



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-second session

SUMMARY RECORD OF THE 1558th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday 5 March 2003, at 3 p.m.

Chairman: Mr. DIACONU

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

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

Initial and second periodic reports of Saudi Arabia (CERD/C/370/Add.1 and Add.1/Corr.1); third periodic report of Saudi Arabia (CERD/C/439/Add.1(Future))

1. At the invitation of the Chairman, the members of the delegation of Saudi Arabia took places at the Committee table.
2. Mr. AL-KABEER (Saudi Arabia) expressed the hope that the discussion with the Committee would also address the recently submitted third periodic report (CERD/C/439/Add.1(Future)), as that document provided updated information. The Committee's role was vital, especially in the new international circumstances stemming from the 11 September 2001 attacks. Hostility against Islam was on the rise, as was the violation of the basic rights of Muslims. He expressed confidence that the dialogue would enhance the promotion and protection of human rights in Saudi Arabia, where significant progress had been made in modernizing and promulgating new regulations, and expressed the hope that it would be held in an atmosphere of transparency and understanding, with due regard for firmly established cultural and ideological values and unique social features.
3. Since the submission of the report, new regulations had been adopted and older ones had been amended. The Code of Civil Procedure stipulated that proceedings must be conducted in public, and devoted a separate chapter to the possibility of disqualifying judges in order to ensure impartiality and non-discrimination. It also defined the rules of evidence and the procedures governing the rendering and appeal of judgements. The Code of Criminal Procedure set out all procedures regulating arrest, custody, investigation and the rights of the accused, and prohibited subjecting an arrested person to physical or mental harm, torture or degrading treatment. Persons in custody had the right to the services of a lawyer, and everyone had the right to inviolability of person, home, office, vehicle and means of communication. If acquitted, the accused was entitled to claim damages. The Code of Practice for Lawyers ensured equity and equality in defending the accused, and established conditions that all lawyers must meet. Lawyers must exercise their profession in accordance with the principles of Islamic Shariah and must maintain the good standing of their profession; they could not be called to account for the content of any pleas necessitated by the right of defence; they must be afforded the facilities required to perform their duties, including access to the case file and interpretation services, when necessary. The Press and Publication Regulations stipulated that publications must not incite bigotry, propagate discord, prejudice personal dignity or freedoms or constitute or instigate a criminal act. The Regulations concerning Acquisition and Development of Realty by Non-Saudis stipulated that foreign investors were permitted to own real property as needed for the exercise of their activities, including residences, and that non-Saudis residing lawfully in the country had the right to own their private residences. When reviewing draft laws and regulations, the authorities took into account the opinions of relevant bodies, including some NGOs.

4. The Constitution included verses of the Koran that encouraged tolerance and condemned bigotry. Under the Basic Law, the State had an obligation to prevent anything conducive to disunion, discord or division, and condemned all forms of racial discrimination or segregation. The State made use of the media and academic curricula to convey that message, and issued periodic circulars to religious leaders urging them in their sermons to remind people of the magnanimous moral teachings of Islam, in particular the principles of equity, equality and tolerance and the rejection of bigotry and racial discrimination. It was prohibited to use the Internet to advocate discrimination or to condone or incite crime, aggression, slander or libel.

5. The Basic Law prohibited the establishment of, or propaganda in favour of, racist organizations, and the dissemination, endorsement or promotion of ideas based on racial discrimination or those that would lead to discord or division, or prejudice the dignity or rights of any person. The Press and Publication Regulations explicitly prohibited publications that incited bigotry or propagated discord, or that prejudiced people's dignity, freedoms or reputation. The general conditions for holding public posts were applicable to all, and were confined to nationality, qualifications and age limits. None contained discriminatory provisions, even for senior posts. For example, the conditions for membership of the Council of Ministers and the Consultative Council were limited to nationality, integrity and competence, and the absence of criminal convictions or the attainment of an age of 30. The conditions to sit on the judiciary included nationality, commendable conduct and reputation, and legal and other qualifications.

