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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Thirtieth session

PROVISIONAL SUMMARY RECORD OF THE 690th MEETING

held at the Palais des Nations, Geneva,
on Thursday, 16 August 1984 at 10 a.m.

Chairman:

Mr. SHERIFIS

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The meeting was called to order at 10.20 a.m.

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

Netherlands, sixth periodic report (CERD/C/106/Add.11) (continued)

Mr. ČIČANOVIĆ, welcoming the Netherlands representative, expressed his appreciation for the additional information he had provided and for the detailed description in the report of the measures taken to implement the Convention, particularly the important measures referred to in paragraph 2.

He wished to know whether any of the "remaining obstacles" referred to in paragraph 3 were more substantial than those mentioned in the introductory statement by the Netherlands representative.

He welcomed the frankness of the statement in paragraph 5 that there was growing intolerance by individuals in a multiracial and multinational society such as the Netherlands. It was a matter which warranted the Committee's full attention. He requested information on the results of the legislative measures concerning discriminatory behaviour by organizations, political groups or individuals described in previous periodic reports, and in particular how many, if any, organizations had been banned. He also wished to know whether there had been cases of discriminatory behaviour other than those described in paragraphs 73 to 75 and whether there were other examples of practical implementation of the measures adopted.

The fact that even the Constitution had been revised, as described in paragraph 10, was evidence of the Government's sincere and praiseworthy efforts to combat discrimination.

He welcomed the important measures described in paragraphs 15 to 19 to provide education for minorities and hoped they would be continued. He stressed the need for comprehensive educational programmes to prepare minorities for integration into the existing education system, taking special care to preserve the minority languages and culture. He asked whether such programmes were envisaged on a more comprehensive scale than the radio and other programmes mentioned in the Netherlands representative's introductory statement. He appreciated the frank admission in paragraph 15 that despite all legislative measures there was still discrimination in the hearts and minds of men and that it was sometimes difficult for victims of racial discrimination

to obtain redress. There had been a reference in the introductory statement to some kind of legal assistance, and he wished to know whether that was all the Government envisaged or whether any other measures were planned to protect the rights of victims of discrimination to obtain redress through the courts.

In conclusion, he expressed his appreciation for the Government's efforts both to fight racial discrimination and substantially to improve the status of minorities and migrant workers.

Mr. OBERG expressed his satisfaction with the comprehensive report of the Netherlands, especially for its candid admission of shortcomings. That applied, as Mr. Čičanović had pointed out, to paragraph 50, and also to paragraph 3, in which it was conceded that representatives of public authorities sometimes failed to do their duty. It was a situation not unique to the Netherlands and, while the Netherlands had done more than most governments to combat racial discrimination, its admission that much remained to be done was in stark contrast to reports by some other countries.

It was reported in paragraph 12 that the road seemed open to voting rights for non-nationals in municipal elections. In that connection, the figures given for the number of non-nationals seemed unexpectedly low, and he wished to know whether it was the result of widespread naturalization over the years.

He wished to know whether the statement in paragraph 7 that people had become more aware of discrimination was just the effect of information provided through the media, such as reports on individual cases, or the result of information activities by public or other authorities. Had studies been made in the Netherlands to ascertain how attitudes had developed? Had any steps been taken with a view to understanding relations between the various ethnic groups as well as between them and the Dutch population?

He requested information on whether the former system whereby permits for immigrant workers were tied to jobs was still in force and whether there was any provision for care of non-nationals who had lost their jobs and wished to remain in the Netherlands.

Referring to paragraph 20 of the report, he wished to know whether the Government had tried to ascertain the reasons for the 35 per cent unemployment rate among ethnic minorities, and whether it was the effect of ethnic discrimination in the labour market.

He asked whether the amended version of the article of the Criminal Code quoted in paragraph 77 meant that ethnic discrimination in the labour market was explicitly prohibited, and whether an employer would be punished if he showed reluctance to hire an immigrant worker.

Paragraph 50 seemed to show that possibilities of redress for victims of racial discrimination were limited. He would welcome an explanation on what possibilities did exist for an individual immigrant if he were denied employment on grounds of his immigrant status.

