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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fortieth session

SUMMARY RECORD OF THE 932nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 16 August 1991, at 3 p.m.

Chairman: Mr. SHAHI

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

SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 6)
(continued)

Preparation for the joint meeting of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination (continued)

1. The CHAIRMAN recalled that, at the 900th meeting on 12 March 1991, the Committee had decided that Mr. Ferrero Costa would be responsible for liaison with the Sub-Commission.
2. Mr. BANTON suggested that the Chairman should introduce Mr. Ferrero Costa to the Sub-Commission as the Committee's liaison officer and ascertain whether the Sub-Commission had appointed a counterpart. The Committee should resist the establishment of a working group; the liaison officers could serve that function and, if required, their numbers could be increased. It would be more effective if communications between the two bodies were in writing; oral communications should simply be used to supplement any written material. The Committee should decide what information each of the two bodies would want to have from the other.
3. Mr. YUTZIS said that the very fact that the Committee and the Sub-Commission were holding a joint session for the first time was of symbolic significance. That meeting should have four objectives: to show that the various human rights bodies could coordinate their efforts; to enumerate ways of achieving such coordination; to analyze subjects of common interest; and to draft an agenda for a later meeting.
4. Mr. SONG Shuhua said he agreed on the importance of the first joint meeting, but thought that, owing to time constraints, it would be wise to limit the meeting to an exchange of views.
5. Mr. de GOUTTES said that the difficulties that had arisen in preparing for the joint meeting showed how isolated the two bodies had been. Little time had been allotted for the joint meeting, and it would therefore be a mistake to overload the agenda, which should remain flexible. The impression must be avoided that such meetings were a waste of time; it was important not to compromise the opportunity of instituting periodic meetings. The aim was to ensure coordination and an exchange of information, especially with the non-governmental organizations.
6. Mr. RESHETOV said that, in his view, the meeting would be rewarding for both bodies, and the Sub-Commission would benefit from it even more than the Committee.
7. The CHAIRMAN said that the joint meeting would begin with a brief introduction by the two Chairmen and by statements lasting three or four minutes by those wishing to discuss themes of common interest to the two bodies, ways of promoting a future exchange of information and coordination, particularly with a view to making a contribution to the World Conference on Human Rights and to the common fight against racial discrimination, recent trends in racism and racial discrimination, conflict of rights, such as the limitations placed upon freedom of expression and freedom of opinion in preventing the propagation of racist doctrines, and, as suggested by the Sub-Commission, the recent upsurge in racism and racial discrimination especially against vulnerable groups. The meeting would end with concluding remarks by the two Chairmen.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 3) (continued)

Seventh and eighth periodic reports of Mexico (CERD/C/194/Add.1) (concluded)

8. The CHAIRMAN said it had been agreed that the final statement by the country rapporteur, Mr. de Gouttes, at an earlier meeting should be taken as the Committee's evaluation of the report. The Committee had thus concluded its consideration of the eighth periodic report of Mexico.

Ninth to eleventh periodic reports of the Syrian Arab Republic
(CERD/C/197/Add.6)

At the invitation of the Chairman, Mr. Masri and Mr. Khoury (Syrian Arab Republic) took places at the Committee table.

9. Mr. MASRI (Syrian Arab Republic), assuring the Committee of his country's continued cooperation with the Committee, whose humanitarian work it respected, said that every effort had been made in drafting the ninth, tenth and eleventh reports to comply with the Committee's guidelines, update previous information and explain the constitutional and legislative provisions adopted to implement the Convention, as well as international efforts in support of action to eliminate all forms of racial discrimination, although he was aware that there was always room for improvement. Successive Syrian Constitutions had guaranteed equality before the law of all citizens, and the Penal Code, particularly article 207, provided that any act of racial discrimination or constituting incitement to or encouragement of such discrimination was punishable by law. There was no form of racial discrimination in Syria. The Constitution provided that freedom was a sacred right and that the State guaranteed the personal freedom and safeguarded the dignity and security of its citizens. The rule of law was a basic principle of society and the State. Citizens were equal before the law in regard to their rights and obligations, and all citizens had the right to participate in the country's political, economic, social and cultural life. All citizens enjoyed their constitutional and other statutory rights and could not be arrested or detained except in accordance with the law. Torture and degrading treatment of all kinds were prohibited and punished. The State guaranteed freedom of belief and the freedom to engage in all forms of religious observance in a manner consistent with public order.