6. Persons born in Saudi Arabia of whom one or both parents were unknown were permitted to enlist in the armed forces. Saudi nationals were guaranteed the right of movement within the country, without distinction. There had previously been some restrictions on the right of movement of foreign nationals legally residing in the country, but in 2000 they had been rescinded. Non-Saudi workers and their families had the right to retain their passports. Numerous NGOs and institutions were active, in particular in the social, cultural, scientific, professional and charitable fields, including associations of physicians, journalists and businessmen; their members were free to choose their executives and to draw up their own by-laws. There were no discriminatory restrictions on the establishment of such organizations, so long as they were founded in accordance with the applicable regulations.

7. Workers in enterprises employing over 100 people were allowed to form and elect members of workers' committees to safeguard their interests. All sectors of society had a guaranteed equal right to work without discrimination, with equal pay for equal work regardless of sex, colour or race. In respect of grades of employment, the State afforded the same treatment to men and women. The State party had acceded to the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) of the International Labour Organization (ILO). The Labour Code applied equally to Saudi and non-Saudi workers, regardless of nationality, religion or race. It stipulated that Friday was a day of rest with full pay, that it could be replaced by any other day of the week, and that workers were entitled to fulfil their religious obligations regardless of whether they were Muslim. The Labour Code was currently being reviewed to bring it more into line with international labour standards and the State party's international obligations.

8. Foreign communities in Saudi Arabia had the right to open private schools that could teach the academic curricula followed in their countries. In 2002, the General Presidency of Girls' Education had been merged with the Ministry of Education in order to standardize policies and ensure equal access to education services for both sexes. Nearly half of students enrolled in general education were girls, and more women than men were enrolled in higher education programmes. Saudi women had proved their competence by participating in international conferences, and female civil servants were sent abroad to study all specializations, including, inter alia, such practical fields as engineering. Plans were being finalized to open three universities for women and 15 social service colleges for girls, in addition to universities where both men and women studied.

9. The State party made use of all available educational and cultural means and the media to promote tolerance and eliminate discrimination. Religious and other academic curricula emphasized the firmly established Islamic principles prohibiting discrimination, in accordance with the words of the Almighty in the Koran, "People! We created you from a male and a female, and made you into nations and tribes so that you may know each other. In the sight of God, the most noble of you is he who fears Him most." Decisions to accede to human rights instruments were published in the Official Gazette and in local newspapers. The Convention and the State party's initial report had been posted on government web sites. The Government had recently notified the Secretary-General of the United Nations of the Kingdom's ratification of the amendment to article 8 of the Convention.

10. The Government was keen to cooperate with the human rights mechanisms of the United Nations. In October 2002 the United Nations Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, after visiting the country had said that the Government had demonstrated a high degree of commitment to achieving the aims of justice, and had commended the State party for establishing an independent Public Prosecution Commission and for adopting a new Code of Practice for Lawyers and Code of Criminal Procedure.

11. Mr. BOSSUYT said that the country's reservation with respect to the Convention on the Elimination of All Forms of Racial Discrimination, which stated that Saudi Arabia would implement the provisions of the Convention providing they did not conflict with the precepts of the Islamic Shariah, was rather general and imprecise. The Committee would be interested to know the scope and practical effects of that reservation. A number of important laws, such as the Code of Judicial Procedure and the Code of Criminal Procedure, had been enacted, but no details had been provided regarding the difficulties encountered in implementing such legislation.

12. He would welcome information on the demographic composition of the population and on the situation of women and any groups which might be vulnerable, such as indigenous peoples, migrants and persons in the lowest socio-economic categories. What ethnic and/or religious minorities were living in Saudi Arabia? What were the countries of origin of the foreigners living there? What was their legal status? What statistics were available in that respect?

