



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

Distr.
GENERAL

CERD/C/SR.1593
29 September 2003

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-third session

SUMMARY RECORD OF THE 1593rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 11 August 2003, at 10 a.m.

Chairman: Mr. DIACONU

later: Mr. YUTZIS (Vice-Chairman)

later: Mr. DIACONU (Chairman)

CONTENTS

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

Eleventh and twelfth periodic reports of the Republic of Korea (continued)

Review of the implementation of the Convention in States parties whose periodic
reports are seriously overdue

Lao People's Democratic Republic

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING
MEASURES AND URGENT ACTION PROCEDURES

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.03-43567 (EXT)

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

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

Eleventh and twelfth periodic reports of the Republic of Korea (continued)
(CERD/C/426/Add.2)

1. At the invitation of the Chairman, the members of the delegation of the Republic of Korea resumed their places at the Committee table.
2. Mr. KIM Hyun-chul (Republic of Korea), replying to Committee members' questions concerning the status of the Convention in Korean domestic law, said that, under article 6, paragraph 1, of the Constitution, treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law had the same effect as domestic law. Unlike the International Covenant on Civil and Political Rights, however, the Convention had never been invoked in Korea's courts. The Convention could be invoked when evaluating the constitutionality of domestic legislation.
3. Although article 11 of the Constitution did not specifically include race in the list of grounds on which discrimination was prohibited, his delegation considered that the list was merely illustrative and that discrimination on racial grounds was prohibited by the Constitution.
4. With regard to penalties for racial discrimination, he said that, under article 311 of the Criminal Code, any person who publicly insulted another on racial grounds was liable to imprisonment. Under article 307, any person found guilty of defamation through allegations made in public, including allegations relating to racial discrimination, was liable to imprisonment. Under articles 257 and 260 of the Criminal Code, any person found guilty of race-based violence was liable to a maximum of two years' imprisonment; in cases of bodily injury, the perpetrator was liable to a maximum of 10 years' imprisonment.
5. He said he believed that cases where trade unions adopted racially discriminatory resolutions or measures would be covered by the Trade Union and Labour Relations Adjustment Act, article 9, on the prohibition of discrimination, and articles 21, paragraph 2, and 93, relating to conflicts between trade union resolutions and labour-related legislation.
6. Article 5 of the Labour Standards Act prohibited gender-based discrimination against workers and discriminatory treatment with regard to working conditions on grounds of nationality, religion or social status. Violations were punishable under article 115 of the Act.
7. Victims of racial discrimination could bring complaints before the National Human Rights Commission, whose mandate was to investigate allegations, mediate between parties and recommend relief measures to relevant institutions. Cases involving criminal discrimination should be referred to the Supreme Prosecutor's Office. Victims could seek compensation through civil action and, if a government body was involved, could also file an administrative action. Complaints of discrimination serious enough to warrant criminal sanctions could also be filed with the police or with the prosecutor's office; if the prosecutor's

office decided not to prosecute, a constitutional complaint could be filed with the Constitutional Court.

8. If a statute was considered discriminatory on racial grounds, an application could be made for an adjudication of constitutionality. In cases of infringement of fundamental rights by an unconstitutional administrative act, relief could be obtained through a petition to the Constitutional Court.

9. Mr. LIM Sang-beom (Republic of Korea), replying to questions concerning the industrial trainees system, said the Government had intended to replace the system by the employment permit system, but, following negotiations with the interested parties, both systems had been implemented in parallel. The employment permit system was nevertheless expected to solve many of the problems foreign workers had previously faced, since all labour-related legislation, including the Labour Standards Act, would now cover all foreign workers after completion of a one-year training programme, and they would be treated on an equal footing with Korean nationals for the remainder of their contract, which could not exceed three years.

10. The Government had also made efforts to ensure the rights of undocumented workers, regardless of their residential status under the Immigration Control Act. They, too, were covered by labour-related legislation and were protected by certain legal safeguards: those initiating legal proceedings for overdue wages or human rights violations, for example, might be granted a visa extension. However, unlike industrial trainees, who were covered by two out of the four regular workers' insurance schemes during training and by all four on completion of their training, undocumented workers were entitled only to industrial accident insurance.

