

## SYRIAN ARAB REPUBLIC

**CERD 26<sup>th</sup> No. 18 (A/8418) (1971)**

### III. Consideration of Reports submitted by States Parties under Article 9 of the Convention

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#### B. Action aimed at ensuring that all the information required, in accordance with paragraph 1 of article 9 of the Convention, is furnished by States Parties

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28. From its 56<sup>th</sup> to its 58<sup>th</sup> meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

...

30. On the other hand, the reports submitted by the following 17 States Parties were considered by the Committee “incomplete” or “unsatisfactory”, in the sense that significant categories of information were either totally lacking or insufficiently provided in them: ... Syrian Arab Republic... At its 58<sup>th</sup> meeting, held on 23 April 1971, the Committee adopted the text of a communication which it decided to request the Secretary-General to submit to the aforementioned States Parties, in accordance with rule 65 of its provisional rules of procedure. (The text of this communication is reproduced in annex V.)

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35. [At the fourth session] The reports submitted by the following six States Parties were considered “complete”, and the Committee decided not to request them to supply additional information: ...Syrian Arab Republic...

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#### C. Examination of the contents of reports from States Parties in order to determine their compliance with the requirements of the Convention

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### 3. Action on information supplied by the Syrian Arab Republic relating to the situation in the Golan Heights

73. It has already been reported (paras. 37-44 above) that, at its third session, the Committee decided to address to the Syrian Arab Republic a request for further information on the situation in the Golan Heights, to which an earlier report from that State Party had alluded.

74. In response to this request, the Syrian Arab Republic submitted a supplementary report, the second part of which contained the requested information.

75. Paragraph 1 of the second part of the supplementary report from the Syrian Arab Republic recalled that article 5 of the Convention “enumerates the rights that all Contracting Parties undertake to protect”, and quoted the texts of paragraph d, subparagraphs i, ii, v, and vi, of that article.

76. Paragraph 2 of the second part of the supplementary report from the Syrian Arab Republic drew attention to “a number of resolutions” which “were adopted by the various organs of the United Nations requesting Israel to facilitate the return of new refugees to their homeland, and ensure the safety, welfare and security of the inhabitants of the occupied areas”. The attention of the Committee was drawn to 14 such resolutions, of which seven were adopted by the General Assembly, two by the Security Council, one by the Economic and Social Council, and four by the Commission on Human Rights. “On the other hand”, the report then stated, “the Israeli occupying authorities, contrary to their obligations under International Law, have, since the beginning of the occupation, embarked upon practices that have virtually deprived the population of the Golan Heights of their basic human rights, including those enumerated in article 5”. In support of that statement, the Syrian report asserted that “almost the entire population” of the Golan Heights “were forcibly evicted from their land and have not since been permitted to return to their homes” and that the Israeli authorities “continue to carry out their plans aiming at the colonization of the Golan Heights”. With reference to the latter statement, the report contended that the “intensive transfer of colons to the occupied Syrian area is in itself a negation of the rights of the original inhabitants”.

77. Paragraph 3 referred the Committee, “for additional information on Israeli racist policies”, to “reports submitted by the investigating organs of the United Nations”, two of which were described as “of particular importance as they amply corroborate Israel’s violations of human rights in... the Golan Heights”. Those were the Report of the Special Working Group of Experts established under resolution 6 (XXV) of the Commission on Human Rights (E/CN. 4/1016 and addenda) and the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/8089).

78. Paragraph 4 suggested that the Committee examine 17 letters, which were listed in the annex to the report, and which had been addressed by the Permanent Representative of the Syrian Arab Republic to the Secretary-General and the President of the Security Council. Those letters were described as “mostly based on Israel sources openly advocating the deprivation of the Arab inhabitants of their basic human right, and unabashedly promoting a situation which grossly violates the rights enumerated in article 5 of the Convention”.

79. The report concluded by asserting that, while the Syrian Arab Republic, a Party to the

Convention, “is faithfully carrying out its obligations under the Convention”, the “overriding concern” of the Syrian people was “to restore to the population of the Golan Heights their inalienable rights so grossly violated by the Israeli military occupation”, and that it was the “legal and moral responsibility” of the Parties to the Convention “to thoroughly probe Zionism at work in occupied Arab territories, and take appropriate steps to expose the racism inherent in Zionist ideology and practices”.

80. The supplementary report of the Syrian Arab Republic was considered by the Committee at its fourth session, at the 66<sup>th</sup>, 67<sup>th</sup>, 70<sup>th</sup> and 71<sup>st</sup> meetings.

81. As in the debate on the supplementary report of Panama (see paragraph 64 above), most of the arguments adduced in the debate on the supplementary report of the Syrian Arab Republic revolved around the competence of the Committee to deal with information supplied by a State Party about the situation in a part of its national territory which was not under its effective control but under the control of a State which was not a Party to the Convention. The following paragraphs summarize the main arguments presented during the debate.

(i) Mr. Sukati expressed the opinion that what the Committee had before it was a “complaint”, even though it was “disguised as” a report under article 9 of the Convention, and that therefore it could not be dealt with under articles 9, 11 or 15 of the Convention.

Messrs. Aboul Nasr, Resich, Rossides and Sayegh thought that, in adopting its decision pursuant to the examination of the report of Panama (para. 72 above), the Committee had judged that it was competent to deal under article 9 of the Convention, with information supplied by a State Party in accordance with that article regarding the situation of racial discrimination in a part of its national territory over which it had no effective control.

Mr. Haastrup, while agreeing that a precedent had been established, thought nevertheless that it was “the precedent of introducing extraneous issues under the pretext of following the system of reporting under article 9 of the Convention”.

(ii) Mr. Sukati thought that, inasmuch as “a state of belligerency” existed between certain Arab States and Israel, “it was inappropriate for the Committee to involve itself in such a situation” and that the Committee should “point out” to the Syrian Government that “its supplementary report was not in compliance with the Committee’s request for further information under article 9 of the Convention because it dealt with a matter which was not appropriate for purposes of a report under that article”.

Messrs. Rossides, Sayegh and Tarassov, on the other hand, expressed the view that the Committee, which was competent in any case to receive the information contained in the supplementary report of the Syrian Arab Republic, was under a special obligation to consider that information because it had specifically requested that State Party to furnish it, in the decision which the Committee formally adopted at its 57<sup>th</sup> meeting (para. 44 above).

(iii) Mr. Haastrup thought that “the problem was further complicated by the fact that Israel

was not a Party to the Convention". Mr. Sukati thought that that fact precluded action by the Committee, not only under article 9 but also under articles 11 and 15. Mr. Ortiz-Martin asserted that "States not Parties to the Convention should be permitted to express their views at some stage of the consideration" of such situations.

(iv) Mr. Haastrup expressed the view that the problem was "further complicated" by the fact that "the Committee did not even know the precise legal status of the Golan Heights territory".

On the other hand, Messrs. Rossides and Sayegh asserted that there was no uncertainty about the legal status of that territory, inasmuch as it was a part of the rational territory of a Member of the United Nations which had fallen under military occupation by another Member as a result of war, and its "acquisition" by the occupier had been declared "inadmissible" in several formal resolutions adopted by the Security Council and the General Assembly. Mr. Rossides added that, as a result of those facts, a distinction should be drawn "between the case of Panama and that of Syria", which were "totally different" from one another: for, "whereas United States control over a portion of Panamanian territory was exercised under certain agreements" between the two Governments concerned, "Israeli control over the Golan Heights had been obtained by means of aggression".

(v) Another difference between the situations described in the reports of Panama and the Syrian Arab Republic and which, in the opinion of Messrs. Resich, Sayegh, and Tomko, had a direct and significant bearing upon the Committee's consideration of the Syrian report, was that the information contained in that report was corroborated by formal decisions adopted by several organs of the United Nations as well as by the findings of investigative bodies established by two of those organs.

Therefore, neither was further information needed before the Committee could make a decision regarding the question under examination nor could the veracity of the information supplied by the reporting State Party be doubted.