13. Under article 26 of the Basic Law, the State protected human rights in accordance with the Islamic Shariah. According to the report, laws and regulations did not permit racial discrimination and were based on justice, consultation and equality. He wondered how the country's legal system ensured that public authorities and private persons or organizations acted in conformity with those laws and regulations. Initiatives had recently been taken to design a comprehensive health insurance system for non-Saudis. However, he wished to know whether non-citizens currently enjoyed any kind of support from the social security system. Did regulations in the economic sphere apply to non-citizens as well as citizens? While the State provided free education for all citizens and residents, were Islamic courses mandatory in public schools even for non-Muslims?

14. Was there any de facto segregation on religious or political grounds? The previous report had indicated that clear messages were being sent to social institutions about the problem of expatriates living in segregated compounds. Had those messages addressed the specific phenomenon in the country or segregation in general? Were other measures being taken to discourage that tendency and to promote cross-cultural contacts or activities? He noted that the country had ratified a number of international anti-discrimination conventions, including the ILO's Equal Remuneration Convention (No. 100) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

15. Although it was prohibited to establish organizations advocating racial discrimination and to publish material inciting hatred, he wished to know how many such cases had been brought before the courts, what verdicts had been reached and what punishments had been meted out. The Anti-Defamation League had noticed increased anti-Semitism in the country's media following the attacks of 11 September. According to the source, the media continued to foster anti-Semitic conspiracy theories about the attacks. Articles about "Jews taking over the world" and "Jews using teenagers' blood for Purim pastries" appeared in newspapers. How did the Saudi authorities react to such manifestations of anti-Semitism?

16. The Government had failed to address non-discriminatory implementation of the rights and freedoms provided for in article 5 of the Convention. Foreign nationals allegedly suffered from discriminatory laws and practices. In addition, women in particular faced severe restrictions, such as not being allowed to walk in the street without an immediate male relative, to drive, or to leave the country without the written permission of a male relative. He wished to have information on the situation of refugees. The country had expressed the intention to ratify the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Had concrete steps toward ratification of those instruments been taken? Had the Government been able to put an end to the precarious position of the refugees who had been stranded for a decade in the Rafha refugee camp, near the Iraqi border?

17. He enquired how foreign residents could acquire citizenship, apart from through marriage with a Saudi national. Recently, the Government had begun to issue identity cards for women. Were those cards mandatory? How many women had received an identity card so far? Could women obtain identity cards without the permission of a male relative? There seemed to be no equality between men and women with respect to the right to marry, the right to own

property or the right to inherit. For example, a man could marry a non-Muslim, but a woman could not and daughters received only half the inheritance awarded to sons. Exercising the right to freedom of thought, conscience and belief was practically impossible. Freedom of religion was non-existent. Religious minorities faced discrimination. Public worship by non-Muslims had been banned. Public apostasy was punishable by death. Several cases of arrests, detention and deportation of non-Muslims had been reported to the Special Rapporteur on freedom of religion or belief. The Shi`ah Muslim minority also allegedly faced discrimination.

18. Although migrant workers made up 60 per cent of the workforce, the country had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Foreigners were employed under a sponsorship system, with the employer having almost absolute control over the employee. It was unclear whether foreigners enjoyed the right to form trade unions or engage in collective bargaining. The Government had launched a Saudization plan, which was intended to reduce the number of foreigners by 3 million within the following 10 years. What means would be employed to obtain such a result? How did the plan protect foreign workers from arbitrary decisions and abuses? In view of the strictly enforced segregation of sexes, which lead to discrimination against women, he found it difficult to comprehend how the right to equal participation in cultural activities and the right of access to any place or service intended for use by the general public could be guaranteed.

19. In 2000, the Assistant Under-Secretary for political affairs in the Foreign Ministry had announced that Saudi Arabia would form two human rights bodies in order to investigate allegations of torture, monitor the implementation of human rights codes and acquaint the public with the concept of human rights. Had those bodies been established and if so, did they monitor implementation of the Convention?