Lastly, he wished to inform the Committee that a report containing a comparative description of immigration and immigration policies in Sweden, the United Kingdom, the Netherlands, the Federal Republic of Germany, France and Switzerland was to be published later in the year by Cambridge University Press.

Mrs. SADIQ ALI, welcoming the frank and objective report said that while the positive achievements of the Netherlands in combating racial discrimination were not to be underestimated, the disturbing climate of racial discrimination reported for instance in paragraph 5 could not be viewed with equanimity and made it all the more imperative to implement more faithfully all the provisions of the Convention irrespective of ideological predilections.

Referring to the policy on minorities in section B of the report, she regretted that there was no appreciable change in the social and economic status of minority groups, which was borne out by the low level of literacy among minorities as implied in paragraph 16 of the report. She wished to know what the illiteracy rate was among ethnic minorities and in which groups it was highest. It would also be useful to know how per capita expenditure on the education of minority groups compared with that provided for Dutch children at the primary and secondary levels, and whether they were eligible to the same type of education.

The employment policies described in section B 2, especially specific measures to create work equitably for all categories of the population, were commendable, but it would be useful to have information about the employment pattern. In which sectors were the ethnic minorities predominantly employed? In addition, since the western class stratification made for mobility, it would be interesting to know whether minorities had opportunities for upward mobility in their jobs. Were there, for instance, any sectors in which minorities were now capable of competing on an equal footing with the Dutch or did they still fill jobs from which the Dutch had moved away?

Since inadequate or insufficient housing was known to be the cause of social disturbances, while racial segregation of residents had encouraged stereotyped notions of inferiority, the court case involving the Rotterdam municipality described in paragraphs 28 to 30 aroused special interest. Information would be welcome on how the agreement reached between the welfare organizations for minorities and the municipal authorities was actually being enforced.

The information provided on participation bodies in paragraphs 31 and 32 was welcome, and it would be helpful to have further details of the activities of such bodies in order to understand how they promoted the welfare of the Moluccans and Surinamese and how effective were the recommendations they made on Government policy. Measures taken to involve ethnic minority groups in the police force were creditable, and she hoped the next report could give figures to show the enrolment of minorities in the police force.

Referring to paragraph 39, she said that the distinction made in many regulations on grounds of nationality or place of residence undoubtedly contravened article 2 (c) of the Convention. It would be appreciated if in the next report the Government would inform the Committee whether it intended to amend or rescind such regulations. The study referred to in that paragraph was most important, but the recommendations of its authors to reduce undesirable distinctions in the drafting of laws and regulations needed further clarification. She wished to know, for instance, which were the "certain categories of foreigners" referred to and what was their present legal status. The second recommendation concerning ways of reducing undesirable distinctions was somewhat unclear and suggested a desire to perpetuate the status quo. She would welcome clarification on that point. The Committee might also be informed about the Government's response to those recommendations.

The joint study referred to in paragraph 41 of the report still appeared to be at a hypothetical and academic stage, and information on follow-up action on the basis of that study might usefully be supplied to the Committee. In connection with the information provided on the electoral system in section E of the report, it had been of special interest to read in paragraph 48 that the Judicial Department had held that the Central Electoral Office was not authorized to exclude individuals or lists on the basis of political or other convictions, whether illegal or not, and that only the criminal courts might in certain cases deprive a member of the electorate of the right to vote or to stand for office. It would be useful to know what the specific

grounds were on which the criminal courts could deprive a voter of those rights and whether those grounds complied with article 4 (a) of the Convention.

In the next report, the Committee might be informed of what effect the Judicial Department's interpretation of point a of section G 3, sub-section 5 of the Franchise Act, as quoted in paragraph 49, had had on the registration of individual candidates or candidate lists.

In that context, the Bill submitted to Parliament with its proposed amendments to the Civil Code and the Criminal Code would, as reported in paragraph 64, make it easier to take action against persons whose aims or activities were contrary to public order or morality. Some explanation would be welcome of its impact on members of extreme right-wing parties.