However, Mr. Sukati thought that "the fact that the allegations made in the Syrian report were supported by the findings of other bodies was irrelevant because once the Committee had declared itself to be incompetent not deal with the complaint against Israel contained in the Syrian report, it could not make any finding as to the truth of those allegations".

(vi) The fact that various United Nations organs, including the General Assembly, had already adopted resolutions relating to the situation under consideration, and the fact that investigative bodies established by two of those organs, including the General Assembly, had already submitted reports on that situation led Messrs. Haastrup, Ortiz-Martin, Partsch and Sukati to doubt either the competence of the Committee to deal with that situation or the wisdom of the Committee's drawing the attention of the General Assembly to it. Moreover, Mr. Sukati argued that the mere citation of those resolutions and reports in the report of the Syrian Arab Republic "clearly showed that the Syrian Government was aware of the remedies available to it through other United Nations bodies". Accordingly, he cautioned

the Committee against permitting itself to be “led into doing violence to the Convention by taking action on the Syrian complaint”.

On the other hand, Messrs. Aboul Nasr, Rossides, Sayegh, and Tarassov argued that, whereas other organs of the United Nations examined the situation in Arab territories occupied by Israel in general, and the human rights of inhabitants of those territories in particular, only the Committee was, in accordance with its mandate, concerned exclusively with that aspect of the situation which constituted racial discrimination. Furthermore, the fact that more than one United Nations organ had already considered, and adopted decisions on, the same situation clearly showed that consideration of a situation by one United Nations organ did not preclude other organs from considering it also, unless the Charter of the United Nations prescribed otherwise.

(vii) Mr. Valencia Rodriguez was of the opinion that the crucial question which the Committee had to decide was whether the actions of Israel in the occupied Syrian territory, and “the failure by Israel to implement those resolutions” of the organs of the United Nations concerned “constituted discrimination based on grounds of race or national origin”, or whether “the situation was the result of political events which lay outside the competence of the Committee”.

Messrs. Haastrup and Sukati thought that the actions of Israel in the Golan Heights did not constitute racial discrimination and therefore did not fall within the competence of the Committee.

Mr. Haastrup asserted that, “from his reading of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/8089), those practices were not carried out on a racial basis but on the basis of the Arab-Israeli conflict”. Inasmuch as the Special Committee had examined the situation in the light of the provisions of the Geneva Conventions of 1949, and also inasmuch as a state of war existed between the Syrian Arab Republic and Israel, he thought that the treatment of the population of the occupied Golan Heights should be defined not in terms of racial discrimination but in terms of the laws of war.

Mr. Sukati felt that, before deciding on the action it might take regarding the situation under consideration, the Committee should first decide whether or not, in its view, racial discrimination was involved and, accordingly, whether or not the question fell within its sphere of competence.

In the opinion of Messrs. Tarassov and Sayegh, however, racial discrimination, as defined in article 1 of the Convention, was involved.

Mr. Tarassov asserted that the situation which was created was the result not of “a state of belligerency, but of direct aggression by Israel against certain Arab States”. He drew attention to paragraph 67 of the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/8089), which affirmed the conclusion of the Special Committee that “the occupying

Power is pursuing a conscious and deliberate policy calculated to depopulate the occupied territories of their Arab inhabitants”, and states that the Special Committee had received “evidence of the establishment of Israel settlements in the... Golan Heights”. He thought that that might be considered genocide, which was the supreme form of racial discrimination. Moreover, the conclusions of the Special Committee were corroborated, in this opinion, by the official philosophy of the occupying Power, namely, Zionism, which was essentially a doctrine founded on racial inequality and on belief in the superiority of Jews over other peoples.

Mr. Sayegh contended that the mere fact that the native inhabitants of the Golan Heights had been denied by the occupation authorities the right to return to their homes, while aliens were being systematically brought from other countries by those authorities and settled in that occupied territory, was sufficient to show that a clear case of “discrimination” existed. That that was also a case of “racial discrimination” was made clear by public pronouncements made by the highest-ranking decision-makers of the occupying Power, stating that their purpose was to ensure that the preponderant majority of the population consisted of Jews, as well as by the doctrinal and programmatic principles of Zionism which animated the policies of Israel. From the very outset, he stated, Zionism had aimed at creating a “State of Jews” in a territory preponderantly inhabited by non-Jews; and that aim, as Zionist leaders were aware, could be accomplished only by a twofold programme of displacing settled on non-Jews and replacing them with imported Jews. Finally, the racial criterion was one of the principal criteria whereby the differentiation between a Jew and a non-Jew was made, as legislation recently promulgated by the Israeli legislature, to say nothing of the literature of Zionism, showed.

(viii) Mr. Ortiz-Martin expressed the view that “the situation in the Golan Heights was complicated by the fact that it was the result of a state of war”. He was “not sure”, therefore, whether the “usual criteria” relating to questions of human rights and racial discrimination in normal times of peace could be applied to the situation under consideration. Sir Herbert Marchant also implied his concurrence with the view that political inter-State conflict was involved in the case at hand and not racial discrimination. He thought that the Committee was “wasting much time on this issue”, which was “charged with political connotations”, and was thereby “misusing itself”.

On the other hand, Mr. Aboul Nasr expressed the opinion that “the Convention did not differentiate between war and peace and did not allow racial discrimination during war any more than it did in peacetime”. In addition, he asserted that “war and occupation were also governed by international law, as witness the Geneva Convention Relative to the Protection of Civilian Persons in Time of War”. Mr. Sayegh drew attention to the provisions of article 2 of the Universal Declaration of Human Rights, which declared that, in the enjoyment of the rights enumerated in the Declaration - which included the right not to be subjected to racial discrimination - no distinction should be made on the basis of the “political” or “international” status of the territory to which a person belonged.

82. In the course of the debate, Mr. Sayegh submitted a proposal which was adopted by the Committee at its 70<sup>th</sup> meeting by 9 votes to 4, with 1 abstention in a roll-call vote requested by Mr.

Tarassov. The voting was as follows:

In favour: Messrs. Dayal, Getmanets, Aboul Nasr, Resich, Rossides, Sayegh, Tarassov, Tomko, and Valencia Rodriguez;

Against: Messrs. Haastrup, Marchant, Ortiz-Martin, and Sukati;

Abstention: Mr. Partsch.

83. The text of the Committee's decision reads as follows (see also chap. VII, sect. B, decision 4 (iv)):

1. The Committee on the Elimination of Racial Discrimination takes note of the information, contained in the supplementary report submitted by the Government of the Syrian Arab Republic at the Committee's request, to the effect that racial discrimination is being practised in that part of Syrian national territory which is known as the Golan Heights and which is under Israeli occupation.
2. The Committee takes note also of the resolutions adopted by competent organs of the United Nations, and of the reports of the Committees set up by the General Assembly and by the Commission on Human Rights to investigate the situation, to which the report submitted by the Syrian Government makes reference.
3. The Committee wishes to draw the attention of the General Assembly to this situation.

## **CERD 28<sup>TH</sup> No. 18 (A/9018) (1973)**

110. The initial report of Syria, submitted on 26 January 1971, was considered by the Committee at its third session together with a supplementary report, dated 13 April 1971. It was deemed unsatisfactory and additional information was requested. Another supplementary report, submitted in response to the Committee's request on 9 July 1971, was considered at the fourth session and found to be satisfactory. The second periodic report of Syria, dated 8 August 1972, was considered by the Committee at the seventh session (129th and 131st meetings).

111. It was noted that the new report contained no information that had not been already provided to the Committee in the earlier reports, the latest of which had been found satisfactory. Emphasis was placed on the fact that, although it was submitted before the adoption of general recommendation III, the report provided information on the subject of that recommendation, stating that Syria had terminated all "political, diplomatic, consular, economic and cultural ties" with the racist régime in southern Africa. Articles 307 and 308 of the Penal Code appeared, in the opinion of some members, to meet the requirements of article 4, paragraphs (a) and (b), of the Convention.

112. Some members noted that, like most other reports, the report under consideration placed greater emphasis on legislative measures than on other measures giving effect to the provisions of the Convention.