11. With regard to remedies, he said foreign workers could lodge complaints concerning overdue wages, industrial accidents or working conditions with local labour offices, under the same procedure as that available to Korean nationals. They could also receive counselling from any of the 46 employment security centres around the country, with interpretation if necessary. There was no race-based restriction on the right to form or join trade unions.

12. Increasing numbers of foreign workers were being employed in Korea and, although it seemed somewhat premature to discuss Korea's accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, that possibility would be considered in due course.

13. Under the Code of Criminal Procedure, statements made in court by non-Korean speakers must be interpreted by an interpreter. Interpretation for applicants for refugee status was provided on an ad hoc basis.

14. Regarding the situation of refugees in general, he said the figure of 133 applicants for refugee status (report para. 22) covered the period between 1994 and 2001. As of July 2003, the total number of applicants since 1994 was 176. A total of 12 persons had been granted refugee status, 10 of them during 2003. A number of steps had recently been taken to improve refugees' situation in accordance with international standards: they were able to work legally and travel freely abroad, and those who were unable to earn a living were entitled to the same government support as Korean nationals. The Ministry of Justice planned to establish a refugee aid centre and a government office to deal exclusively with refugee affairs.

15. Mr. LEE Kang-suk (Republic of Korea), replying to questions concerning ethnic Chinese (Hwakyō), said that, under the Nationality Law, Hwakyō must apply for naturalization and renounce their previous nationality within six months of the approval of their application. Renunciation of previous citizenship was a requirement for all applicants for naturalization. The Nationality Law had been amended to allow children to acquire Korean citizenship automatically at birth if either parent was a Korean national. Naturalized Koreans had the same rights and obligations as native Koreans and were eligible for election to public office or employment in a State enterprise without any discrimination or restriction.

16. With regard to the low numbers of Hwakyō with permanent residence status, he said the establishment of the new permanent residence status had been widely publicized and, as of late June 2003, 8,706 Hwakyō had obtained that status. Under a supplementary provision in the amended Enforcement Decree of the Immigration Control Act, persons with residence status were entitled to apply for permanent residence status within five years. By 2007, most Hwakyō with residence status were expected to have changed to permanent residence status.

17. The legislation restricting land acquisition by Hwakyō had been reformed and any unjust aspects of legislation governing any form of social participation had been eliminated. With regard to voting rights in local elections, he said the matter had been discussed in the National Assembly in 2001, but there had apparently been no further developments.

18. With regard to protection of foreigners' human rights, he said the rights protected by the Constitution, excluding those premised on Korean citizenship, applied equally to foreigners. In the area of property rights, the principle of reciprocity applied. Under the Foreigners' Land Acquisition Act, individuals or corporate bodies of countries that prohibited Korean nationals or corporations from acquiring or transferring land within their territory might be subject to restrictions or prohibitions in the acquisition or transfer of land within the Republic of Korea. In general, however, there were no differences between Korean and other citizens with regard to land acquisition, except that foreigners had to report such acquisition to the relevant administrative offices.

19. In cases where foreigners' rights were violated, victims could bring complaints before the Korean courts and, if a discriminatory act was defined as a criminal offence in the Penal Code or Labour Standards Act or was illegal under civil law, could demand compensation. Where a claim for damages was filed against the Government, the National Indemnity Act would apply in accordance with the principle of reciprocity.

20. Ms. NOH Hee-bang (Republic of Korea), said that although there was no institutional discrimination against ethnic minorities and mixed ethnicity, racial prejudice continued to exist. The recent rapid internationalization of the Korean economy had, however, created greater tolerance for other cultures and races. Her Government believed education was an important tool for the elimination of discrimination. Accordingly, the fundamental rights guaranteed by the Constitution and the human rights set out in the Universal Declaration of Human Rights were taught in elementary and secondary schools, in particular as part of social studies and ethics. A copy of a grade 6 social studies textbook had been provided to the Committee. It included sections on the Universal Declaration, as well as on the rights of, for example, the disabled, left-handed persons and foreign workers. Students were taught how to protect human rights and how the legal-aid system for human rights protection worked.

21. After grade 6, students learned about different races and ethnic groups in their world geography class in order to increase their awareness of the global community. The class textbook dealt with issues such as the situation of foreign workers, their rights and efforts to improve understanding between foreign workers and residents. In 2002, the Ministry of Education had accepted the national Human Rights Commission's recommendations concerning the need to introduce changes in some textbooks in order to improve their treatment of human rights and racial discrimination. The National Human Rights Commission also played a direct part in human rights education. In April 2003, it had distributed a human rights teaching manual for elementary and secondary school teachers and had established a five-year project for the development of human rights education; it was also developing standards for human rights education for future use in the school system.