It was reported in paragraph 71 that article 140 of the Criminal Code made participation in a prohibited organization a punishable offence; she wished to know what the grounds were for prohibiting an organization and which organizations had been banned.

The Government was to be commended for the very progressive measures otherwise taken to implement articles 4, 5 and 6 of the Convention. Particular mention should be made of the decision taken by several enlightened organizations to assist victims of discriminatory behaviour in obtaining redress, as described under section F of the report. It would be useful if the Committee were kept informed of the work of the national non-governmental centre to be established in 1984, as reported in paragraph 53.

Mr. ROUCOUNAS, expressing his appreciation of the comprehensive and frank report and the introductory statement by the Netherlands representative, said that he had noted in particular the information provided in section F concerning measures to provide assistance to victims of racial discrimination and the institution of a legal aid system. The Government's circulation of information on the possibility for individuals to address petitions to the Committee, under article 14 of the Convention, was commendable, as were the efforts made in education.

Concerning the role of the Ombudsman referred to in paragraphs 56 and 57 of the report, he asked whether the Ombudsman acted only as an intermediary between individuals and the public authorities, or whether he also dealt with relations between individuals. He asked also whether the Ombudsman's report was published and whether it contained information which might be useful to the Committee.

Finally, he wished to know whether there was provision for co-ordination of the activities of the various organs referred to in the report to ensure more effective implementation of the Convention, and the domestic legislation adopted to complete its provisions.

Mr. YUPZIS said that paragraph 8 of the refreshingly frank report submitted by the Netherlands, together with paragraph 10 of the annex, suggested that legislative measures alone were not enough to combat racial discrimination. The choices involved had been accurately identified in paragraphs 8 and 9 of the annex.

The situation was rather like that of a health administration faced with the choice of having to concentrate on either curative or preventive medicine. The surprising gains recently made by certain political parties advocating racist policies indicated that the evil was structural, since they must have some basis of public support. Legislative measures were an excellent method of repressing open manifestations of racism, but society really needed to develop the right antibodies. Education, both formal and informal, could help a great deal. At the same time governments must seek out the most effective ways of integrating minority groups.

Mr. DE PIEROLA Y BALTA, after expressing his appreciation of the excellent and frank report, drew attention to the links between the Netherlands and the Netherlands Antilles. Given the progressive emancipation of the American continent from colonial rule, he would welcome information on the relationship between the Netherlands and the Netherlands Antilles. In particular, he would like to know whether there were any plans to grant independence to the Netherlands Antilles and whether there was any pro-independence movement there. Some information on the demographic composition, level of education and rates of illiteracy and unemployment would also be appreciated, as would an indication of the language or languages used as the medium of instruction in schools.

The Government was to be congratulated on its condemnation of apartheid, but it was not quite clear whether the Netherlands had diplomatic or commercial relations with South Africa or whether there were any Dutch investments in South Africa or Namibia. A clarification of those points would therefore be welcome.

Mr. STARUSHENKO stressed the importance of education and the scientific approach in solving problems of racial discrimination. In that connection he would like to know the results of the scientific studies of the problems of immigrant workers that had been made in the Netherlands and whether any steps would be taken to follow them up. The abandonment of the idea of establishing an institution to combat racial discrimination indicated a certain lack of enthusiasm.

Although he was pleased to learn that the Netherlands was studying the experience acquired by other countries in combating racial discrimination, he was disappointed that no socialist country was included in the list of countries whose experience was being studied. He wondered whether that was a coincidence or whether it was because the Government considered that the experience of socialist countries could not be adapted to Dutch conditions. He would also like to know whether documents of the Committee on the Elimination of Racial Discrimination had been used as sources of material. It might in fact be a good idea to produce a summary of those documents and to include, in the Committee's report to the General Assembly, an account of the successes recorded by States parties whose reports had been considered.