10. Mr. BANTON commended the Syrian Government for reporting regularly and maintaining its dialogue with the Committee. However, its attention should be drawn to the new consolidated guidelines for the initial part of States parties' reports to all human rights treaty monitoring bodies, since a great deal of information, entailing substantial additional work, would be required when States initially reported in accordance with the new guidelines. Thereafter, updating the reports would be less burdensome. It would be helpful to the Committee if the next report were as comprehensive as Syria's seventh report had been, since the eleventh report left some room for improvement. He hoped that those drafting the next report would also bear in mind the need to describe the country's internal arrangements in such a way as to be comprehensible to readers from all parts of the world.

11. Proceeding by successive articles of the Convention, he said, in connection with article 1, paragraph 1, that it was not clear that all the five protected factors, namely, race, colour, descent, national origin and ethnic origin, were covered by the Syrian legislation, or, if so, by which laws. Even if certain differences were not found in a particular State, there should be preventive legislation. Visitors should be protected as well as citizens.

12. Some States parties arranged for a particular department of Government to be responsible for conducting the reviews provided for in article 2, paragraph 1 (c), for coordinating policy and for preparing reports for the Committee, and he wished to know whether that was the practice in the Syrian Arab Republic. Although there was no obligation on a State to report on how it arranged its internal affairs, some information in that regard would be helpful. In connection with article 2, paragraph 1 (e), he wished to know whether any such integrationist organizations were encouraged, and if so, in what way.

13. The Committee had previously commended Syria's policy in connection with article 3 of the Convention and he was sure would do so again. With regard to article 4, the text of article 207 of the Penal Code provided in the report was helpful. Since it had not been provided in the eighth report, he wondered whether it was new, and wished to know whether the article had ever been invoked before the courts. According to paragraph 5 of the eleventh report, article 4 (b) of the Convention was apparently covered, but it would be helpful to know by which article of the Penal Code. Article 4 (c) was presumably covered by article 207 of the Penal Code. Could it be confirmed that that covered both public authorities and private persons?

14. The provisions of article 5 of the Convention covered the rights of everyone in a reporting State, not just citizens. He wished to know whether, when those rights were recognized, they were available without discrimination. It would appear that article 5 (a) of the Convention was covered by article 25.3 of the Syrian Constitution. To judge by the information provided, it would appear that article 5 (b) of the Convention was not covered, however, and that the question of its availability without discrimination did not, therefore, arise. Was his understanding correct? Articles 5 (c), (d), (e) and (f) appeared to be covered by article 26 of the Constitution, but it was stated that "this right shall be regulated by law". Were there specific laws governing the exercise of the political, economic, social and cultural rights embodied in the Constitution and, if so, did they guarantee availability without discrimination? All the civil rights listed in article 5 (d) of the Convention were recognized in the Constitution, except, apparently, article 5 (d) (ii) on the right to leave and to return. In respect of article 5 (d) (iii), the Syrian Arab Republic exercised preferences similar to those of various other States both in and outside the region. However, information was lacking about trade unions.

15. Article 6 of the Convention was very important to the Committee. The Syrian Arab Republic reported that remedies were available. In some other States remedies were available, but the citizens did not know of them, believed that redress would be expensive, or feared reprisals if they tried to exercise their rights. Some States included in their reports information on inquiries undertaken by independent bodies to enable those interested to assess the effectiveness of the provisions. Did the Syrian Arab Republic have anything of that kind to report? The Syrian authorities had said in the past that the few Kurds who remained had been voluntarily assimilated into the Arab population. Did Kurds - meaning persons of Kurdish ethnic origin - believe that they encountered discrimination, or was nothing known about their views? The representative of the Syrian Arab Republic had just informed the Committee that there was no form of racial discrimination in his country. Such assertions were frequently heard from reporting States, and the Committee had consistently cast doubts on such assertions. Although they were usually made in good faith, the evidence suggested that, even in countries with a pattern of non-discrimination, cases of racial discrimination did occur or might occur in the future with changes in social conditions.

16. On the subject of article 7 of the Convention, he said that the Committee was always pleased to hear about action taken to combat prejudices through educational measures. In conclusion, he regretted that the undertaking given by the Syrian representative presenting the previous report that a detailed reply would be given concerning the transfer to special courts of certain proceedings following the state of emergency appeared to have been overlooked.

17. Mr. de GOUTTES endorsed Mr. Banton's comments, including those about the declared non-existence of racial discrimination. He stressed the difference between the comprehensive seventh report and the report now under consideration, which was too succinct and too categorical in its assertions, providing no specific information about the practical implementation of legislative provisions and thus making it difficult for the Committee to assess the actual situation with regard to the Convention.