22. With regard to education for law enforcement officers, she said that although there were no specific classes on racial discrimination, legal training in human rights was provided. The Judicial Research and Training Institute, which was responsible for training public officials, taught classes on issues such as human rights and public order and women's rights and invited human rights experts as guest lecturers. The Ministry of Justice had a class which explained the National Human Rights Commission Act in order to help officers dealing with foreigners. The National Central Police Academy also provided lectures on human rights to new recruits and the Korean National Police University had programmes for senior officer candidates on issues like democracy and human rights.

23. The children of illegal residents had been authorized to attend elementary and middle schools since 2001. Children of foreigners normally were required to submit a certified record of entry or a certificate of alien registration issued by the Immigration Office in order to attend school in Korea. Education was compulsory until eighth grade and would become compulsory until ninth grade in 2004. Notwithstanding the above, the children of illegal immigrants could be admitted simply upon submission of proof of residency, for the sake of protecting the rights of children. As of May 2003, there were approximately 200 students attending elementary and middle school whose parents were illegal immigrants. In 2004, the National Institute for International Education Development, in cooperation with the Ministry of Education and Human Resources Development, would introduce a school curriculum for children of low-income foreigners modelled on the school curriculum of their country of origin, while classes such as music, physical education and Korean culture would be taught in Korean.

24. Ms. PAIK Ji-ah (Republic of Korea), replying to a query by Committee members, said that a copy of the National Human Rights Commission Act had been provided to the secretariat. The Commission acted as an independent body with comprehensive authority in the area of human rights, including human rights guaranteed by the Constitution or by international human rights instruments ratified by the Republic of Korea or recognized by international customary law. It was made up of 11 members nominated by the National Assembly, the President and the Chief Justice of the Supreme Court, and appointed by the President. Commissioners were required to be Korean citizens and to have professional experience of human rights issues and a capacity to deal with those issues fairly and independently (articles 2 to 5). Individuals falling under article 33 of the State Public Officials Act and members of political parties could not qualify (article 9).

25. The Commission's duties included conducting investigation and research and issuing recommendations with respect to statutes, legal systems, policies and practices relating to

human rights. The Commission was also responsible for increasing public awareness of human rights and for issuing recommendations or opinions on accession to instruments or implementation of international human rights (articles 19 to 28). It investigated claims of human rights violations and could recommend a compromise settlement between the parties concerned, remedial measures such as cessation of the discriminatory act, compensation for damages and measures to prevent recurrence of the situation. If the Commission believed a human rights violation involved a criminal act, the case could be referred to the Prosecutor-General (articles 30 to 50).

26. Explaining the reference to “acts of unreasonable discrimination” (art. 30, para. 2), she said it covered cases, for instance, where favourable treatment for specific persons was not considered to be discriminatory. Regarding the Commission’s investigative activities, she said that as of 1 July 2003, a total of 5,435 complaints had been filed with the Commission, of which 23 had concerned racial discrimination. Of the latter, 3 cases had been closed with recommendation of remedies; 4 cases had been rejected; 13 cases had been dismissed; 1 case had been transferred to another agency and 2 cases were still under investigation. She added that the members of the Commission present in the Committee room were guests of the delegation but not official members of the delegation.

27. Responding to suggestions by Committee members, she said the next report would contain more information on migrant women and related domestic violence. She agreed that the international community must cooperate closely to deal with human trafficking, a most serious form of human rights violation. Her Government had adopted various measures in that respect. In July 2001, it had set up an Inter-agency Committee on Countermeasures to Prevent Trafficking in Persons made up of representatives from nine ministries, including the ministries of justice, gender equality and labour and chaired by the Deputy Minister of Justice with the task of planning and implementing measures to prevent trafficking, prosecute traffickers and protect victims. The Supreme Prosecutor’s Office had appointed prosecutors in all its district offices and branches to deal with human trafficking and maintained a joint enforcement team on human trafficking under the direction of the Prosecutor’s Office made up of representatives from the Prosecutor’s Office, the police, the Ministry of Labour, the Immigration Office and local governments.

