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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fiftyfifth session

SUMMARY RECORD OF THE 1320th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 11 March 1999, at 10 a.m.

Chairman: Mr. ABOULNASR

later: Mr. YUTZIS

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

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

Twelfth to fifteenth periodic reports of the Syrian Arab Republic (continued) (CERD/C/338/Add.1/Rev.1)

1. At the invitation of the Chairman, the members of the Syrian delegation resumed their places at the Committee table.
2. The CHAIRMAN invited the Syrian delegation to continue its replies to the questions raised at the preceding meeting.
3. Mr. ALHUSSAMI (Syria), returning to the question of the granting of Syrian nationality to foreigners, said that, in fact, article 3 of the Nationality Act No. 276 of 24 November 1969 stipulated that Syrian nationality could be granted to children of unknown parentage or to children born to parents who were stateless or of unknown nationality. However, although children born in Syria of unknown parentage, including abandoned children, were automatically regarded as Syrian failing proof to the contrary, in the case of children born to parents who were stateless or of unknown nationality, certain conditions needed to be met. The parents had to prove that they were residing lawfully in Syria at the time of the birth, that the child was legitimate, i.e. born to parents who were legally married, and that the birth had actually taken place in Syria, which must be attested through the presentation of a birth certificate in due and proper form issued by the competent authorities and indicating the date and place of birth and the

name and sex of the child, and through the statements of two witnesses who must be over 18 years of age. The parents, if stateless, must be known and must prove that they had no nationality or did not know their nationality, which obviously necessitated a thorough investigation.

4. The aim of the Act of November 1969 was to provide a solution for individual cases on humanitarian grounds and not to facilitate the illegal infiltration into Syria of foreigners seeking to obtain Syrian nationality for political or ethnic reasons.

5. The Syrian authorities could not therefore be accused of having, in a way, "denied" nationality to persons of Kurdish origin. They had merely applied the law to them in the same way as any other foreigner.

6. With regard to the use of the Kurdish language, the public authorities did not interfere in the private life of foreigners living in Syrian territory: the Armenians and the Assyrians were completely free to speak their language among themselves and the same applied to the Kurds. However, the authorities imposed Arabic as the official language, which was only natural since, in principle, every State had an official language. Civil servants had an obligation to use the Arabic language in the discharge of their functions and were called to order if they did not comply with that directive. He read out a circular issued by a local administrative authority to that effect.

7. With regard to the problem of the Jews, it was common knowledge that they had come to the Middle East in order to escape the discrimination and oppression of which they had been victims in Europe. Some of them had been living in Syria for a long time. However, following the creation of the State of Israel, the Palestinian people, whom Syria regarded as its brothers, had been expelled from their land and Israel had subsequently attacked Syria on several occasions. In that context, it was understandable that the Syrian Jews were exempt from military service. However, that in no way implied that Syrian citizens of Jewish origin were subjected to any form of ostracism. There were many tradesmen, engineers, intellectuals and physicians of Jewish origin in Syria who were well regarded by all and enjoyed excellent living conditions. Nevertheless, Jews who wished to leave Syria were free to do so and thousands of them had already left the regions of Aleppo and Damascus.

8. In that connection, it should be noted that, since the accession to power of the Baath Party, a person's religion was no longer mentioned on his identity card.

9. The situation of the Palestinians was very different. Three hundred and fifty thousand of them had sought refuge in Syria and it was common knowledge why they had not returned to their homes. The Syrian authorities did not grant them nationality because it had been deemed preferable, with their agreement, for them to retain their identity. In order to travel, they could obtain special travel documents. That did not prevent them from being treated on an equal footing with Syrian citizens in all matters relating to employment, education, health, housing, loans, etc. There were many Palestinian physicians, lawyers and engineers in Syria and the Syrian authorities adopted a protective attitude towards them: Syria consistently upheld the cause of the Palestinians throughout the world with a view to enabling them to eventually return home and exercise sovereignty over their own territory. He added that the Palestinian refugees cost Syria a large amount of money and the meagre budget of UNRWA was far from sufficient to meet their needs.

10. The Special Rapporteur had reproached Syria for not having prepared its report in conformity with the Committee's guidelines and for having provided brief and fragmentary information. Although that criticism was wellfounded, the Ministry of Foreign Affairs was working on the basis of information provided by the country's other ministries and, since the report under consideration was the fifteenth that Syria had submitted, it was understandable that the ministries concerned saw no point in providing the same information year after year. It had to be admitted that Syria rarely had any new facts to notify to the Committee in regard to racial discrimination. In a fraternal society in which all the communities lived together harmoniously, problems of discrimination were not a major popular concern and the Government saw no reason to promulgate legislation in that connection, even if the members of the Committee found that unacceptable. He would nevertheless transmit the comments of CERD on that subject to his Government.

11. With regard to the rule of law in Syria, the sovereignty of the law was guaranteed by article 25 of the Syrian Constitution and citizens whose rights had been violated could apply to the Syrian tribunals for redress. The case law showed that complaints of ordinary citizens could be upheld even against the highest authorities of the State. He referred to several cases in which large indemnities had been paid by ministries to individuals in respect of various infringements of their fundamental rights.