113. A question was raised whether the anti-discrimination provisions of the Provisional Syrian Constitution of 1969, cited in the report under consideration, remained unchanged in the newly-promulgated Constitution of 1973. It was also stated that it would be desirable to receive information on other than legislative measures that may have been adopted in order to give effect to the provisions of the Convention, particularly article 7.

114. In his statement at the 129th meeting, the representative of Syria informed the Committee that all the provisions of the Constitution mentioned in the report remained in force in the new Constitution.

115. The Committee decided to consider the report of Syria satisfactory and expressed the hope that, in its third periodic report, the Government of Syria would provide additional information on matters raised by members of the Committee during the discussion.

116. The concluding paragraph of the second periodic report of Syria, like the concluding paragraph of that country's initial report, stated:

"Moreover, it is relevant to note that some 110,000 Syrian citizens of the Golan Heights have since June 1967 been deprived of those fundamental human rights enunciated by the Universal Declaration of Human Rights, the Covenants on Human Rights and specifically by article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. It is therefore incumbent upon the parties to the latter Convention to carry out their individual and collective responsibilities towards the termination of the Israeli discriminatory and racist policies and practices in occupied territories."

The Committee, which had dealt with this question at its third and fourth session 14/ considered it again at the seventh session.

117. As at the third and fourth sessions, also at the seventh session some members questioned the competence of the Committee to deal with the question or to consider it within the framework of article 9 of the Convention, or to discuss reported policies and practices which referred to a State not a party to the Convention. Other members, however, affirmed - as some had affirmed at the earliest sessions - the competence of the Committee to deal with the information in conjunction with its discharge of its obligations under article 9 of the Convention, adding to the arguments advanced at the third and fourth sessions in support of this position the additional argument that the Committee's decision on the subject 15/ had been specifically "endorsed" by the General Assembly in resolution 2784 (XXVI) of 6 December 1971, Part III, paragraph 2.

118. Two alternative suggestions were presented at the 129th meeting: (1) that the Committee should draw the attention of the General Assembly to the deterioration of the situation in the Golan Heights and request it to take the necessary steps to eliminate the reported practices; and (2) that, having already drawn the General Assembly's attention to the problem, the Committee should content itself with recalling that fact, informing the General Assembly that it remained deeply concerned at the plight of the Syrian citizens referred to in the report submitted by the Syrian Arab Republic, and expressing the hope that they would succeed in regaining their rights. The majority of the members who expressed their views appeared to favour the second alternative suggestion, and the Rapporteur was asked to formulate it in the form of a draft text in the light of the discussion that had taken place at the meeting.

119. The text drafted by the Rapporteur was adopted at the 131st meeting of the Committee without amendment, by 10 votes in favour and 3 against, with 3 abstentions. The vote, which was by roll-call, was as follows:

In favour: Mr. Safronchuk, Mr. Sayegh, Mr. Tomko, Mr. Valencia Rodriguez, Mr. Aboul-Nasr, Mr. Calovski, Mr. Dayal, Mr. Dehlavi, Mr. Haastrup and Mrs. Owusu-Addo.

Against: Mr. Sukati, Mr. Macdonald and Mr. Otiz Martín.

Abstaining: Mr. Soler, Mr. Ancel and Mr. Partsch.

120. The text adopted by the Committee appears in chapter X, section A, decision 4 (VII).

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14/ Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 18 (A/8418), paras. 37-45 and 73-83.

15/ Ibid., chap. VII, sect. B, decision 4 (IV).

**CERD 29<sup>TH</sup> No. 18 (A/9618) (1974)**

202. The third periodic report of the Syrian Arab Republic was considered together with the information submitted by the reporting State in response to decision 3 (VII) of 19 April and 4 May 1973 of the Committee. At the opening of the Committee's consideration of those documents at its 206th meeting, held on 15 August 1974, the representative of the reporting State made a statement containing supplementary information which, at his request and in accordance with rule 64 A of its provisional rules of procedure, the Committee decided to consider an addendum to the third periodic report. At its 207th meeting, held on 16 August 1974, the Committee decided - at the request of the representative of the Syrian Arab Republic and in accordance with paragraph 2 of decision 1 (IX) of 12 April 1974 - that the document containing the statement made by that representative at the 206th meeting should be classified as a document for general distribution (CERD/C/1).

203. The Committee noted that a new Constitution had been promulgated in the Syrian Arab Republic in 1973 to replace the Provisional Constitution of 1969; that the new Constitution not only embodied all the provisions relevant to the Convention which had been included in the Provisional Constitution, but also guaranteed and textually included nearly all the rights listed under article 5 of the Convention; that the information contained in the third periodic report was intended to be illustrative and was not exhaustive of all the laws and regulations adopted or the administrative measures taken to give effect to the provisions of the Convention; that many other such measures had already been adopted; and that some other measures were currently in the process of being drafted or codified. The Committee took note also of the statement that no cases involving violations of the anti-discrimination provisions of Syrian law had been brought before the courts. The Committee welcomed the information that the Syrian Arab Republic had ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and had been the first Member State to sign the International Convention on the Suppression and Punishment of the Crime of Apartheid.

204. With regard to the information submitted in response to decision 3 (VII) of the Committee, it was observed that the provisions of article 307 of the Penal Code prohibited, and specified penalties for, inter alia, any act, writing or speech which purported to provoke racial prejudice or incited to strife among elements of the nation - in partial fulfilment of the requirements of article 4, paragraph (a), of the Convention. As for the provisions of paragraph (b) of that article, it was recalled that article 308 of the Penal Code - the text of which had been supplied in the second periodic report - prohibited and specified penalties for membership in organizations which committed the acts described in article 307 of the Penal Code, but did not contain provisions for declaring illegal and prohibiting such organizations.

205. The third periodic report contained information on the situation relating to the implementation of the provisions of the Convention in parts of Syrian territory occupied by Israel. The opening statement of representative of the Syrian Arab Republic, mentioned in paragraph 202 above, provided additional information on the subject, consisting mainly of information on the action taken by various international organizations, governmental and non-governmental, regarding that situation,

information on developments affecting the occupied Syrian territories which had taken place since the submission of the third periodic report and, in particular, information on the total destruction of the city of Kunaitra prior to the withdrawal of the forces of occupation.

206. It will be recalled that questions relating to the submission of information by the Syrian Arab Republic, in accordance with article 9, paragraph 1, of the Convention, about the situation in occupied Syrian territories had been discussed by the Committee at its third and fourth (A/8418, paras. 37-45, 78-83 and 89-96) and seventh (A/9018, paras. 110-120) sessions; that the Committee had adopted decisions on the subject at each of those sessions: decision I (III) of 23 April 1971, addressed to the Syrian Arab Republic, and decisions 4 (IV) of 30 August 1971 and 4 (VII) of 25 April 1973, addressed to the General Assembly; that the General Assembly, in section III, paragraph 2, of its resolution 2784 (XXVI) of 6 December 1971, had endorsed the opinions and recommendations contained in decision 4 (IV); and that, in paragraph 4 of resolution 3134 (XXVIII), of 14 December 1973, the General Assembly had taken note of decision 4 (VII) and recalled its endorsement of decision 4 (IV) of the Committee.

207. At the 206th and 207th meetings (tenth session), held on 15 and 16 August, all members of the Committee present at those meetings expressed their concern at the situation under consideration. There was general agreement that the Committee was competent to express its concern at their inability, for reasons beyond its control, of the Syrian Arab Republic to implement the provisions of the Convention in a part of its national territory. Differences of opinion relating to the competence of the Committee, which had appeared at the third, fourth and seventh sessions, had been considerably narrowed down at the tenth session - the only point at issue at the tenth session being the question of whether or not the Committee was competent to pass judgement on the facts of the situation. A working group composed of three members was set up to prepare a draft that would express the consensus of the Committee; and the draft prepared by the working group was adopted, by consensus, at the 215<sup>th</sup> meeting held on 22 August 1974. The text of the decision of the Committee appears in chapter VII, section B, decision 1 (X).

**CERD A/32/18 (1977)**

103. The fourth periodic report of the Syrian Arab Republic was considered by the Committee together with the supplementary information provided by the representative of the Government of the reporting State in her introductory statement.