28. In order to prevent human trafficking and protect victims, the Ministry of Gender Equality and the police were conducting public awareness campaigns, while civic groups assisting victims were provided with financial assistance. The Ministry of Gender Equality had hosted two seminars in 2002 on how to protect foreign women forced into prostitution and would conduct a survey of the situation in 2003. It had established an emergency telephone line for women which provided simultaneous interpretation in English and Russian. More languages would be added in the future. Her Government had also acted to close legal loopholes, for example by amending the procedure for issuing entertainment visas, which could be abused to facilitate human trafficking. She pointed out that even if a victim of human trafficking was in violation of the immigration control law, that individual was first given protection as a victim including legal aid services.

29. Her Government had participated actively in international efforts to prevent human trafficking. It had sent representatives to the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in Bali and was responsible for coordinating of awareness-raising activities under one of the working groups

established at the Conference. In addition, the Ministries of Gender Equality and Justice would be hosting an international seminar on human trafficking in September 2003.

30. The preparation of her country's core document was in its final stages and it would be available shortly. She reassured the Committee that her Government disseminated information about its reports and the Committee's concluding observations through various media, including the Internet. All documents relating to the Committee were not, unfortunately, translated into Korean, due to a lack of resources. She agreed, however, that availability of information in Korean was essential for raising public awareness and said her Division would make every effort to translate as much documentation as possible, in particular the Committee's concluding observations.

31. She took note of the Committee's suggestion requiring the need for an ethnic census and said she would convey that message to the authorities concerned. Finally, with regard to the claims of human rights violations made by two Bangladeshi workers, transmitted in September 2002 by the Office of the United Nations High Commissioner for Human Rights upon request from the Special Rapporteur on the human rights of migrants and the special representative of the Secretary-General on the situation of human rights defenders, she said her delegation would provide a copy of her Government's reply if the Committee so desired. Her Government had concluded that there had been no human rights violations and no acts of violence committed against the claimants.

32. Mr. TANG Chengyuan (Country Rapporteur) thanked the delegation for the additional information provided on issues such as education for the children of illegal immigrants, applications for refugee status, the rights of ethnic Chinese and the rights of industrial trainees. With regard to the latter, he said that the existence of parallel systems was not important so long as basic rights were guaranteed. He expressed satisfaction that the State party seemed to be addressing the Committee's concerns regarding Asian women who were victims of prostitution, by introducing measures such as workshops and new legislation. He would like more information on the legal framework for implementation of article 4, in particular with regard to criminal law. He looked forward to receiving more information on that subject and on any new developments in the next periodic report and thanked the delegation for a most positive exchange of views with the Committee.

33. Ms. PAIK Ji-ah (Republic of Korea) thanked the Committee for its observations, which would guide her Government in meeting its commitment to promote human rights and eliminate all forms of discrimination.

34. The delegation of the Republic of Korea withdrew.

The meeting was suspended at 11.20 a.m. and resumed at 11.45 a.m.

Review of the implementation of the Convention in States parties whose periodic reports are seriously overdue

Lao People's Democratic Republic

35. The CHAIRMAN said that he had received a letter from the Government of the Lao People's Democratic Republic, in which it promised to submit a periodic report to the Committee in 2004. He recalled, however, that a similar promise had been received from the

Government in 2001. As the Committee had previously agreed, he now wished to invite the Country Rapporteur, Mr. Amir, to report on the status of compliance by the Lao People's Democratic Republic with the provisions of the Convention.

36. Mr. AMIR (Country Rapporteur) said that, generally speaking, the Committee did not enjoy a good working relationship with the Government of the Lao People's Democratic Republic and therefore found it very difficult to obtain clarification about the situation in the country. The fact that the most recent report of the Lao People's Democratic Republic had been submitted in 1984 (CERD/C.105/Add.4) was a reflection of that State party's total disrespect for the Committee. Indeed, no other State party had ever been as late in fulfilling its reporting obligations. The Government had claimed that its difficulties were due to its status as a developing country and its consequent lack of the necessary technical skills. Nonetheless, it had shown little interest in the Committee's offer of technical assistance for the preparation of reports. It was also noteworthy that the State was not a signatory to any of the 12 principal international human rights instruments.

37. Despite the guarantees it contained for private sector participation in the economy, the Constitution adopted by the Lao People's Democratic Republic in 1991 sought to impose on the nation a communist and collectivist ideology, in which the rural population were the main stakeholders in national life. The Government was pursuing an isolationist policy in a sensitive region, where the country's neighbours included China, Myanmar and Viet Nam.