12. He said that the Supreme State Security Court had been established following the proclamation of the state of emergency in the country. Like all the high courts, it consisted of three judges, one of whom was a military officer. However, the military judge did not represent the army during the proceedings; his role was to deal with any questions relating to the army, for example when the offence had been committed within the framework of military activities or when the offender was a member of the army. In view of the sensitive nature of the cases considered by that body, its judgements were not subject to appeal but could not be enforced until they had been ratified by the Head of State, who could annul or modify the verdict.

13. Rights of defence formed the subject of Decree No. 47 of 1968, which guaranteed respect therefor.

14. Turning to the question of the reports published by NGOs such as Amnesty International or Human Rights Watch, he emphasized that the Government was endeavouring to dialogue with those organizations by replying to the letters that they sent and, sometimes, by inviting them to Syria in order to visit prisons, meet representatives of various ministries or attend trials. Although acknowledging the progress that Syria had made in the field of human rights, those organizations published reports referring to events on the subject of which the State had already provided explanations which, in Syria's view, deprived those reports of any credibility. In fact, those NGOs were subjecting the Syrian State to real political blackmail.

15. He also mentioned the Committee for the Defence of Human Rights and Democracy in Syria, which he accused of being an illegal organization that had committed numerous crimes since the early 1980s and which was impeding the maintenance of the rule of law in Syria. Some members of that politically motivated organization had already been tried in public, not for political reasons but due to assassinations that had been committed both in and outside Syrian territory.

16. In response to Mr. Garvalov's question concerning the Greek Orthodox and Catholics, he said that they were regarded as a religious and not a racial minority.

17. The committees for the defence of human rights functioned within academic establishments, particularly primary schools, and consisted of representatives of students and the director of the establishment. They participated in activities such as the celebration of various international days relating to human rights, women and children, etc. and played a very important role through the social assistance that they provided for the most disadvantaged children.
18. In response to the question raised by Mr. Diaconu concerning the nomadic tribes, he said that those groups, which had lived in Syria for a long time, moved from one region to another and from one country to another. Although it was difficult to persuade them to become sedentary, the State was endeavouring to provide them with access to educational and social services.
19. In response to a member of the Committee who had inquired about the specific legislation concerning economic and social rights, he quoted several articles of the Constitution, including article 13, which stipulated the need to take account of the economic integration of all the population groups; article 14, which governed real property; article 15, which made provision for compensation in the event of expropriation of land by the State; article 26, which recognized the right of every citizen to participate in political, economic and cultural life; article 44, which called for protection of the family as the basic unit of society; and article 45, which dealt with health protection.
20. He hoped that the explanations that he had given would satisfy the members of the Committee whom, moreover, he wished to thank for the objective, moderate and balanced nature of their comments. For its part, the Syrian delegation had done its best to be as objective and positive as possible.
21. He concluded by assuring the Committee that, in the next report, he would make every endeavour to reply to the other questions raised by the experts, whom he once again thanked for the attention that they had kindly given to the consideration of the situation in the Syrian Arab Republic in regard to racial and ethnic discrimination.
22. The CHAIRMAN thanked Mr. AlHussami for his replies and requested that the legal texts that had just been mentioned be reproduced in the next report of the State party so that they could be examined by the Committee.
23. Speaking in his capacity as a member of the Committee on the subject of a comment made by Mr. AlHussami concerning the justification for the reports required by the Committee, he explained that, although racial or ethnic discrimination might be alien to them, countries should nevertheless adopt legislation prohibiting such discrimination, even if only to be ready to face the possibility of the commission of a racially motivated crime. It was not sufficient to merely ratify the Convention. Legislation should be promulgated to ensure its implementation. A tribunal could not pass a sentence in the absence of legal texts stipulating that a specific crime should be judged in accordance with a specific procedure and punished by a specific penalty. It was therefore important that the Ministry of Justice should take measures to that end.
24. Mr. de GOUTTES, pursuing the same question, said that Mr. AlHussami's remark concerning the difficulty that the Ministry of Foreign Affairs experienced in obtaining detailed information from other ministries, which did not appreciate the usefulness of preparing detailed reports, enabled the Committee to obtain a better understanding of the way in which governmental reports were prepared. He drew attention to the fact that, if the ministries concerned did not cooperate on the pretext that the State had no problems in the field in question, some reports might become mere facades consisting solely of a list of legal texts and not giving an account of the effective implementation of the Convention.
25. The Ministry of Foreign Affairs should therefore encourage those ministries to cooperate by reminding them of their obligations under the terms of the international instruments to which their country had acceded. The Committee was counting on the Ministry of Foreign Affairs to exercise its influence to that end.
26. Finally, he noted Mr. AlHussami's lively responses concerning the role of the NGOs mentioned by the members of the Committee. In that connection, he said that it should be understood that those NGOs were fulfilling their mission of defending human rights in conformity with a logic of their own, which was often disturbing for any State.
27. Mr. SHAHI (Rapporteur for the Syrian Arab Republic) said that the dialogue with the Syrian delegation had been very constructive as it had not only enabled the State party to obtain a better understanding of the working methods and the views of the Committee but had also made the latter more aware of the difficulties encountered by States parties in fulfilling their obligations concerning the preparation of reports on the implementation of the international instruments to which they had acceded. He was pleased that the dialogue, which had been suspended since 1991, had resumed.
28. With regard to the scope of the Committee's jurisdiction, he said that there was inevitably some overlapping between questions falling within the mandate of CERD and those with which the Human Rights Committee was concerned, since article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination protected a large range of fundamental rights and freedoms. In fact, it was part of the Committee's functions to ascertain whether those rights were respected without discrimination and whether they were enjoyed by all sections of the population, including foreigners. Hence, whenever cases of racially motivated arbitrary detention, unlawful arrest or unfair trial were brought to the Committee's attention, the Rapporteur had an obligation to mention them in his report.
29. The Syrian delegation had also expressed the view that the Committee had transcended its field of jurisdiction in regard to the question of women. He explained that he had been struck by the fact that the Syrian Government was according such importance to the emancipation of women and was endeavouring to ensure that they enjoyed political, economic and social rights on an equal footing with men. He did not think that he had encroached on the prerogatives of the Committee on the Elimination of Racial Discrimination in regard to women by welcoming the progress that the Syrian Government had made on that question.
30. He also noted, among the positive points, that the Syrian Government had taken an initiative favourable to the development of tradeunion activities by acceding to several ILO conventions, particularly the Collective Bargaining Convention, which would undoubtedly have a positive impact on the situation of members of minority or ethnic groups who were members of Syrian trade unions.
31. The members of the Committee had requested the Syrian delegation to provide details concerning the effects of the application of the state