104. Several members recalled that, at its tenth session, the Committee had found that articles 307 and 308 of the Penal Code satisfied most of the requirements of article 4 of the Convention, but that some requirements (in particular, the obligation to declare illegal and prohibit the organizations described in para. (b) of that article) were not fulfilled by the existing legislation (A/9618, para. 204).

105. Some members recalled also that the Committee had found that the Constitution of 1973 covered nearly all the rights listed in article 5 of the Convention; and it was noted that the report under consideration stated that the “fundamental principles” of the Constitution applied to “all citizens” without any distinction or exclusion on any grounds. Some members wished to know what legislative provisions governed the situation of foreigners in the Syrian Arab Republic; however, other members drew attention to the provisions of article 1, paragraph 2, of the Convention in that regard. A desire to receive further information on the specific measures adopted in implementation of article 5 of the Convention was voiced; and, in that connection, it was observed that, at its tenth session, the Committee had been informed that other legislative and administrative measures had been adopted or were being taken to give effect to the provisions of the Convention but that the report currently under consideration provided no additional information on such measures.

106. Further information on the implementation of article 6 of the Convention was also requested.

107. The Committee took note of the information supplied by the representative of the Government of the reporting State in her introductory statement regarding the implementation of article 7 of the Convention; some members expressed the hope that future reports would include further information on that subject.

108. The representative of the Government of the Syrian Arab Republic informed the Committee that recent amendments to the Penal Code referred to any organization which practiced racial discrimination, thus bringing Syrian legislation into conformity with the requirements of article 4, paragraph (b), of the Convention. She would inform her Government of the questions raised in that connection, so that it could furnish details of the relevant provisions. With regard to article 7 of the Convention, she said that measures in application of that article had been taken in her country. She regretted that no mention had been made of them in the fourth periodic report of her Government, but the omission would be remedied in its next report. A copy of the full text of the Constitution of 1973 had been transmitted to the Secretariat of the United Nations.

109. The report under consideration as well as the introductory statement of the representative of the reporting State drew attention to the situation prevailing in those parts of Syrian national territory which were under Israeli occupation. The Committee was informed that that situation had deteriorated, largely as a result of the stepped-up programme of establishment of Israeli settlements

on Syrian soil; “the racist practices of Zionism were thus radically changing the demographic structure of the Golan Heights”, stated the representative of the Government of the reporting State.

110. It will be recalled that questions relating to the submission of information by the Syrian Arab Republic, in accordance with article 9, paragraph 1, of the Convention, about the situation in occupied Syrian territories had been discussed by the Committee at its third, fourth, seventh and tenth session (A/8418, paras. 37-45, 78-83 and 89-96; A/9018, paras. 110-120; and A/9618, paras. 205-207); that the Committee had adopted decisions on the subject at each of those sessions: decision 1 (III) of 23 April 1971, addressed to the Syrian Arab Republic, and decisions 4 (IV) of 30 August 1971, 4 (VII) of 25 April 1973 and 1 (X) of 22 August 1974, addressed to the General Assembly; that the General Assembly, in section III, paragraph 2, of its resolution 2784 (XXVI) of 6 December 1971, had endorsed the opinions and recommendations contained in decision 4 (IV); that, in paragraph 4 of resolution 3134 (XXVIII), of 14 December 1973, the General Assembly had taken note of decision 4 (VII) and recalled its endorsement of decision 4 (IV) of the Committee; and that, in paragraph 8 of resolution 3266 (XXIX) of 10 December 1974, the General Assembly had shared the Committee’s concern voiced in its decision 1 (X) and recalled its endorsement of the Committee’s decision 4 (IV).

111. At its fifteenth session of the Committee, all members who participated in the consideration of the fourth periodic report of the Syrian Arab Republic expressed concern at the situation. At the 323rd meeting of the Committee, a drafting group of five members were set up to prepare a text for adoption by the Committee. The proposed text was presented to the Committee at its 324th meeting, and was adopted by consensus. The text of the decision of the Committee appears in chapter VIII, section A, decision 1 (XV)

## CERD A/34/18 (1979)

134. The fifth periodic report (CERD/C/20/Add.21) was introduced by the representative of the Syrian Arab Republic, who stated that the authorities of his country had amended the constitutional and legislative texts in order to bring them fully into line with the requirements of the Convention and better guarantee the fundamental rights of citizens. The representative regretted the occupation of the Golan Heights by Israel which had prevented the Syrian Arab Republic from applying the Convention in that part of its territory

135. With regard to article 4 of the Convention, a member recalled that, during the consideration of the fourth periodic report, the Committee had stated that articles 307 and 308 of the Penal Code seemed generally to reflect the provisions of article 4. He requested, however, that more detailed information be given about the implementation of article 4 (b) and, in particular, about the scope of the relevant articles of the Penal Code. Another member wondered what was the implication of the reference to State security under article 3 of the Law of 1958 on Associations and Private Organizations, which provided for the immediate dissolution of an association engaged in activities of a sectarian or racist nature affecting State security and asked whether it implied that not all associations engaged in racist activities would necessarily be dissolved.

136. It was noted that the 1973 Constitution of the Syrian Arab Republic provided *inter alia.*, that all citizens shall be equal before the law in rights and obligations and that the State shall guarantee the principle of equal opportunity. In this connection, a member pointed out that the Constitution spoke of the equality before the law of citizens only and that that restriction did not seem to be in line with the provisions of article 5 of the Convention. Another member, noting that many constructive measures had been mentioned in the report, asked for information on what had been done to implement article 5 of the Convention, particularly in respect of the economic, social and cultural rights and the civil and political rights covered in a report to the Human Rights Committee (CCPR/C/1/Add.1/Rev.1) and made available to the Committee at the request of the Government.

137. With respect to article 6 of the Convention, it was noted that the Syrian Arab Republic had not provided the information requested by the Committee in connection with its previous report. Information was requested particularly on the means of redress available to persons whose individual rights had been violated, whether or not as a result of racial discrimination.

138. Members of the Committee qualified as a serious omission the continuing absence of specific data on the implementation of certain parts of the Convention, and in particular of article 7. In view of the importance of the preventative activities mentioned in that article, the hope was expressed that the next report would be more explicit on that subject.

139. With respect to the occupation of the Golan Heights which had prevented the Syrian Arab Republic from applying the Convention in that part of its territory, several members proposed that the Committee should reaffirm the position it had taken on 1 April 1977, since the situation there seemed to have further deteriorated. A member pointed out, however, that the Committee's functions could not extend beyond the stipulations of article 3 of the Convention and that the Committee should, therefore, restrict itself to noting the *de facto* situation persisting in the Golan

Heights and drawing it to the attention of the competent United Nations bodies.

140. The representative of the Syrian Arab Republic replied to some of the questions raised by members of the Committee. He stated that the aliens were protected by the law in the same way and had the same rights as nationals whether or not they were resident in the country; and that it was precisely on account of the heterogeneous nature of the population that any activity directly or indirectly encouraging racial discrimination was considered a threat to State security. He assured the Committee that he would invite his Government to include in its next report information on the ethnic composition of the population as well as relating to other questions.

141. On a proposal by the Chairman, the Committee requested the Rapporteur to ensure that the decision adopted at the fifteenth session in respect of the information supplied by the Syrian Arab Republic concerning the situation in the Golan Heights 10/ would be recalled in the Committee's annual report to the General Assembly, in order to draw the Assembly's attention to the persistence of the problem.

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10/ [Official Records of the General Assembly], Thirty-second Session, Supplement No. 18 (A/32/18), chap. VIII, decision 1 (XV).

## **CERD A/36/18 (1981)**

168. The sixth periodic report of the Syrian Arab Republic (CERD/C/66/Add.22 and 32) was introduced by the representative of the reporting State who pointed out that his Government gave priority to the elimination of economic, social and educational differences. Referring to the Golan Heights, he said that Israel's occupation prevented the application of the Convention in those territories. Israel was practising racial discrimination in the Golan Heights and a policy based on the so-called "homeland" doctrine, which envisaged a mono-religious (Jewish) State established on territory that included the territories occupied by Israel in June 1967; the inhabitants of the Golan Heights had no rights vis-à-vis the governing authorities whenever the exercise of such rights ran counter to the "homeland" policy. In view of that situation his Government wished to lodge a formal protest with the Committee. The sovereignty of the Syrian Arab Republic in those territories was incontestable and recognized in international law, and the sole aim of the measures taken by Israel was to drive out the Arab population in order to annex the territory more easily.