38. Against a backdrop of widespread poverty, human trafficking, prostitution and pornography were rampant and no legal provisions were in place to prevent and punish discrimination. The constitutional guarantees of the right of minorities to practice and preserve their culture were not enforced. Similarly, the constitutional guarantees of equality for all minorities remained a dead letter. The Committee had received no replies to the numerous questions it had posed to the Government on the subject of minority ethnic groups.

39. Of the various minority ethnic groups, the situation of the Hmong was particularly alarming. The Hmong accounted for approximately 10 per cent of the country's total population and large numbers of them lived as refugees in other parts of the world, while others survived in the jungles of the Lao People's Democratic Republic under inhuman conditions and bereft of any protection or assistance from United Nations agencies. The group was subject to policies of systematic displacement and dispersal and to efforts to destroy their culture and religion. Even though the Government had denied the accusation, there was evidence that Christian evangelists and Buddhist priests were persecuted, places of worship were closed and the practice of religion itself was discouraged.

40. In a country in which the right to education was enshrined in the national Constitution, some 23 per cent of the total population was illiterate. Among the Khmer and Hmong ethnic minorities, however, those figures were 56 per cent and 67 per cent respectively. The illiteracy statistics were no doubt consistent with the Government's policy of deliberate isolation and its emphasis on rural subsistence living, for which education was not necessary. The country also had one of the highest levels of drug addiction in the world and was the second largest producer of opium.

41. The civil and political rights enshrined in the International Covenant on Civil and Political Rights were routinely and grossly violated. Journalists were closely monitored to ensure that the international community was not apprised of the true social and political

situation in the country and nationals who provided journalists with information were severely punished. Individuals who attempted to organize demonstrations against the Government were detained as political prisoners and protests were violently suppressed. Repression was particularly severe against those who advocated a return to the multiparty system of government that had existed prior to the communist takeover in 1975.

42. He wished to propose that the Committee initiate urgent action procedures to respond to the problems he had just described. More specifically, a special rapporteur should be appointed to visit the Lao People's Democratic Republic with a view to clarifying the situation there country for the benefit not only of the Committee on the Elimination of Racial Discrimination but also all of the other human rights treaty bodies as well. The very presence of a special rapporteur in the Lao People's Democratic Republic and the report that would be issued at the conclusion of the visit would provide support for the Office of the United Nations High Commissioner for Refugees, which was finding it very difficult to discharge its responsibilities in the country, given the current lack of cooperation by the Government.

43. Mr. Yutzis (Vice-Chairman) took the Chair.

44. Mr. de GOUTTES said that the situation regarding the Lao People's Democratic Republic was alarming. The Committee had received no information from the Lao Government since 1985, despite repeated requests, and nor explanation had been given. Information from a variety of other sources, including non-governmental organizations (NGOs), indicated widespread violations of human rights and many cases of discrimination. The right to freedom of religious practice was denied and there were many cases of ethnic discrimination. The situation of the Hmong ethnic minority was particularly distressing: they suffered extreme poverty, social, religious and cultural discrimination and enforced displacement. The Committee needed to make an urgent response either by sending a special rapporteur, as suggested by Mr. Amir, or by making it clear to the Lao Government that it had to submit its report by the end of 2003.

45. Mr. SICILIANOS agreed with Mr. de Gouttes that the Committee should act as a matter of urgency.

46. Mr. SHAHI said that the terrible plight of the Hmong, who were suffering from utter neglect, posed a serious enough threat for the Committee to bring it to the attention to the United Nations Security Council. He called for expeditions action since too much time would elapse before the findings of a special rapporteur could be reported to the Committee and communicated to the Lao Government. In the meantime more members of the Hmong ethnic minority would undoubtedly suffer and even die. The Committee should therefore put as much pressure as possible on the Lao Government.

47. Mr. BOSSUYT reminded the Committee that a number of foreign journalists had recently been arrested in the Lao People's Democratic Republic for reporting on the plight of the Hmong. They had been summarily tried on false charges and subsequently freed but the Lao citizens accompanying them were still in detention. The Committee should insist that the Lao Government respect its obligations under the Convention. The letter it had received from the Lao authorities promising that the periodic report would be submitted in time for the March 2004 session was encouraging, although it might be a delaying tactic. A representative of the Committee should be sent to the State party or contact the Lao Government so that the Committee could decide what measures should be taken.

