had been a victim of discrimination. Since that was often difficult to prove, however, the Commission that had been established to examine how legal protection against ethnic discrimination could be strengthened had proposed that a rule on shared burden of proof should apply in civil cases, pursuant to the Act relating to ethnic discrimination. Under that rule, where circumstances indicated that discrimination had occurred, such discrimination would be regarded as having been proven unless the person who committed the act was able to prove that discrimination had not occurred. The Commission also proposed that a duty of disclosure should be imposed on employers alleged to have discriminated in the hiring of employees.

35. On the subject of racially motivated criminal offences, he recalled the tragic incidents of the 15-year-old African-Norwegian boy, who had been chased and stabbed to death by two neo-Nazis, and the 18-year-old Indian-born youth who had jumped to his death in a river to escape racial harassment and taunting from other local youths. In both cases, the perpetrators had been sentenced to terms of imprisonment and their appeals rejected. The Commission established to consider how legal protection against ethnic discrimination could be strengthened had proposed an extension to the scope of application of section 135 (a) of the Penal Code, which prescribed penalties for any person who “by any utterance or other communication made publicly or otherwise disseminated in public, threatens, insults, or subjects to hatred, persecution or contempt any person or group of persons because of their religion, race, culture, national or ethnic origin”.

36. While the authorities were concerned about the existence of neo-Nazi groups in Norway, the main problem was not racist groups spreading terror in the streets but the more subtle forms of everyday discrimination, including in the housing and labour markets. The Government had not introduced a ban on racist organizations, since such a ban could have the indirect effect of making informal racist networks appear lawful. Among the measures introduced by the

Government to combat the existence and activities of racist groups was the project "EXIT", which sought to induce young people with connections to such groups to break away from them and to promote their rehabilitation, including through relocation. Efforts to combat racism on the Internet had also been intensified, including through greater involvement by the police.

37. As to why only 25,000 people spoke the Sami language out of the much larger number of persons of Sami descent in Norway, he acknowledged that the harsh assimilation policy to which the Sami people had been subjected over a long period of time had put great pressures on their culture and language. Partly as a result of the policy of assimilation, many Sami received inadequate schooling and poorer health and legal services than the majority population. Many of them had also abandoned their language as a result of the policy of "Norwegianization". In recent decades, the views of the Norwegian authorities concerning the Sami people as indigenous people and their rights had changed considerably and the current policy towards them was founded on respect for human rights and cultural diversity.

38. Among the measures that had been taken to protect and promote the Sami language was a constitutional amendment that made it the responsibility of the State authorities to create enabling conditions for the Sami people to preserve and develop their language, culture and way of life. The Sami Act (1987) recognized that Sami and Norwegian were languages of equal worth and provided that legislation of particular interest to all or parts of the Sami population should be translated into Sami. It also guaranteed the right to use the Sami language in the legal system and in the health and welfare sectors.

39. While the Government's obligation to report on the issue of Sami self-determination fell under other international conventions, in a spirit of cooperation with the Committee, he wished to state that Norway acknowledged the Sami people's right to self-determination, which, however, was to be achieved within the framework of the existing State. The scope of that right must be identified through dialogue with the Sami Parliament and by taking into account international developments in the field.

40. On the question of military activities taking place in Sami reindeer herding areas, it was difficult to find flexible solutions where there was conflict between military training requirements and nomadic reindeer herding activities, which required huge grazing areas. Legal processes and out-of-court negotiations had been going on for years between the authorities and reindeer herding communities, although no final solutions had yet been reached.

41. Lastly, on the subject of oil and gas exploration and Sami rights, like all other projects and activities, such exploration had to be implemented in a way that respected existing rights and legal regimes, including Sami rights. A public debate was also taking place in Norway on whether the Sami people were entitled to a share of oil revenues.

42. Mr. de GOUTTES said that the issue of discrimination at restaurants, bars and similar establishments was seen as an important one by the Committee. He asked whether the Norwegian courts accepted the practice of "testing", which entailed sending a number of people of different ethnic origins to check whether an establishment barred entry on ethnic grounds. While the courts in some countries allowed the technique, in others it had been outlawed because it was regarded as provocative.