18. With regard to article 5 (c) and (d) of the Convention and with reference to the Palestinian community in Syria, he wished to know whether the figure of 250,000 that had been given represented the total number of Palestinians in Syria. Since they were officially regarded as temporary residents, did that mean that the Palestinians could neither vote nor acquire Syrian nationality except by marriage with a male Syrian citizen? Was it true that Palestinians had difficulty in obtaining a visa to travel abroad?

19. Regarding the Jewish community in Syria, he wished to know whether it was true that Jews were excluded from the armed forces and that they were the only minority whose passports and identity cards stated their religion; if so, that would amount to a restriction on their freedom of movement, which was contrary to article 5 (d) of the Convention.

20. Mr. MASRI (Syrian Arab Republic), replying to the Committee's comments and questions and assuring Mr. Banton that his remarks on the preparation and the presentation of the report would be forwarded to the appropriate authorities and taken into account in future reports, confirmed 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 regard between visitors and residents.

21. With regard to article 2, paragraph 1 (c), of the Convention and the existence of a State body responsible for monitoring and coordinating policy and the implementation of the Convention, all government bodies, within their spheres of competence, were required by law to comply with the provisions of the Convention. With reference to article 2, paragraph 1 (e), of the Convention, there were no integrationist multiracial organizations in Syria, since none was needed, there being no racial discrimination in the country.

22. Article 207 of the Penal Code was not new and was applicable by the courts whenever a case involving racial discrimination was brought before them. To his knowledge, no such cases had ever been brought, since all citizens were equal before the law. Article 4 (b) of the Convention concerning racist propaganda was explicitly covered by article 207 of the Penal Code, as quoted in paragraph 2 of the report (CERD/C/197/Add.6).

23. The provisions of article 5 (b) of the Convention concerning the right to security of person and protection by the State against violence or bodily harm were covered by article 28.3 of the Constitution, which stipulated that it was forbidden to inflict physical or moral torture on any person, or threaten any person with such torture. The law punished such acts of torture.

24. The political, economic, social and cultural rights listed in article 5 (c), (d), (e) and (f) of the Convention were covered and regulated by various laws guaranteeing all such rights. They included particularly the right to leave and to return to the country. With regard to article 5 (e) (ii), the Syrian Arab Republic attached particular importance to the trade union movement, especially for agricultural workers. The constitution of the Arab Baath Socialist Party encouraged the formation of trade unions for workers and farmers. Under article 2 of Legislative Decree No. 44, of 1938, any group of workers in the same occupation, residing in the same prefecture or department, could set up its own union. The Syrian Arab Republic had ratified ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise, 1948, and ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and Collectively Bargain, 1949. It was a member of Arab and international trade union associations. The Syrian trade union movement was both well established and progressive.

25. Regarding the situation of the Kurds, there was no such thing as a Kurdish problem in Syria. Kurdish Syrians were fully and willingly integrated into Syrian society and were treated without discrimination. As to article 7 of the Convention, the educational system was based on tolerance and

non-discrimination. Children were taught that all citizens were equal before the law, with the same rights and obligations.

26. In answer to Mr. de Gouttes' questions about the Palestinians, it should be remembered that they were refugees, who had been expelled from Palestine following violence, torture and terrorism, and had left their lands and possessions. He could not give their precise number immediately, but would do so later. Their presence in the Syrian Arab Republic, however, was provisional, so that, as guests, they naturally did not participate in elections. Their Palestinian identity and passports were thus protected. Any Palestinian who wished to travel was able to obtain a special travel document.

27. With regard to the Jewish community, there was no Jewish community as such in Syria. Simply, some Syrian citizens were Jews. Their numbers were obviously not great. They were able to practise any profession they chose and although their movements had been restricted after 1948, that had not been the case since 1976. They were free to travel outside Syria and engage in any form of trade, including the buying and selling of land. They had wide educational opportunities. There were two schools in Damascus specifically for Jews, the Israelite Alliance School, with 208 pupils, of whom 149 were girls, and the ben Maimon School, with 473 pupils, of whom 401 were boys. Jews were also free to attend either private or government schools. There were 36 Jewish students at higher educational establishments in the Syrian Arab Republic, including 12 at Damascus University, in a variety of departments, including medicine, mechanical engineering and pharmacology. Syrian Jews were also studying in Canada, the United States of America and the United Kingdom. They were particularly well represented in medicine, but there were also many in the liberal professions, especially in Damascus. In no sphere were they subjected to differential treatment. It was incorrect that their passports indicated that they were Jews. On the other points raised in connection with article 5 (c), (d), (e) and (f), he would provide information at a later date.