169. On a point of order, a member of the Committee pointed out that, cases in which a State party considered that another State party was not giving effect to the provisions of the Convention were governed by article 11 of the Convention. In such circumstances, it was unnecessary for the State to refer to that article explicitly. The fact that a statement to that effect appeared in paragraph (8) of the report was enough to require the Committee to follow the procedure provided for in article 11 and isolate the part of the report in question for separate consideration.

170. Clarifying the intention of his Government on that point, the representative of the reporting State said that the Syrian Arab Republic had ratified the Convention with a reservation that its ratification did not signify any relationship with Israel; his Government categorically reserved its position regarding the possibility of its having ratified the Convention together with Israel being interpreted as de facto recognition of the Israeli State. The Syrian Government had lodged a complaint with the Committee not by invoking article 11 of the Convention but by appealing to the sense of justice of the members and to their willingness to study an illegal situation; besides, the Committee could not place the victim and the aggressor on the same footing.

171. The member raising the point of order expressed the view that the reservation of the Syrian Arab Republic could not be considered as excluding the application of articles 11 to 13, since, under article 20, paragraph 2, no reservation the effect of which would inhibit the operation of any of the bodies established by the Convention was allowed. The reservation of the Syrian Arab Republic would, however, have the effect of inhibiting the operation of the ad hoc Conciliation Commission provided for in article 12, paragraph 1 (a). In any event, if a State party did not make a formal reservation expressly excluding the application of articles 11 to 13 when it ratified the Convention, it could not do so subsequently by means of an oral or written statement. The representative of the Syrian Arab Republic had pointed out that the application of those articles would have the effect of placing aggressor and victim on the same footing. However, in the preamble to the Additional Protocol to the Geneva Conventions of 1949, which had been adopted in 1977, it was stated that the provisions of the Conventions and the Protocol must be fully applied in all circumstances to all persons who were protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the parties to the

conflict. Moreover, article 11, paragraph 1, provided a safeguard for the State party accused of not giving effect to the Convention and the Committee could in no circumstances deprive that State party of its right to explain its position and clarify the matter. On the conclusion of the first phase of the procedure, it lay with one or other of the States parties concerned to refer the matter again to the Committee in accordance with article 11, paragraph 2. In the particular case before the Committee, the first step to be taken would be to transmit paragraph (8) of the report of the Syrian Arab Republic to the State party accused. Any further action would be a matter for the States parties concerned and it could therefore be said that the Committee was imposing a conciliation procedure upon them against their will.

172. Some members of the Committee expressed the view that, although it was not necessary for a communication to be made in writing and article 11 might apply in principle, the Committee could not adopt a procedure contrary to the categorical reservation of the Syrian Arab Republic. It was pointed out that, while the declaration made by the Syrian Arab Republic when ratifying the Convention was not properly speaking a reservation, it nevertheless clearly indicated the wish of that State not to establish any relationship with Israel. Furthermore, the representative of Syria had clearly stated that his Government was not invoking article 11 of the Convention; and it would be pointless to try to impose on a State a procedure which it did not wish to invoke. Members also stressed that it was quite legitimate that Syria should refer in its report to the situation in the occupied Golan Heights, since that territory legally and undisputably formed part of that State and occupation in no case signified transfer of sovereignty to the occupying Power.

173. Acting under rule 37 of the provisional rules of procedure, the Chairman made a ruling on the point of order to the effect that paragraph (8) of the sixth periodic report of the Syrian Arab Republic did not constitute a communication under article 11 of the Convention on the following grounds: (a) that the representative of the Syrian Arab Republic had expressly stated that his country was not invoking article 11 of the Convention; (b) that States parties to the Convention had not raised any objection to the reservation made by the Syrian Arab Republic at the time of its accession to the Convention, namely, that while its ratification would not imply any relationship with Israel; however, article 11, paragraph 2, clearly implied a relationship between two States parties; and (c) that in paragraph (8) of its report, the Syrian Arab Republic had simply requested the Committee to study the conclusions of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, which were contained in a United Nations document, and it would be difficult to treat such a request as a communication within the meaning of article 11. An appeal was submitted against the ruling of the Chairman, whereby the Chairman, under rule 37, invite the Committee to vote on his ruling. The Chairman's ruling was maintained by 11 votes to 2, with 1 abstention.

174. Beginning its consideration of the sixth periodic report of the Syrian Arab Republic, the Committee expressed the hope that the revised guide-lines would be followed by the Government of Syria in the preparation of future reports. Member of the Committee requested information on the ethnic composition of the population.

175. In connection with article 2 of the Convention, information was requested on the legal status of foreigners and immigrants, in particular as regards the regulations governing the situation of immigrants without valid passports and on the implementation of the immigration laws. Referring

to a report submitted to the United Nations Working Group on Slavery in August 1980, alleging that it was the custom of some Muslim and Christian Arab sects in the Middle East to sacrifice women in order to uphold the family honour, a member of the Committee inquired whether there were any instances of that practice in Syria and whether there were any laws against it.

176. The Committee took note of the fact that the Syrian Arab Republic had no relations with the racist régime of South Africa and that it had scrupulously observed all United Nations solutions against that régime.

177. With reference to article 4 of the Convention, it was observed that articles 307 and 308 of the Syrian Penal Code and article 3 of the 1958 Law on Associations and Private Organizations were not sufficient evidence of the implementation of that article. It was asked whether the legislation cited covered injury to a person or group of persons caused by an agent of the civil authorities on account of ethnic origin. More information was requested on the measures taken to give effect to article 4 of the Convention.

178. The Committee requested the Government of the Syrian Arab Republic to submit to it directly the information on the implementation of article 5 of the Convention, which, according to the report it had already submitted to other international bodies. In that connection, it was asked whether any discrimination existed with regard to access to services or employment.

179. With reference to article 6 of the Convention, it was observed that the report failed to show what remedies or procedures were available to victims of racial discrimination. Referring to the competence of the Council of State, a member asked whether that body had the power to nullify acts or decisions of governmental organs, besides those of the Government itself.

180. Further information was requested on the implementation of article 7 of the Convention in the fields of education, culture and information. It was asked, in particular, what provision was made in the curricula of Syrian schools for instruction relating to the historical background and cultural values of the various ethnic or religious groups on the country and to the cultural and other values of neighbouring countries; what the Government's policy was as regards familiarizing each of the several communities in the country with the culture and religion of the others; and whether cultural agreements had been concluded with the other countries. A member of the Committee noted that positive attitude of the Government regarding article 7, which had been demonstrated by the constant and systematic activities in the mass media.

181. Replying to some of the questions raised, the representative of the Syrian Arab Republic said that there were no ethnic groups as defined in the Convention in his country and no statistics were available on the ethnic composition of the population. Regarding the status of foreigners, he said that Syria applied the principle of equality of rights, but foreigners still enjoyed more than the minimum rights recognized under international law. There was some differentiation in regard to employment, participation in elections, investment and the ownership of property. With regard to migrant workers, Syria was at present an exporter of labour and the question of problems for foreign workers did not arise. Agreements for the protection of foreign workers had been concluded with other Arab countries, with reciprocity clauses which were at the moment largely hypothetical. There was no large foreign community in Syria and he had heard of no complaint regarding the treatment

of foreigners. In reply to a question regarding allegations that sacrifices of women were practiced in Arab families to defend the family honour, he said that he would note the particulars of that gross misrepresentation in order to reply to the United Nations. Replying to another question, he said that, in his view, articles 307 and 308 of the Penal Code, together with article 36, paragraph 6, of the Law on Associations and Private Organizations fully reflected the provisions of article 4 of the Convention. Syria respected all the rights specified in article 5, but would submit a report directly to the Committee. All Syrians and access to the courts under the Constitution and the laws; the right to security of the person and of protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution, could be applied to terrorism; the civil rights enumerated in the article had been codified in positive law. As to the Council of State, he said that it was competent to invalidate any enactment by the Government which contravened the legitimate interests of another party, whether a corporation or an individual. Syria also had a constitutional tribunal which could invalidate laws contrary to the Constitution. Turning to questions concerning article 7 of the Convention, he said that in secondary schools, instructions were given on the civilizations of all countries, Syria had concluded a great number of cultural agreements, mainly with the socialist countries. His country had issued an official statement on the occasion of International Day for the Elimination of Racial Discrimination, pledging continued support and action against all forms of racism.