Paragraph 52 of the report seemed to indicate that an effort was being made to identify the structural elements that could generate racial discrimination, while in paragraph 55 it was stated that the elimination of discrimination was the responsibility of society as a whole. He himself took the view that conflicts between different ethnic groups could not be entirely eliminated unless exploitation was abolished in all its forms. Since it was possible, even in capitalist societies, for Governments to diminish racial antagonism or to eliminate it entirely for a while, specific measures needed to be taken.

The report indicated that there was a high rate of unemployment in the Netherlands and that the rate was even higher among immigrant workers. It was not clear to him why the Government did not take measures to limit the inflow of foreign workers. That question had been raised when the reports of other States parties had been considered, and a number of different explanations had been given. Some of them had been based on the principle of freedom of movement. However, they were not very convincing, since emergency measures could always be taken when the security of the State was endangered.

In any case the reasons why workers migrated to other countries needed further elucidation. Some information on the reasons for immigration into the Netherlands could perhaps be included in the next periodic report. In the case of the illegal entry of Mexicans into the United States of America, the formation of a cheap labour force was an important factor.

He commended the Government on its excellent report and wished it every success in finding solutions to the problems with which it was confronted.

Mr. SHAHI congratulated the Government on its honest and realistic report. The importance which it attached to the continuing dialogue with the Committee, as reflected in the last sentence of paragraph 8, was particularly welcome.

At the previous meeting the Netherlands representative had indicated that existing laws and regulations offered sufficient guarantees against racial discrimination. However, in paragraph 8 of the report it was stated that legislation alone was not sufficient to combat and eliminate all forms of discrimination, racial or otherwise, while the report also conveyed some doubt as to whether victims of racial discrimination could easily obtain redress through the courts. The Netherlands representative might wish to shed some light on the apparent discrepancy between his statement and the views reflected in the report.

The Government had undertaken a praiseworthy study of what further steps could be taken to assist individuals in instituting legal proceedings in cases of racial discrimination. It was to be hoped that the enactment of the measures under consideration and the provision of expert advice to victims of racial discrimination would have the effect of making remedies more effective.

A remarkable feature of the report was the emphasis it placed on the view that the elimination of racial discrimination was the responsibility, not merely of governments, but of society as a whole. An impressive example of the Government's concern to ensure that minorities were treated on a basis of equality was the fact that the Netherlands was among the few countries that had granted aliens the right to vote in municipal elections.

In connection with article 5 of the Convention, it would be interesting to know whether the provision contained in the amended version of article 429 of the Penal Code, referred to in paragraph 77 of the report, also applied to the private sector, as he hoped it did.

In his introductory statement the Netherlands representative had informed the Committee that the Platform of Democratic Organizations of Migrant Workers had called for the termination of the subsidy accorded to the Foundation Scientific Institute Centrum Partij as being contrary to the provisions of article 2, paragraph 1 (b) of the Convention and that his Government took the view that although it acknowledged its responsibility under the article a measure of that kind should be made dependent on a judicial finding that article 429 of the Penal Code had in fact been violated. Some further information on that point would be appreciated.

Finally, it should be borne in mind that in cases of conflict between the requirement to enact legislation to give effect to the Convention and freedom of expression, reference might usefully be made to the judgement of the Supreme Court of Norway in case no. 134 b/1981 in which, in the opinion of many members of the Committee, a correct balance had been struck.

Mr. KAMPER (Netherlands) said that so many questions had been asked, some of them relating to complex issues, that he would need a little time to prepare his replies.

The CHAIRMAN said that in view of those circumstances the representative of the Netherlands would be invited to reply to members' questions after consideration of the initial report of Sri Lanka had been concluded.

Mr. Kamper (Netherlands) withdrew.

Sri Lanka, initial report (CERD/C/101/Add.6)

At the invitation of the Chairman, Mr. de Silva (Sri Lanka) took a place at the Committee table.