28. Mr. BANTON said that there was no need for further information before the submission of the twelfth report. He reminded the Syrian representative, however, that he had given no reply about whether Jews were subject to military service. Nor had anything been said about the current state of emergency in the Syrian Arab Republic. During the discussion of the previous report there had been some debate as to whether that situation was relevant to racial discrimination. If the Committee were given more information, it would be in a better position to judge whether that was so.

29. Mr. MASRI (Syrian Arab Republic) said that he was not sure about the first point. He believed that Jews were exempt from military service, not on discriminatory grounds, but for other reasons. On the second point, there had been a state of emergency in the Syrian Arab Republic since 1948 because of the existence of a state of war. That, however, did not restrict the rights of citizens.

30. Mr. ABOUL-NASR, said that he had learnt much from the answers given by the Syrian delegation, particularly with regard to the number of Jews in the country and the opportunities open to them. He pointed out that a state of emergency did not contravene the Convention unless it involved differentiation between citizens on the ground of race or restricted citizens' rights. The Palestinians lacked Syrian passports and a nationality - and consequently voting rights - because they themselves refused to give up their own nationality, since they intended to return to their homeland. They resisted resettlement; even when refugee camps were first established for them, the United Nations had found difficulty in persuading them to leave the camps for resettlement. Their rejection of Syrian nationality was of their own free will.

31. The CHAIRMAN, said he hoped that in its twelfth report, the Government of the Syrian Arab Republic would comply with those of the Committee's requests which had not been dealt with at the current session.

32. Mr. MASRI (Syrian Arab Republic), said that his country would cooperate fully with the Committee and would clarify all the points that had been raised.

Mr. Masri and Mr. Khoury (Syrian Arab Republic) withdrew.

33. Mr. BANTON, country rapporteur, said that the Committee's general conclusion on the Syrian Arab Republic's report would read as follows: "The Committee recorded its appreciation of Syria's maintenance of dialogue with the Committee. It noted certain gaps in the information supplied, and welcomed the assurance that these would be remedied in the twelfth periodic report, which would be more comprehensive in character."

34. The CHAIRMAN said that the Committee had concluded its consideration of the report of the Syrian Arab Republic.

CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION (agenda item 5) (continued)*

35. Mrs. SADIQ ALI, speaking as chairman of the convenors of the three working groups set up to examine the documentation submitted to the Committee under article 15 of the Convention, drew attention to a document circulated to members, containing a draft text for inclusion in the Committee's report.

36. Mr. BANTON, referring to the section of the text on Atlantic Ocean and Caribbean Territories, including Gibraltar, said that more satisfactory replies to the issues mentioned could perhaps have been elicited under article 9, and that, in general, he queried the usefulness of the article 15 procedure. As he understood it, the Committee's position was that it was entitled to seek information regarding a Non-Self-Governing Territory from that Territory's Administering Authority.

37. The CHAIRMAN said he agreed that the procedure under article 15 left much to be desired, and that it might be possible to seek information on Trust and Non-Self-Governing Territories within the framework of the country reports required under article 9. He believed that article 15 was not unduly restrictive in that regard.

* Resumed from the 924th meeting.

38. Mr. AHMADU, referring to the section of the document on African Territories pointed out that Western Sahara was not universally regarded as an independent country, although it had been admitted to membership of the Organization of African Unity. Nor was it wholly occupied by Morocco, so that its status in relation to article 15 was ambiguous. Morocco had recently decided to attack the camps occupied by the Saharawi people, and had prevented United Nations personnel from entering those areas to prepare for the proposed referendum. The statement in the text was perhaps inapposite in view of those developments.

39. The CHAIRMAN suggested that the working group on African Territories might meet to review the situation in Western Sahara, and that a decision on the report could be deferred until the working group had met.

OTHER BUSINESS

40. Mr. ABOUL-NASR said, in connection with the press release covering the Committee's 930th meeting (RD/323), that the account it gave of the Committee's proceedings was misleading. It should have made it clear that the members of the Committee had not merely asked questions but had made comments on the Israeli report: the press release dwelt unduly on the replies of the Israeli representative.

41. Mr. de GOUTTES said that he agreed with Mr. Aboul-Nasr, but that he acknowledged the difficulty of producing reliable press releases quickly on the basis of statements which were not always ideally clear. In that connection, he noted that the French and English versions of the press release for the afternoon meeting on 9 August (RD/315) differed widely, and that the latter version was distinctly more reliable.

42. The CHAIRMAN said that the French and English press releases were written by different persons, and that in the cases just mentioned, revised versions could be issued.

43. Mr. WOLFRUM said it should be a rule that the Committee's general conclusions on a country's report were quoted verbatim in the press release.

The meeting rose at 5.35 p.m.