## **CERD A/39/18 (1984)**

207. The Committee considered the seventh periodic report of the Syrian Arab Republic (CERD/C/91/Add.36) in conjunction with the introductory statement of the representative of the reporting State, who highlighted parts of the report and draw particular attention, as requested by his Government, to the sections of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/38/409, paras. 156, 192 to 198, 267, 344 and 361 and annex I) dealing with the Golan Heights. He pointed out that the occupation of the Golan Heights by Israel in 1967 and its annexation in 1981 had prevented his Government from giving effect to the provisions of the Convention in that part of the Syria territory, but that the Government of Syria was not invoking articles 11, 12 or 13 of the Convention in connection with that complaint.

208. The Committee expressed satisfaction with the comprehensive report submitted by the Syrian Arab Republic, particularly in view of the problems confronting the reporting State, and welcomed the continuation of the dialogue with the Committee's guidelines in the preparation of its report. It took note of the general approach adopted by the Government to the effect that there could be no enjoyment of the right to equality without the benefit of economic and social progress.

209. In relation to the procedure for considering the seventh periodic report of the Syrian Arab Republic a member of the Committee drew attention to the section of the report entitled "Racism and racial discrimination in the occupied Golan Heights", and stated that, under the terms of article 11 of the Convention, that part of the report constituted an inter-State complaint. However, since the Syrian Government had made it clear that it did not intend to invoke the procedure under article 11, the member proposed that the particular section of the report be excluded from the Committee's consideration under article 9 of the Convention. He pointed out, in this connection, that the Convention contained provisions which obliged the Committee to hear the other party to dispute whenever one State party considered that another State party was not giving effect to the Convention, irrespective of the form in which the matter was brought to the Committee's attention. The Committee would be setting a dangerous precedent if it acted otherwise, since it would leave the way open for States parties to submit complaints to it without allowing the State against which a complaint was made to state its case.

210. Other members, however, disagreed with the interpretation that the section of the report dealing with the situation in the Golan Heights constituted an inter-State complaint under article 11. They said, in this connection, that the point Syria was making in its report was that it was itself being prevented from complying, in a part of its national territory, with the obligations laid down in the Convention, and they pointed out that the Committee must receive a formal communication under article 11 in order to set in motion the inter-State complaint procedures envisaged therein. Although the problem of the Golan Heights was a political one which lay outside the competence of the Committee and there were other forums of the United Nations to deal with it, the Syrian Arab Republic was entitled to raise that problem in its report to the Committee, since it had a direct bearing on the discharge of the Government's obligations under the Convention as well as on the Committee's work of monitoring how the provisions of the Convention were being implemented. It was regrettable that the Government of the Syrian Arab Republic was unable to implement the

provisions of the Convention in the Golan Heights because of Israeli occupation. Reference was made to General Assembly resolution 37/88/E which condemned the occupation of the Golan Heights and reaffirmed that the acquisition of territory by force was inadmissible and it was stated that the Committee must condemn the illegal acquisition of territory as well as the illegal measures which were being taken by the occupying Power in the Syrian territory of the Golan Heights. The matter before the Committee was not a question of a possible settlement of a dispute between two States parties, but rather the elimination of the consequences of an act of aggression. Both the Charter and the Definition of Aggression contained provisions stating that aggressions did not confer any right on the aggressor. If article 11 of the Convention was invoked in the present instance, that would place the aggressor on an equal footing with the victim. The Committee could not avoid discussing the practices of the occupying Power in the Golan Heights. A country, a portion of whose territory was being illegally occupied by another Power, still retained legitimate sovereignty over that territory and had the legal right and the moral duty not to close its eyes to what was going on in the illegally occupied area. In this connection, it was recalled that the information provided by the Syrian Arab Republic indicated that 135,000 of its citizens had been evicted and 31 settlements had been established in the Golan Heights and that 12,000 Syrians were being forced to relinquish their Syrian citizenship and to acquire Israeli citizenship: those were flagrant violations of the Convention.

211. The Committee took note of the fact that the Syrian Government was prevented from carrying out its obligations under the Convention fully because of the illegal occupation of a part of its territory; that the Syrian Government was perfectly entitled to draw the attention of the Committee to information relating to the situation in the occupied Gold Heights and was fully justified in doing so; and that the Syrian Government did not intend to file a complaint under article 11 of the Convention.

212. In relation to the demographic composition of the Syrian Arab Republic although the Committee understood the approach of the Government which made no distinction between the various groups of society, it pointed out that it would welcome information on the different ethnic communities in the country. Members of the Committee requested clarification as to the measures that were being taken to eliminate the residues of inequalities from the past, mentioned in the report. The Government was also asked to provide information on the legal status of individuals who did not belong to the ethnic groups mentioned in the report and to indicate whether the category of "unspecified" included Bedouin and other nomadic tribes. Further information was requested on the status of the Kurdish minority and why it did not form one compact ethnic group as distinct from the majority of the Syrian population, and about the problems encountered by that minority in view of the displacements it had been subjected to in 1973.

213. With regard to article 3, members of the Committee commended the Government for its impeccable record.

214. In connection with the implementation of article 4 one member asked whether persons found guilty of financing racist activities were punished in any way under the Syrian Penal Code. It was pointed out that article 4 of the Convention was particularly important for preventing situations in which a hostile State could support subversive activities by inciting racial prejudice among different groups.

215. As regards the implementation of article 5 of the Convention, the Committee noted with satisfaction that the report contained detailed information on the rights enumerated in that article. It was asked, however, whether the provisions contained in article 25 of the Syrian Constitution concerning the right of equality before the law were in fact directly enforceable by the courts. The Committee wished to know whether the state of emergency proclaimed 20 years earlier remained a fundamental characteristic of the juridical order of the Syrian Arab Republic and what impact that situation had on the implementation of the Convention, particularly the political and civil rights set forth in article 5 (c) and (d), such as freedom of thought, expression and opinion. Clarifications were requested regarding the statement that a citizen could leave the country provided he or she had fulfilled obligations arising from contracts with the State, and how that policy applied to the many Jews who had sought to emigrate from the Syrian Arab Republic. Information was requested on the cases in which Syrian citizens could be deprived of their nationality. Clarification was requested as to certain incidents regarding the right to freedom of religion which, according to Amnesty International, had taken place in the Syrian Arab Republic in 1980. Information was also requested regarding the application of Legislative Decree No. 84 in 1968 as well as details relating to trade unions and agricultural co-operatives; and it was asked whether the Syrian Arab Republic offered political asylum to refugees other than Palestinians.

216. With reference to article 7, the Committee wished to know to what extent the population was informed about the content of the Convention, whether education was given only in Arabic and what efforts were being made to preserve the traditions and cultures of the Syrian Arab Republic.

217. Referring to the discussion concerning the situation in the Golan Heights, the representative of the Syrian Arab Republic welcomed the understanding which prevailed in the Committee concerning his country's position, in the light of the incapacitating conditions, which prevented his Government from applying the provisions of the Convention, resulting from the annexation by Israel of the Golan Heights, an action which the Security Council had declared null and void. He stressed that the information given in his Government's report regarding the situation in the Golan Heights, which had been appropriately characterized by a member of as *sui generis*, did not represent a complaint by one State against another, but rather, a complaint before experts regarding the inability of the Syrian Arab Republic to provide its citizens with the protection they should have if it was to implement the Convention.