of emergency on the exercise of fundamental rights. Although it had challenged the Committee's jurisdiction in that connection, the delegation had nevertheless indicated that that measure did not involve any restriction of the exercise of human rights in Syria. He thought that the concern expressed by the members of the Committee was legitimate, since that measure involved the creation of special courts and the granting of extensive powers to lawenforcement agencies and had given rise to allegations by members of ethnic groups and others concerning unfair trials and other violations. Hence, there was reason to believe that rights provided for in article 5 of the Convention, such as the right to nationality, freedom of movement, association and expression, had not been fully respected. The explanations that the Syrian delegation had provided on that subject would be taken into account in the Committee's conclusions.

32. With regard to the implementation of the provisions of the Convention in the Syrian legal system, the situation seemed fairly satisfactory insofar as the Penal Code and the Constitution respected the spirit and even the letter of the Convention, article 4 of which had been incorporated, in its virtual entirety, in the Code. In particular, Syrian law prescribed penalties for persons who violated the provisions of the Convention, which could therefore be evoked effectively before the tribunals.

33. During the consideration of the report, it had been found that Syria was implementing only part of article 2 of the Convention and its delegation had undertaken to report that shortcoming to the Syrian Government. On the other hand, the application of the provisions of article 3 was remarkable. However, the Syrian authorities should take care to ensure that any inequalities of income did not lead to de facto ethnic or racial segregation in view of the diversity of Syria's population.

34. The implementation of article 4 had likewise been found to be highly satisfactory, while the implementation of article 5, numerous provisions of which had been incorporated in the Constitution, had not suffered greatly from the application of the state of emergency. The implementation of article 6 seemed to be guaranteed by article 207 of the Penal Code, while the implementation of article 7 was particularly noteworthy given the academic programmes and the bodies for the defence of human rights, as well as the activities to stimulate public awareness concerning racism and discrimination, which existed in Syria.

35. He thought that the balance sheet of Syria's application of the Convention in its territory compared favourably with that of the majority of the most progressive developing countries. Notwithstanding some shortcomings, Syria was on the right track.

36. With regard to the form and content of periodic reports, he suggested that the Syrian authorities should follow the Committee's guidelines in that connection which were intended to facilitate the consideration of reports. He advised them, for example, to refer back to previous reports, to update articles as needed and to avail themselves, if necessary, of the technical and advisory services of the Office of the High Commissioner for Human Rights. Finally, he hoped that Syria's next periodic report would be submitted on time and would contain the additional information requested by the members of the Committee, particularly concerning judicial practice in regard to the implementation of the Convention and the legislation governing nationality, stateless courts and missing persons.

37. The CHAIRMAN expressed his gratitude to the Syrian delegation for its efforts and the spirit in which it had participated in that exchange of views with the Committee. He hoped that the dialogue which had thereby been established would continue. He said that the Committee had thereby concluded its consideration of the twelfth to fifteenth periodic reports of the Syrian Arab Republic.

38. The Syrian delegation withdrew.

The meeting was suspended at 11.50 a.m. and resumed at 12 noon.

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