20. Under article 47 of the Basic Law, citizens and residents had an equal right to seek judicial remedy. However, complaints about the difficulties for foreign workers and women to obtain justice for their grievances were numerous. According to Amnesty International, a disproportionate number of foreigners faced the death penalty. Several cases of migrant workers who had not received any legal assistance and had been sentenced to death had been brought to the attention of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Reports of detained foreigners being denied access to lawyers and consular representations were common. The Special Rapporteur on the independence of judges and lawyers had visited the country in October 2002 and would report to the forthcoming session of the Commission on Human Rights.

21. Women suffered discrimination in the justice system both as victims of unfair trial procedures and because they were not afforded adequate redress for abuses committed by non-State actors. The failure of authorities to investigate allegations of abuses against women was of particular concern. Domestic violence, especially with regard to foreign domestic workers, appeared to be a common problem. He wished to know whether any statistics on spousal abuse were available. Could women find refuge in safe houses? Were there any women's rights organizations in the country?

22. He expressed concern that the State's policy on education for girls discriminated against girls and that respect for human rights and for equality between the sexes and between religious and ethnic minorities was not explicitly included in school curricula. With regard to culture, he asked for clarification to be provided regarding the Government's policy regarding the preservation of historic buildings. Was the decision to destroy monuments from the period of early Islam not an expression of xenophobia? He would appreciate information on the level of awareness among the general public with regard to the Convention. Had efforts been made to involve civil society in its implementation?

23. Mr. THIAM, referring to paragraph 19 of the second periodic report, wished to have further information on the procedure for appealing to the bodies mentioned there and on the guarantees in place. Did those bodies have a hierarchical structure? Were they purely appeal bodies? More information could be provided about the country's judiciary. Comments from the delegation regarding the discrimination to which foreign workers were allegedly subject under the sponsorship system would be welcome. What texts could be invoked by victims when article 36 of the Basic Law, which guaranteed security for all, was violated? He would welcome data on the Government's efforts to combat human rights violations and on the cases examined so far. It was encouraging to know that non-Saudi lawyers were allowed to practise their profession and to have access to records of proceedings. At what point did the lawyers intervene? Did the law ensure the provision of legal aid?

24. He asked whether the legislation passed in October 2000 allowing immigrant workers to keep their passports also made provision for a recourse mechanism when such persons had their passports confiscated. He would also like to know whether the reform introduced as part of the new Labour Code provided for a right to paid leave, retirement pension, protection in the event of an occupational accident and abuse of authority by employers. What was the status of the Convention in domestic law? How was a conflict between domestic law and a provision of the Convention resolved?

25. As a Muslim, he was convinced that the legislation currently being prepared in Saudi Arabia would be worthy of the precepts of Islam, which exalted fraternity, solidarity, charity and piety and were diametrically opposed to discrimination and the violation of human rights.

26. Mr. de GOUTTES, referring to implementation of article 4 of the Convention, asked whether anyone had been prosecuted for, or found guilty of, violating the prohibition on the dissemination of theories based on superiority of one race or group over another or incitement of racial discrimination, to which paragraph 29 of the second periodic report referred. Concerning implementation of article 5, a report by Amnesty International asserted that the 5,000 Iraqi refugees who had been living at the Rafha refugee camp for more than 10 years were not permitted to apply for asylum in Saudi Arabia. He asked the delegation to give an account of the current situation at that camp. He would also like to know more about the impact of the sponsorship system, which placed immigrant workers at the mercy of their employers.

27. Paragraph 33 (f) stated that the Shariah guaranteed freedom of religion and belief. But according to the report by Amnesty International, Saudi Arabia had a religious police (mutawwa') which was known as the Committee for the propagation of virtue and the prevention of vice. Could the delegation provide details on the role of that committee and explain the measures it could take and the punishment it could impose in propagating virtue and preventing vice?

28. With regard to the implementation of article 6 of the Convention, paragraph 19 stated that victims of racial discrimination had three remedies available to them: the majlis (audience chamber) of the King and of the Crown Prince, provincial governors or litigation. How many allegations of acts of racial discrimination had those bodies investigated and prosecuted, and how many sentences had they handed down? Concerning the implementation of article 7, he asked what measures the Government was contemplating to disseminate the Convention, the country reports and the Committee's concluding observations.