Mr. DE SILVA (Sri Lanka) said that Sri Lanka was a multiracial, multireligious nation consisting of Singhalese, Tamils, Moors, Malays, Burghers and small proportions of other races. The Singhalese were in the majority, accounting for 74 per cent of the population, approximately two-thirds of the remainder being Tamils and one-third Moors and others. There was very little isolation on the basis of race or language, one reason being the wide use of English as a link language and a fair degree of bilingual familiarity in the

local languages. Marriages and business ventures involving partners of different racial origin from one another were common. The close affinity between Buddhism and Hinduism had led to many places of religious worship being sacred to both communities. Many Sinhalese and Tamils had adopted Christianity and churches of the many denominations of the Christian faith had parishioners of both races. The Constitution sought to provide balanced safeguards, recognizing the needs of the majority whilst also guaranteeing the rights of minorities. Radio broadcasts were provided in English, Sinhala and Tamil and radio and television news broadcasts were available in the three languages. The main Sri Lankan newspapers were published in English, Sinhala and Tamil and several regional papers were published in Tamil. Most international publications were available at the main news stands.

Education was free to children of all races and was provided in Sinhala and Tamil from kindergarten to university degree level. Free textbooks were also provided at schools. Subsistence grants were made to needy students and most schools provided free midday meals.

In public sector employment there were no barriers based on race, creed, caste or sex and, as the report pointed out, high offices in the judiciary, executive and legislature were held by members of all the communities of Sri Lanka.

Sinhalese and Tamils had lived in harmony in Sri Lanka for the past 2,000 years, with only very few outbreaks of discord, and a system of education had been devised to eliminate racialism from the earliest age.

Unfortunately, the efforts of a small minority to divide Sri Lanka into separate racial entities had seriously hampered efforts towards a racially integrated community. While working towards an integrated society, the Government had sought to preserve the cultural identities of the Sinhalese, Tamils and Muslims, as described in paragraphs 88 to 90 of the report.

The separatists often resorted to violence and had discouraged Sinhalese students from attending Jaffna University and Sinhalese officials from being attached to government offices in the north of Sri Lanka. No Sinhalese could carry on business or reside in the north of the country without exposing himself to the threat of terrorism.

The Committee should bear in mind that Sri Lanka's problems arose out of its Government's determination to preserve Sri Lanka as a nation consisting of different races but living as an integrated unit.

Sri Lanka adopted the definition of racial discrimination set out in article 1, paragraph 1 of the Convention, with one slight variation. The Constitution used the words "race, caste or creed" in place of "race, colour, descent", for the good reason that discrimination on grounds of colour had no relevance in Sri Lanka. Under article 27, paragraph 6 of the Constitution, the State ensured equality of opportunity to all citizens.

Article 27, paragraph 5 of the Constitution required the State to strengthen national unity among all sectors of the people irrespective of race or religion or language, while article 4 (d) provided that those fundamental rights should be respected, secured and advanced by all government organs.

As described in paragraph 27 of the report, Sri Lanka's laws and legal systems were reviewed by a Law Commission with a view to changing them as necessary to conform with international standards for the protection of human rights.

Sri Lanka had a long history of different communities governed by their own laws, some of whose provisions might seem to conflict with human rights rules, for example, in regard to equality between men and women. Such traditional laws had to be changed gradually since abrupt changes might prove very upsetting.

Drawing attention to the paragraphs of the report dealing with specific articles of the Convention, he pointed out that any attempts to incite racial hatred or hostile feelings were offences under the laws of Sri Lanka.

Mrs. SADIQ ALI, welcoming the representative of Sri Lanka, congratulated the Government on the information provided, which revealed the Government's sincerity and commitment to human rights. The report frankly admitted the stresses and strains that were being experienced in a phase of rapid social and economic change and the questions she wished to put were framed purely in a spirit of gaining more information.

The Committee should record its appreciation of the establishment of the Law Commission with the task of harmonizing domestic legislation with international standards for the protection of human rights. She hoped the Convention would be incorporated in the new legislation.

Turning to article 1 of the Convention, she noted that the Constitution's definition of racial discrimination was narrower than that in the Convention and suggested that discrimination on grounds of colour could not be ruled out. It would be interesting also to know why the criterion of descent had been deleted under the new Constitution.