43. Mr. THORNBERRY said that, with reference to what had been said about the Sami people, it should be reiterated that while international law prohibited discrimination it did not forbid justifiable distinctions between ethnic groups.
44. While agreeing that international law was imprecise about how local administration should be restructured, he emphasized that the ethnic factor and the issue of indigenous self-determination had to be given due weight. Even if the Sami people preferred to be regarded as indigenous peoples, the provisions of the Council of Europe's Framework Convention for the Protection of National Minorities presumably still applied. The Advisory Committee on the Framework Convention had adopted that position.
45. It was not the case that self-determination was solely a matter for the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The Committee had issued two general recommendations - general recommendation XXI on the right to self-determination and general recommendation XXIII on the rights of indigenous peoples - which clearly linked the issue of self-determination with the Convention. In the latter recommendation, the Committee had called on States parties to "recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources".
46. Ms. JANUARY-BARDILL said that she found the Norwegian Government's decision not to recognize race as a category disturbing. She asked who was served by that decision, how that conclusion had been reached and how the Government interpreted the decision. She hoped that the next periodic report would include a detailed explanation of the position and the rationale behind it.
47. Mr. WILLE (Norway) said that it was up to individual courts to decide what proof was acceptable in their proceedings. There were no national rules prohibiting the use of the testing procedure described by Mr. de Gouttes.
48. He agreed with Mr. Thornberry that the ethnic factor should be given due weight in matters of local administration. That had been the Government's position when it had drafted legislation concerning the Sami people. The Norwegian Government also accepted that the provisions of international law on national minorities, alongside those on indigenous peoples, could still apply to the Sami if they so wished. The Committee's general recommendation XXI on self-determination had been taken into account by the Norwegian authorities.
49. He assured Ms. January-Bardill that the next periodic report would reflect any legislative changes concerning the question of race as a category. There was an ongoing debate in Norway but the authorities had adopted ethnicity as a category, rather than race, in response to the recommendations of the Committee itself and other international human rights bodies.
50. Mr. YUTZIS (Country Rapporteur), summing up, said that a wide variety of issues had been addressed in the answers given by the Norwegian delegation. Those answers would supply the Committee with useful material for continuing its dialogue with the State party. The periodic

report and the delegation's answers suggested that Norwegian society at large participated fully in the debate about ways of improving implementation of the Convention. Norway had achieved sustained progress in that respect and could be said to set an example to the international community.

51. There remained, however, a number of unresolved problems. In general, the incorporation of the Convention into Norwegian legislation needed to be completed. Resolving the conflicts concerning the use of Sami land, closely connected with the issue of self-determination, would require the adoption of affirmative measures. The authorities should do more to raise the quality and increase the number of court interpreters. The new anti-terrorist legislation was a cause for concern, despite the delegation's assurances that no cases had been brought before the Norwegian courts.

52. He welcomed the fact that the unresolved issues of religious education, and employment and housing for immigrants were being addressed by the Norwegian authorities. More should be done, however, to find out why Norwegian judges showed so little interest in receiving training in matters of racial discrimination. He also expressed concern at the fact that instruction in racial discrimination and application of the Convention was not compulsory for members of the police force. He agreed with Ms. January-Bardill that the question of definition according to race or ethnic origin was an extremely important one and welcomed the pledge to address it in the next periodic report. He welcomed the fact that the procedure of "testing" was not banned by law and asked for statistics regarding its use in cases concerning discrimination at restaurants and bars. Finally, he felt that more creative responses needed to be found to tackle the question of education for members of the Roma/Travellers community.

53. Mr. WILLE (Norway) said that the Committee's concluding observations would be conveyed to the many ministries involved in compiling the report. He looked forward to pursuing dialogue and cooperation with the Committee.

54. The delegation of Norway withdrew.

The meeting was suspended at 11.50 a.m. and resumed at 12.05 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

55. The CHAIRMAN drew attention to the draft letter to the Permanent Representative of Israel, which the Committee had already decided to send at an earlier meeting.

56. Mr. BOSSUYT, supported by Mr. ABOUL-NASR, suggested a minor drafting change.

57. The CHAIRMAN said he took it that the Committee agreed that he should send the letter, in its amended form.

58. It was so decided.

59. Mr. THORNBERRY said he wished to point out that there were some inaccuracies in a report on the Voice of America web site concerning the Committee's decision regarding Israel's temporary suspension order. He himself had been quoted as saying that "the suspension order of May 2002 [had] already adversely affected many families and marriages". That was not correct: he had deliberately confined his comments to technical and editorial matters. In addition, the report referred to the Convention as the "1969 International Convention on the Elimination of All Forms of Racial Discrimination", which was also incorrect.

60. The CHAIRMAN said that, in order to accommodate other bodies' session dates, the next session of the Committee had been scheduled to be held from 23 February to 12 March 2004.

61. Mr. ABOUL-NASR protested at what he saw as the disrespectful way in which the Committee was treated in general by the United Nations authorities. The Committee had always met in the month of March.

62. After a discussion in which Mr. SICILIANOS, Mr. de GOUTTES, Mr. KJAERUM, Mr. YUTZIS, Mr. LINDGREN ALVES, Mr. ABOUL-NASR and Mr. BOSSUYT took part, the CHAIRMAN suggested that the Committee should agree to the scheduled dates, but that it should also be made clear to the secretariat that in future the Committee's session should always be held in the month of March, as it had been in the past.