29. Mr. VALENCIA RODRIGUEZ noted that the country report lacked basic demographic data on both the majority population and various ethnic groups, as well as on foreign residents, and immigrant workers in particular. He would like to know whether foreign residents were also subject to Islamic law. Referring to paragraphs 11 and 12 of the second periodic report, he asked whether there had ever been a case in which the Convention had been invoked in the courts or with the administrative authorities. He also sought more information on how the alms tax for the poor (para. 25) was collected and used. Paragraphs 29 and 30 of the report did not contain any information on the prohibition of racist organizations, as required by article 4 (b) of the Convention.

30. With regard to the implementation of article 5 of the Convention, he noted that a foreign woman could acquire Saudi nationality by marriage (para. 33 (b)). What rules applied in the case of a foreign man who married a Saudi woman? Paragraph 33 (c) suggested that inheritance law differed for men and women; he asked the delegation to comment on that point. It would be useful to have more details on existing procedures for ensuring implementation of article 28 of the Basic Law, according to which the State must provide employment for everyone capable of working (para. 34 (a)). Had there been any cases of labour conflicts involving persons of other ethnic groups, and if so, how had they been resolved? It would also be interesting to learn what efforts had been made to ensure the right to housing.

31. Concerning the implementation of article 6 of the Convention, he asked for more information on the functions and powers of the Board of Grievances and the Islamic courts. Had those bodies heard and ruled on allegations of racial discrimination? As to implementation of article 7 of the Convention, he recommended that particular attention be given to ensuring that law enforcement and court officials were aware of the content and scope of the Convention.

32. Mr. KJAERUM commended the Government on ratifying article 8 (6) of the Convention. It was encouraging to see that Saudi Arabia had embarked upon a reform of the legal system, and he would like to know what further steps would be taken. The next report should contain more statistics and analysis on the situation of migrant workers and other minorities in society.

Socio-economic indicators were needed, for example concerning access to medical care for non-citizens, the number of children of non-citizens enrolled in school and the ratio of non-citizens, including refugees, to citizens in the prison population.

33. He asked the delegation to comment on the situation of domestic workers in the light of the Committee's General Recommendation XXV, which dealt with discrimination on the basis of both gender and race. Were any measures contemplated in that area? Furthermore, did Saudi Arabia envisage the creation of a human rights action plan, as suggested at the 2001 Durban Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance? Was it considering the establishment of a national human rights institution?

34. Mr. YUTZIS said that the report did not always distinguish clearly between citizens, residents and "persons". For example, paragraph 22 (b) of the second periodic report said that the State guaranteed the rights of its citizens and their families in the event of an emergency, sickness, disability or old age. Did that mean that residents and other persons did not benefit from such protection? According to paragraph 25, the State provided social security benefits and employment opportunities for "persons" in need thereof. Who were those persons? Could the delegation inform the Committee how many persons had in fact received such benefits? Paragraph 26 referred to free education for all citizens and residents. He would like to know how many non-citizens received free primary, secondary and university education. According to paragraph 34 (c), the State granted plots of residential land to citizens and also provided them with interest-free loans for the construction of dwellings. Did that mean that such benefits were not available to residents of other nationalities? Paragraph 34 (d) noted that the State provided health care for every citizen and his family in the event of emergency, sickness, disability or old age. Were non-Saudi residents not eligible for those benefits? He also asked whether any non-Saudi nationals were civil servants. If so, were they eligible for the benefits of the civil service retirement regulations referred to in paragraph 8? According to paragraph 33 (b), foreign women who wished to acquire Saudi nationality by marriage had to renounce their previous nationality. Did that requirement also apply to foreign men who married Saudi women?