More information would have been welcome on measures adopted in compliance with article 1, paragraph 4 and article 2, paragraph 2 of the Convention. It might be that there were no statistically significant differences between the racial or ethnic communities, but it would have helped to understand the present complex situation if the historical background and geographical distribution of the population had been described as well as its demographic composition. For example, the traditional Tamil lands of the north and east were less fertile than the land elsewhere in Sri Lanka, and so farming and fishing alone had never sufficed to maintain the Tamil community. Consequently, during the colonial period there had been more pressure on the Tamils than on the Sinhalese to take up office work, which had naturally led to grievances among the Sinhalese. In trying to restore the balance, the Government had introduced a quota system to regulate admissions to institutes of higher education, which might be interpreted as a form of racial discrimination.

The quota system also seemed to violate article 1, paragraph 4, despite its provision for special measures. Article 2 stipulated that such special measures should in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the attainment of the objectives for which they had been taken. After independence in 1948 Sri Lanka had endeavoured to rectify the imbalance in administrative jobs inherited from the colonial past by means of the "standardization" system. It would be interesting to learn why further "affirmative action" was considered necessary 30 years later. The quota system seemed also to violate article 5 (b) (i). Clarification would be welcome.

Page 9 of the report furnished interesting information on how public authorities indulging in discrimination were dealt with through the Parliamentary Commissioner's office set up in 1981. That seemed to some extent to meet the requirements of articles 2 and 4 of the Convention and provided remedies in conformity with article 6. The Convention required, however, that acts of racial discrimination should be penal offences. Paragraph 45 of the report did not make clear what kind of disciplinary action might be taken in such cases. Further information would be welcome.

It was encouraging to note that in its memorandum to the Commission on Human Rights (E/CN.4/1984/10), the Government had stated that the communal incidents of July 1983 were being investigated and that all the officers responsible would be dealt with according to the law. The Committee would be interested to know the results of the investigations and the action taken in terms of articles 2 and 4 of the Convention. She hoped that consideration would be given to the enactment of legislation to punish offences of racial discrimination, as required by article 4.

The report stated that to strengthen national unity the Government maintained a dialogue on the rights of minorities with political parties and other groups and that an all-parties conference had been held in January 1984. It was encouraging to note that efforts were being made to achieve a viable political settlement through the agency of an all-parties conference, where a demand had been made for greater devolution to promote national reconciliation. It would be useful to know the results of the dialogue. It would be useful also to know in terms of article 2 (c) what other measures were being taken to encourage integrationist multiracial organizations and movements as a means of eliminating racial barriers. The next report might perhaps also shed more light on non-political aspects of national integration.

In connection with article 3, taken together with the Committee's General Recommendation III welcoming information on relations with South Africa, it would be useful to know whether Sri Lanka was no longer economically dependent on the export of tea to South Africa, a consideration which had previously hampered Sri Lanka from complying with sanctions.

With regard to article 5, it would be useful to have extracts from the articles on fundamental rights that were incorporated under chapter III of the Sri Lanka Constitution. It would also be useful to know how far the emergency regulations adopted in connection with the current security situation derogated from the rights guaranteed under article 5. The President of Sri Lanka had always insisted that he would not prolong the emergency situation, so there was every reason to hope that normal conditions would soon be restored. In the meantime, in view of the destruction of life and property because of communal violence, it was important to have more information on the implementation of

article 5 (b) of the Convention, including any government measures to control the private armies which were, it was alleged, fomenting the troubles. Also in that context, it would be useful to know of any specific measures for the rehabilitation of victims of communal violence: for example, were they allowed to return to their traditional places of residence or were they placed in refugee camps?