218. Regarding the demographic composition of the Syrian Arab Republic he stated that, while compact ethnic groups of Kurds did exist in neighbouring countries, that was not the case in his country where Kurds had been arabized. The Syrian Arab Republic represented a mixture of civilizations rather than ethnic groups. There were no different nationalities in this country, only different religious denominations. All Syrians considered themselves Arabs and would have great difficulty in identifying their ethnic origin. The terms "aliens and unspecified" used in the report referred to the few foreigners working in his country as teachers and experts or to persons without a nationality.

219. Replying to the question whether the provisions concerning the right to equal treatment before the tribunals, referred to in article 25 of the Constitution, were enforceable in the courts, the representative stated that in the Syrian Arab Republic, as in any other country, the Constitution had to be respected.

220. In relation to civil and political rights and the question of the state of emergency, he pointed out that his country was constantly threatened by Israel aggression and had been defending the Arab cause against the aggression since independence. The Syrian Arab Republic had taken steps derogating from some of its obligations under the International Covenant on Civil and Political Rights but not under the International Convention on the Elimination of All Forms of Racial Discrimination. He added, however, that the question relating to the state of emergency was not within the Committee's competence, for a state of emergency had nothing to do with the elimination of racial discrimination.

221. As to the question concerning the right of Syrians to leave their country and to return, he stated that his country respected that right and explained that, whereas in 1948 there had been between 30,000 and 35,000 Jews in Syria, there were currently 5,000. Persons wishing to leave the country, he said, must have fulfilled their obligations to the State, which included military service from which no Syrian was exempt. Education was free at all levels. The term "contracts" in the report referred to Syrians who had received higher education, such as doctors or engineers, and were required to serve in the rural areas.

222. With regard to the Hama episode, referred to in the report of Amnesty International, he said that those incidents had been exaggerated out of all proportion by the Western press. He stated that a distinction should be made between a religious conflict - which could not exist in the Syrian Arab Republic since freedom of religion was guaranteed by the Constitution - and the exploitation of religious differences for political purposes. The Hama incident, in which hundreds of government officials and their families had been massacred, had been an attempt, instigated from abroad, to divide the country. The Government's response had been entirely appropriate and not at all excessive.

223. Replying to the request for details as to how a Syrian could lose his nationality, he said that that could occur when a person left the country with the intention of not returning. In addition, anyone who acquired foreign nationality contrary to the law without Government consent, who served in a foreign army without the permission of the Minister of Defence, or who served a foreign Government, could be deprived of his nationality by an act of Government.

224. In connection with the question whether efforts were being made to preserve the country's traditions and cultures, he stated that, since independence in 1946, education was in Arabic, that a student could take either English or French as a foreign language, and that Aramaic was still spoken in the Syrian Church and efforts were being made to preserve that language.

## **CERD A/43/18 (1988)**

62. The eighth periodic report of the Syrian Arab Republic (CERD/C/118/Add.32) was considered by the Committee at its 817th meeting, held on 2 August 1988 (CERD/C/SR.817).

63. The report was introduced by the representative of the reporting State, who said that in the eighth periodic report, which supplemented the information contained in previous reports, the Government of the Syrian Arab Republic had wished to draw attention to the constitutional provisions regarding the freedom, dignity and equality of citizens, respect for all religions and freedom of worship and expression. Having indicated that the policy of opposition to any form of racial discrimination or racial ideology had been fundamentally reoriented when the Arab Socialist Ba'ath Party had come to power in 1963, he pointed out that since then the Syrian Arab Republic had given its full support to international movements of all types that condemned racial discrimination and racism in general. Within that context, it was emphasized that the Syrian Arab Republic had been the first country to sign the International Convention on the Suppression and Punishment of the Crime of Apartheid and that Syrian laws prevented any co-operation with the apartheid régime and with other racist régimes which co-operated with it. The Syrian Arab Republic was also combating zionism which it considered a racist ideology. He drew the attention of the Committee to his Government's inability to apply the International Convention on the Elimination of All Forms of Racial Discrimination to the Syrian citizens living in the Syrian Arab Golan, who were subject to all kinds of racist practices by the occupation forces.

64. Members of the Committee welcomed the introductory Statement made by the representative of the reporting State and noted that consistent legislative and practical efforts made by the Government to combat any form of racial discrimination were most commendable. Some members of the Committee expressed regret that the Syrian Arab Republic was unable to apply the provisions of the Convention throughout its territory because part of that territory was illegally occupied by another State. The hope was expressed that future periodic reports from the Syrian Arab Republic would follow the Committee's guidelines for the preparation of reports.

65. With reference to article 4 of the Convention and to paragraph 2 of the eighth periodic report, it was asked how many cases dealing with incitement to racial discrimination had been dealt with by the courts and how severe the penalties imposed had been.

66. With regard to article 5 of the Convention, members wished to know what machinery existed in the Syrian Arab Republic to secure the rights of national minorities, in particular of the Kurdish minority and, with reference to the state of emergency which had been in force in the Syrian Arab Republic for some time. It was asked what rights affecting the implementation of the Convention had been suspended.

67. Replying to the questions raised, the representative of the reporting State informed the Committee that no case of criminal proceedings on incitement to racial discrimination had been reported, because racial discrimination did not exist in the Syrian Arab Republic. He pointed out that his country had a homogeneous population in which there were no ethnic groups. In the 1970's some Kurds had sought refuge in the Syrian Arab Republic, but most of them had since returned

home. The few that had remained had been voluntarily assimilated in the Arab population.

68. With reference to the question concerning the state of emergency, the representative stated that it was in force as a result of the constant threat posed by Israel. It had led to certain proceedings being transferred to special courts; that matter had been dealt with in previous reports, but a more detailed reply would be given in the next periodic report. He also emphasized that, in any case, the state of emergency had nothing to do with racial discrimination, and his Government felt that it was not a proper subject for discussion in the Committee.

69. Indicating that the eighth periodic report was in fact a supplementary report to the previous one, the representative of the reporting State said that in future his Government would do its best to follow the Committee's guidelines.

## **CERD A/46/18 (1991)**

389. The ninth, tenth and eleventh periodic reports of the Syrian Arab Republic, submitted in one consolidated document (CERD/C/197/Add.6) were considered by the Committee at its 932nd meeting, on 16 August 1991 (see CERD/C/SR/932).

390. The reports were introduced by the representative of the State party, who emphasized that there was no form of racial discrimination in his country and that successive Syrian constitutions had guaranteed equality before the law of all citizens. Article 207 of the Penal Code provided that any act of racial discrimination or constituting incitement to or encouragement of such discrimination was punishable by law. Furthermore, all citizens had the right to participate in the country's political, economic, social and cultural life. Similarly, the right to liberty and security of the person as well as freedom of religion and belief were protected under the Constitution.

391. Members of the Committee commended the Government for reporting regularly and maintaining its dialogue with the Committee. It regretted, however, that the report, which was too succinct and too categorical in its assertions, had not provided sufficient information concerning the practical implementation of constitutional or legislative provisions. It was also pointed out that in preparing the country's next periodic report, account should be taken of the consolidated guidelines for the initial part of the reports of States parties (HRI/1991/1).

392. Members of the Committee wished to know whether all five factors mentioned in article 1, paragraph 1, of the Convention, namely, race, colour, descent and national and ethnic origin, were covered by Syrian legislation and whether integrationist multiracial organizations and movements were encouraged by the authorities. Further information was also requested on practical arrangements made to implement article 2, paragraph 1 (c), of the Convention.

393. Members of the Committee commended the Syrian Arab Republic on its policy regarding the implementation of article 3 of the Convention.

394. With reference to article 4 of the Convention, members of the Committee wished to know whether article 207 of the Penal Code had ever been invoked before the courts; whether that provision related to both public authorities and private persons; and whether domestic legislation provided for the prohibition mentioned in article 4 (b) of the Convention. Further information was also requested concerning the organization of the judiciary and, in particular, on the competence of special courts during states of emergency.