63. It was so decided.

64. Mr. ABOUL-NASR said the Convention clearly stated that the Committee's meetings should be held in New York, and he recalled that the Committee had taken a decision, at its fifty-sixth session, to hold its fifty-eighth session in New York. Yet it was still allowed to meet only in Geneva, and was even being asked to rearrange its meetings to suit others. He wondered why the Committee should be treated in such a way.

65. Mr. HERNDL suggested asking the States parties to raise the issue once again at the General Assembly. He would be prepared to draft such a request.

66. The CHAIRMAN wondered whether a new decision might in fact be needed.

67. Mr. LINDGREN ALVES said he himself had no particular interest in holding meetings in New York, but he agreed that a formal request or query should be made on the matter. He wondered why the Human Rights Committee, which had been established after the Committee on the Elimination of Racial Discrimination, should have priority in the matter of New York meetings.

68. Mr. SHAHI said that the real problem was that there was a lack of support in the General Assembly for committee meetings to be held in New York. He suggested that, at the forthcoming meeting with the States parties, the Chairman should ask representatives for a commitment to provide such support and instruct their delegations accordingly.

69. Mr. ABOUL-NASR said that, on the contrary, there was no real problem obtaining States parties' support; the problem was rather that the Secretariat inflated the financial implications of New York meetings. The Committee should insist that the Convention should be respected and that one session per year should be held in New York.

70. The CHAIRMAN said he took it that, if there was no objection, members of the Committee wished him to raise the issue with the States parties at the forthcoming meeting and request their support in the General Assembly and other relevant committees.

71. It was so decided.

72. The CHAIRMAN said he had been informed that no members of the Committee would be invited to participate in the meeting of the Intergovernmental Working Group on implementation of the 2001 World Conference against Racism, to be held in January 2004. He himself felt that was unacceptable, given that the meeting would be addressing the issue of complementary international standards to strengthen and update international instruments against racism. If Committee members agreed, he would write to the Anti-Discrimination Unit of the Office of the High Commissioner for Human Rights requesting that the Committee should be invited to send representatives.

73. It was so decided.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Draft concluding observations concerning the fifth periodic report of the Czech Republic (CERD/C/63/draftCO/4 (English only))

74. The CHAIRMAN invited the Committee to consider the draft concluding observations concerning the fifth periodic report of the Czech Republic paragraph by paragraph.

Paragraphs 1 to 3

75. Paragraphs 1 to 3 were adopted.

Paragraph 4

76. Mr. HERNDL, supported by Mr. ABOUL-NASR, suggested deleting the words "with appreciation". The amendment concerned all treaties, not only the Convention, and in any case appeared in the section entitled "Positive aspects".

77. Paragraph 4, as amended, was adopted.

Paragraph 5

78. Paragraph 5 was adopted.

Paragraph 6

79. Mr. HERNDL suggested replacing the word “numerous” with the words “a number of”.

80. Paragraph 6, as amended, was adopted.

Paragraph 7

81. Mr. HERNDL suggested deleting the word “numerous”.

82. Paragraph 7, as amended, was adopted.

Paragraph 8

83. Mr. ABOUL-NASR wondered whether such an expression of concern with regard to legislation did not contradict the positive comments made in paragraph 5.

84. Mr. SICILIANOS, speaking as Country Rapporteur, said paragraph 5 referred to legislation in general, whereas paragraph 8 referred to a specific item of legislation, which was encountering certain difficulties in its progress through Parliament.

85. Paragraph 8 was adopted.

Paragraph 9

86. Mr. THORNBERRY suggested replacing the words “concerned at continuing acts” with the words “concerned at the continuance of acts”; and the words “persistence of intolerance” with the words “the persistence of intolerance”.

87. Paragraph 9, as amended, was adopted.

Paragraph 10

88. Paragraph 10 was adopted.

Paragraph 11

89. Ms. JANUARY-BARDILL suggested, for the sake of consistency, replacing the word “numerous”, in the first subparagraph, with the word “many”.

90. Mr. THORNBERRY said the words “Ministry of Interior” in the second subparagraph should read “the Ministry of the Interior”.

91. Mr. PILLAI suggested replacing the words “on the number and nature of complaints received”, in the second subparagraph, with the words “on the number of complaints of a racial nature”.

92. Paragraph 11, as amended, was adopted.

Paragraph 12

93. Mr. SICILIANOS, replying as Country Rapporteur to a request for clarification from Mr. ABOUL-NASR concerning the words “other marginalized groups” in paragraph 12 and “the most vulnerable groups” in paragraph 13, said the Committee had been informed that there were 11 minority groups in the Czech Republic.

94. Paragraph 12 was adopted.

Paragraphs 13 to 21

95. Paragraphs 13 to 21 were adopted.

96. The CHAIRMAN said he took it that, if there was no objection, Committee members wished to adopt the concluding observations on the fifth periodic report of the Czech Republic as a whole, as amended.

97. It was so decided.

The meeting rose at 1 p.m.