More information in regard to article 5 (d) (iii) would also be of interest, particularly with reference to the status of the so-called "Indian" Tamils. Most of them continued to work on the tea estates and their labour contributed substantially to the national income. The Governments of India and Sri Lanka had negotiated several pacts with a view to solving ethnic problems. The Shantri Srimavo Agreement of 1964 had laid down that Indian citizenship would be granted to 525,000 stateless persons, while Sri Lankan citizenship would be given to 300,000 persons, spread over a period of 15 years. The remaining stateless persons were to have been divided equally between the two countries. At the end of those 15 years, however, only 400,000 such persons had decided to go back to India, and about 95,000, most of whom had been born in Sri Lanka, remained stateless. In 1983, the President of Sri Lanka was supposed to have said that all stateless persons would be given Sri Lankan citizenship. In April 1984, however, the Prime Minister had said that the proposal needed to be confirmed by a referendum. The position was therefore unclear. In view of Sri Lanka's liberal tradition, it would be interesting to know what rights those stateless persons enjoyed under article 5 of the Convention, particularly their economic, social and cultural rights, their right to just and favourable conditions of work, equal pay for equal work, housing, public health, medical care, social security and social services, and the right to education and training. In particular, she would like to know what remedies were available to them for the redress of grievances, since most of them had no representation in Parliament or in local government.

Also in connection with article 5, she noted that under the new Constitution, Sinhala had been declared the only official language, although both Sinhala and Tamil were national languages. In fact, that meant that all official and administrative business would be conducted in Sinhala, which could place the Tamils at a disadvantage. Very few Sri Lankans were bilingual in both Sinhala

and Tamil because English had been used as the link language. She wondered how those disadvantages could be overcome, whether there was sufficient provision for translators and so forth, and whether there would be any period of grace during which Tamil speakers would be given special facilities.

The Sri Lankan representative had referred to disaffected areas in the north of the island. Since that area was predominantly inhabited by Tamils, she would like figures throwing light on their special problems, means of livelihood, and so on. She would also like to know whether their freedom of movement was restricted.

It was clear from the report that Sri Lanka possessed the required machinery for remedies in the event of acts of racial discrimination. It would be interesting to have information on some concrete cases of persons whose rights had been violated and who had obtained satisfaction. She would also like clarification in regard to the special procedure laid down in article 126 of the Constitution. The article prescribed a time-limit of one month for petitioning the Supreme Court for relief or redress from infringements of fundamental rights through executive or administrative action. Further, the Supreme Court was supposed to dispose of such cases within two months of the filing of the petition. She wondered whether the time-limit was mandatory or discretionary and how it affected a person who wished to complain of an infringement of a fundamental right which had taken place while he was in detention. In view of the special situation obtaining, it would be interesting to know what remedies were available for groups which were allegedly victims of racial violence or the abuse of State power.

Paragraph 25 described the Government's efforts to decentralize administration. District Development Councils had been set up and elections held for them in 1981. The new Councils were intended to help to ameliorate racial tensions and give the people a sense of participating in district administration. She would like more information on the workings of the scheme at the district level, and the way in which the people concerned were able to give expression to the particular needs of the area in question. She wondered whether the Councils were advisory or executive, what subjects they dealt with, how they were funded, and in what way the central government assisted in their operation.

In that context, she would also like to know the pattern envisaged for the northern and eastern regions of the country, which were predominantly Tamil.

Since they were currently a disturbed area, she would welcome more information on the measures being taken to defuse the tensions arising out of political differences. Apparently, unlike the regional councils, the proposed District Development Councils were not endowed with any real or substantial powers. It would be useful to know, therefore, whether the Government would be willing, short, of course, of secession; to agree to the establishment of a regional council with enhanced powers.

She congratulated the Government on the very comprehensive information it had provided on the implementation of article 7 of the Convention, particularly in view of the increasing discord between the two major Sri Lankan communities. Sri Lanka had a centuries' old tradition of tolerance. It was a free and open plural democracy which had long enjoyed the benefit of a respected and independent judiciary, and there was evidently a widespread desire to maintain and respect fundamental freedoms. The current situation should, therefore, be a passing aberration, and she hoped that, by the time the next report came to the Committee, the nightmare would be over.