395. Members of the Committee wished to receive detailed information on the implementation of articles 5 (b) and 5 (d) (ii) (iii) and (ix) of the Convention. It was asked whether there were specific laws governing the exercise of the political, economic, social and cultural rights embodied in the Constitution and whether these rights were available without discrimination. Further information was sought regarding the number of Palestinians living in the Syrian Arab Republic, and it was asked whether they could vote or acquire Syrian nationality and obtain a visa to travel abroad without difficulty. It was further asked whether it was true that Jews were excluded from the armed forces and that they were only minority whose passports and identity cards mentioned their religion

and, if so, how these provisions could be reconciled with article 5 (d) of the Convention.

396. In connection with article 6 of the Convention, members of the Committee wished to know what measures had been taken to inform the general public about remedies available in cases of racial discrimination. Clarification was requested of the claim that no racial discrimination existed in the country and, in that regard, it was pointed out that even in countries with a pattern of non-discrimination, cases of racial discrimination did occur or might occur in the future as a result of changes in social conditions. Further information was also requested regarding the situation of persons of Kurdish ethnic origin.

397. In his reply, the representative of the State party said that all groups covered by article 1, paragraph 1, of the Convention enjoyed the same protection before the law and that no distinction was made in that respect between visitors and residents. Furthermore, all government bodies were required by law to comply with the provisions of the Convention. There were no integrationist multiracial organizations in the Syrian Arab Republic, since there was no racial discrimination in the country.

398. Responding to questions raised in connection with article 4 of the Convention, the representative of the State party explained that article 207 of the Penal Code was applicable by the courts whenever a case involving racial discrimination was brought before them and that no such cases had ever been brought, since all citizens were equal before the law. The state of emergency prevailing in the Syrian Arab Republic since 1948 had not restricted the rights of citizens.

399. Referring to article 5 of the Convention, the representative stated that the political, economic, social and cultural rights listed in that provision were covered and regulated by various laws. Article 28.3 of the Constitution specifically provided for the punishment of any acts of physical or moral torture, and particular attention was attached to the rights of trade unions. In that latter regard, any group of workers in the same occupation could set up its own union. Furthermore, the Syrian Arab Republic had ratified ILO Conventions Nos. 87 and 98. Concerning the specific situation of Palestinians living in the Syrian Arab Republic, he explained that they were refugees who had been expelled from Palestine following violence, torture and terrorism and had left their lands and possessions. Their presence in the country was provisional and, as guests, they naturally did not take part in elections, their Palestinian identity and passports being thus protected. Any Palestinian who wished to travel abroad was able to obtain a special travel document.

400. Responding to other questions relating to article 5, the representative stated that, although there was no Jewish community as such in his country, some Syrian citizens were Jews. They were able to practice any profession they chose, could engage in any form of trade and were exempt from military service. Their freedom of movement had not been restricted since 1976 and they benefited from wide educational opportunities. Furthermore, their passports did not refer to their religious belief.

401. In reply to questions raised under article 6 of the Convention, the representative of the State party emphasized that Kurdish Syrians were fully and willingly integrated into Syrian society and were treated without discrimination.

### Concluding observations

402. The Committee expressed its appreciation to the Syrian Arab Republic for maintaining its dialogue with the Committee. The Committee welcomed the assurance that certain gaps in the information that had been supplied would be remedied in the twelfth periodic report, which would be more comprehensive in character.

## **CERD A/54/18 (1999)**

167. The Committee considered the twelfth to fifteenth periodic reports of the Syrian Arab Republic (CERD/C/338/Add.1/Rev.1) at its 1319th and 1320th meetings (see CERD/C/SR.1319 and 1320), on 10 and 11 March 1999. At its 1332nd meeting (see CERD/C/SR.1332), on 19 March 1999, it adopted the following concluding observations.

### Introduction

168. The Committee welcomes the twelfth, thirteenth, fourteenth and fifteenth periodic reports submitted by the Government of the Syrian Arab Republic in one document and the introductory presentation made by the delegation as well as the opportunity thus offered to recommence its dialogue with the State party after eight years. Nevertheless, the Committee regrets that the report did not follow the guidelines; the information was too concise and did not take into consideration the Committee's concluding observations relating to the previous report of the State party for the submission of a comprehensive report. The Committee expresses its appreciation for the constructive dialogue with the delegation and the additional information provided in response to the questions asked.

### Factors and difficulties impeding the implementation of the Convention

169. The Committee notes that the State party, as a result of the Israeli occupation of part of its territory, is not in a position to exercise control over all its territory and consequently cannot ensure the implementation of the Convention in the Golan Heights. The Committee also takes note of the difficulties caused by the fact that the State party has hosted a great number of refugees for several decades. It is also noted that the state of emergency, which continues to be in force in the State party, militates against the unrestricted implementation of some of the provisions of article 5 of the Convention.

### Positive aspects

170. The Committee expresses its satisfaction at the fact that the international conventions to which the State party has acceded, including the International Convention on the Elimination of All Forms of Racial Discrimination, have become an integral part of its domestic legislation and are binding on the judicial and other authorities of the State.

171. Efforts made by the State party to host Palestinian refugees, of whom 351,189 have been registered, and let them retain their identity are also noted with satisfaction.

172. The Committee notes with satisfaction that the State party's Penal Code (arts. 305, 307 and 109) reflects most of the provisions enshrined in article 4 of the Convention.

173. The Committee welcomes the information contained in the report concerning educational measures which provide for the inclusion of the teaching of human rights, including the need to combat and condemn racial discrimination, in school curricula. Satisfaction is also expressed in

relation to the efforts undertaken by the State party to raise awareness and promote action against all forms of racial discrimination; the Committee notes, in this regard, the establishment of a human rights committee in every school in order to promote the principles of tolerance and peaceful coexistence among different ethnic groups in the State party.

174. The Committee also notes with satisfaction that the State party has ratified the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

#### Principal subjects of concern

175. While the Committee acknowledges the State party's efforts to protect the rights of ethnic national minorities, particularly Armenians, Palestinians and Jews, it is still concerned about the stateless status of a large number of persons of Kurdish origin, who are alleged to have entered the Syrian Arab Republic from neighbouring countries from 1972 to 1995 and who are said to number 75,000.

176. The Committee is concerned about Syrian-born Kurds, who are considered either as foreigners or as *maktoumeen* (unregistered) by the Syrian authorities and who face administrative and practical difficulties in acquiring Syrian nationality, although they have no other nationality by birth.

#### Suggestions and recommendations

177. The Committee encourages the State party to continue to explore ways of providing protection to all ethnic or national groups living in the Syrian Arab Republic and recommends that the State party include in its next report data on the ethnic composition of the population and on persons residing in the Syrian Arab Republic who are non-Palestinian refugees. Information on their socio-economic situation would also be appreciated.

178. In the light of article 3 of the Convention and general recommendation XIX, the Committee encourages the State party to monitor developments which may give rise to racial segregation and to work for the eradication of any negative consequences that ensue from such developments.

179. In order to be able to evaluate the implementation of articles 4 and 6 of the Convention, the Committee requests the State party to present information on the number of complaints, judgements and compensation awards arising from acts of racial discrimination.

180. The Committee recommends further action to protect the rights of all persons belonging to ethnic and national groups to enjoy, without discrimination, the civil and political rights listed in article 5 of the Convention, notably the right to nationality and cultural self-expression. In particular, the Committee recommends that the State party review its legislation on nationality in order to find an expeditious solution to the situation of Syrian-born Kurds and refugee children born in the Syrian Arab Republic.

181. The Committee recommends that the State party undertake preventive measures, such as training programmes for law enforcement officials and security authorities, which will strengthen

the implementation of the Convention, in accordance with article 7 of the Convention and general recommendation XIII of the Committee, with a view to preventing human rights violations such as arbitrary arrests, detention, and disappearances of stateless refugees and foreigners.

182. Some members of the Committee requested that the State party consider the possibility of making the declaration provided for in article 14 of the Convention.

183. The Committee recommends that the State party's next periodic report, due on 21 May 2000, be a comprehensive report, following the reporting guidelines established by the Committee.

184. The Committee suggests to the State party that the report and the present concluding observations be widely distributed to the public.