48. Mr. ABOUL-NASR said that it was not necessary to send a representative as no further proof of the alarming situation in the Lao People's Democratic Republic was needed. It was not certain that the Lao authorities would even allow such a visit. The Committee needed to be more proactive; it was more appropriate to talk of "late warning measures" than early warning measures. The Committee should turn to the General Assembly for assistance. The United Nations specialized agencies - whose absence from the current meeting he deplored - should be called upon to offer advice and practical help. He wondered whether the financial implications of a fact-finding mission had been considered.

49. Mr. THIAM said that the denial of freedom of movement in the Lao People's Democratic Republic and the reported high levels of drug addiction there were enough to warrant urgent measures. He agreed with Mr. Aboul-Nasr that the best approach was to provoke the international community into action immediately and to put as much pressure as possible on the Lao Government to respect its obligations under the Convention.

50. Mr. KJAERUM suggested that Mr. Shahi and Mr. Aboul-Nasr's proposals could be combined. It would still be useful to send an expert to the State party to obtain more information. The Committee might set the Lao Government a realistic three-month deadline, following which, if it refused such a visit, which he felt was likely, the Committee would take the steps suggested by Mr. Aboul-Nasr.

51. Mr. LINDGREN ALVES said that the urgent action procedure carried out with regard to Suriname had resulted in the submission of a report by the Government. Like Mr. Aboul-Nasr, he wondered how an expert mission to the State party would be financed. He wanted to see a strong, swift response by the Committee.

52. Mr. SHAHI agreed that urgent action was necessary. Since the General Assembly would be meeting in September 2003, the Committee's concluding observations should include a request to it for an urgent action procedure. In the meantime, the Committee's Chairman might consider holding a press conference on the crisis facing the Hmong ethnic minority in the Lao People's Democratic Republic. The Committee was not empowered to ask the United Nations specialized agencies to take action; that would have to be done through the offices of the Secretary-General, which would have the advantage of solving the financial problem. If a fact-finding mission were to be sent to the State party, he would prefer it to be carried out by a special rapporteur, who would be more impartial than a member of the Committee.

53. Mr. Diaconu (Chairman) resumed the Chair.

54. Mr. de GOUTTES agreed with Mr. Shahi that, if only on financial grounds, it was preferable for a special rapporteur designated by the Secretary-General to visit the State party than for a member of the Committee to do so.

55. The CHAIRMAN asked Mr. Amir to consult with other Committee members in order to produce a draft decision concerning the Lao People's Democratic Republic as quickly as possible.

56. Mr. SICILIANOS emphasized that there was a consensus in the Committee that whatever action was taken should have the maximum force.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 3)

Israel

57. The CHAIRMAN referred to Israel's temporary suspension order of May 2002, enacted as the Nationality and Entry into Israel Law (Temporary Order) on 31 July 2003, which suspended for a renewable one-year period the possibility of family reunification, subject to limited and subjective exceptions, especially in the cases of marriages between an Israeli citizen and a person residing in the West Bank and Gaza. The Human Rights Committee had expressed its concern in its concluding observations adopted at its 2128th to 2130th meetings held on 4 and 5 August 2003.

58. Israel was due to submit its periodic report for consideration at the Committee's session in March 2004 but, since the matter concerned a blatantly discriminatory law, the Committee might consider addressing it as a matter of urgency. He had invited a representative of Israel to appear before the Committee later in the week but the representative had made it clear that he would appear only if formally invited in a letter from the Committee. He asked the Committee whether it agreed that such a meeting should be held and whether a letter of invitation should be sent. He reminded the Committee that Mr. Aboul-Nasr was already preparing a relevant document with a view to considering an urgent action procedure.

59. Mr. LINDGREN ALVES and Mr. de GOUTTES endorsed the proposal.

60. Mr. KJAERUM also supported the proposal, saying that he trusted the Committee would be provided with all the facts of the case.

61. Mr. THORNBERRY requested that the text of the legislation concerned be made available to the Committee.

62. The CHAIRMAN said that he would accordingly address a letter on behalf of the Committee to the representative of Israel, inviting him to attend a meeting of the Committee on Thursday, 14 August 2003.

The meeting rose at 1.05 p.m.