Mr. OBERG associated himself with the welcome to the representative of Sri Lanka and commended its outstandingly comprehensive initial report. He had found it particularly interesting and informative because such information on Sri Lanka as reached the world through the news media generally concentrated on dramatic conflict. While the report indicated that ethnic strife existed within the country, it also described the measures that had been and would be taken by the Government to combat those difficulties. The press release issued on 15 August 1984 by the Consulate-General of Sri Lanka in Geneva and distributed to the members of the Committee gave rather more specific information than the report on recent episodes in northern Sri Lanka, and he had the impression that some units of the army, or perhaps even individual soldiers, were taking indiscriminate revenge on the civilian population for acts performed by terrorist groups. He wondered whether the Government felt that it had complete control over the army units dispersed through the northern province, or whether they were to some extent acting on their own. There seemed to be a vicious circle in which one act of violence led inevitably to another. He would appreciate comments on that point, as well as answers to the questions asked by Mrs. Sadiq Ali, which would add greatly to the Committee's knowledge of events in Sri Lanka.

Mr. YUTZIS said that the Government had submitted an excellent initial report. Few countries reporting for the first time provided so much information. The report gave details of much progress in the field of the elimination of racial discrimination. He was particularly interested in the programme described in paragraph 63, whereby funds provided by UNESCO were being used in connection with plans for the teaching of human rights in all schools. He was also interested in the proposals for administrative decentralization. He felt that more information was necessary in regard to the civil rights listed in article 5 (d) and (e). For example, there was no information on the right to form and join trade unions.

In conclusion, he emphasized his concern at events in northern Sri Lanka. The racial tensions and army confrontations there made for a very dangerous situation. He would welcome additional information on the means whereby the Government hoped to solve that dangerous problem.

Mr. SONG thanked the representative of Sri Lanka for his detailed introduction of his Government's report. The report itself had been carefully prepared in accordance with the Committee's Guidelines. It contained a wealth of detail about the country's demographic composition, the language situation, administrative and legal arrangements, and much more, making it a model initial report.

Sri Lanka was described as a multiracial and multireligious society, and it was clear that all the nationalities represented there, in particular those constituting the majority, had a strong sense of national identity as well as strong traditional and religious beliefs. Many references had been made to the current situation of unrest in the country, and he wondered whether the Government had any further concrete measures in mind in order to restore harmony.

The clear stand taken by the Government under article 3 of the Convention was described in paragraphs 28 to 31 of the report. He noted that many of the acts which constituted the crime of apartheid were crimes in Sri Lanka and punishable under the Penal Code or other enactments. He would like to know, however, what preventive measures the Government envisaged in order to prevent incidents of that kind arising, perhaps through education or information. He would also like to know the situation in regard to the rights of immigrant workers, the legal safeguards enjoyed by stateless persons, and the way in which they could bring their needs and aspirations to the attention of the Government.

Mr. ČIČANOVIĆ also congratulated the Government on its excellent initial report. The Sri Lankan representative's introductory statement had provided further useful details on the situation regarding the implementation of the

Convention. Paragraph 14 recognized the need for domestic legislation in accordance with the Convention, and he trusted that the Sri Lanka Law Commission, referred to in paragraph 27, would take that obligation under the Convention into account and provide for the introduction of the necessary legislation.

With regard to article 3 of the Convention, he praised Sri Lanka's stand against apartheid, both in the United Nations and in the activities of the movement of non-aligned countries, of which it was a founder member.

He would appreciate more information in regard to the matters described in paragraphs 41 to 45 and the arrangements for dealing with complaints of alleged violations of fundamental rights. He would like some statistics and examples of the practical use made of those arrangements so that the Committee could have a full picture of the way in which those possibilities were used. He commended the detailed description in the report of the very important steps taken to eradicate racial discrimination through education on human rights in general.

Mr. KARASIMEONOV said that the demographic breakdown given in paragraph 1 of the report described the Sri Lanka Tamils as constituting 12.6 per cent of the population and the Indian Tamils 5.55 per cent. He would like to know the difference between those two groups: whether they inhabited different geographical regions, whether they were ethnically the same, whether they had the same grievances, and whether both were involved in the current unrest. He would also like more information on the place in Sri Lankan life and society of the Sri Lanka Moors, who constituted 7.12 per cent of the population. He would be interested to know their geographical distribution and whether they had any grievances similar to those of the Tamils.

The meeting rose at 1.05 p.m.