35. Mr. TANG Chengyuan noted that there were millions of immigrant workers in Saudi Arabia, and they were sometimes the victims of human rights violations. Saudi law clearly stipulated that everyone was equal before the law and prohibited racial discrimination. That being the case, he wondered whether foreigners could bring their cases before the Saudi courts. How did the Government deal with instances of immigrant workers who, owing to language problems or lack of financial resources, could not bring their case to court? The delegation had referred to the establishment of an independent public prosecution commission. He would like to know more about its functioning and how it related to government bodies. Was it similar to the Office of the Ombudsman?

36. Ms. JANUARY-BARDILL, referring to the situation in her own country, noted that the Constitution as drawn up in South Africa reflected an ideal, a long-term goal. At the same time, it was generally recognized that human rights were not foreign to South African culture and had not been imported from outside. She hoped that the Saudi Government took a similar view. It

would be interesting to hear about any clashes in Saudi Arabia between culture, religion, traditional law and the notion of human rights. That would make the dialogue with the delegation more fruitful. What was missing from the report was a discussion of actual policies to promote equality and non-discrimination.

37. She would appreciate more information about possible violence, including domestic violence, and racial discrimination against women in Saudi Arabia and the relationship between the two. Details on the experiences of migrant women in Saudi Arabia should also be provided. The focus of the country's next report should shift to describing any difficulties encountered in implementing the Convention, which would be more instructive and might offer more concrete solutions to the problems the country faced.

38. Mr. PILLAI said that the third periodic report was a substantial improvement over the second. However, although both reports had discussed legislative and constitutional measures undertaken to give effect to the Convention, neither had given sufficient treatment to the way in which those measures were being implemented. Subsequent reports should fill those gaps.

39. Organizations of civil society were useful in addressing issues relating to racial discrimination. According to the third periodic report, such organizations existed in Saudi Arabia in the form of professional associations of doctors, accountants and engineers, as well as professional committees in commerce and industry. The Committee would welcome details on the way in which ordinary individuals were involved in addressing issues of racial discrimination. Had they formed any groups or associations to address those issues?

40. He understood that Saudi Arabia was examining the possibility of acceding to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. He enquired what the country's current position was in that respect. Even if Saudi Arabia did not formally accede to those instruments, under article 5 of the Convention on the Elimination of All Forms of Racial Discrimination, it was expected to safeguard a variety of civil and political, as well as economic, social and cultural rights. The delegation should provide the Committee with concrete examples of the way in which people in Saudi Arabia were exercising those rights.

41. The third periodic report had mentioned a study on the establishment of specialized labour tribunals; he asked what the current position was on that matter. Why was the Government considering setting up specialized labour tribunals when it already possessed mechanisms to deal with labour issues? He wondered whether specific issues had arisen after an assessment of existing mechanisms and, if so, how those special issues would be addressed through the establishment of special tribunals.

42. According to the second periodic report, the Kingdom of Saudi Arabia had "used education as an instrument to promote tolerance and eliminate even the slightest degree of discrimination among persons". More details on the components of the Government's education policy in regard to the issue of discrimination and attempts to eliminate it would be appreciated.

43. Mr. SHAHI said that he joined his colleagues in welcoming the high-level delegation from Saudi Arabia, commending the delegation on its seriousness of purpose. Saudi Arabia's accession to the Convention was a most welcome event and the presentation of its report shortly thereafter was greatly appreciated by the Committee. On the matter, mentioned by several Committee members, of insufficient information regarding implementation of the Convention in Saudi Arabia, he said that the lack of information meant that it would have to be obtained from outside sources, such as Amnesty International or Human Rights Watch. Such sources generally emphasized the shortcomings of States parties with respect to human rights treaties. Details concerning the actual state of implementation of the provisions of the Convention should be included in subsequent reports submitted to the Committee.

44. The second periodic report referred to the fact that racial or religious bigotry was contrary to the Islamic Shariah. That was, of course, a fact much appreciated by the Committee. In his opinion, most of the human rights treaties were compatible with the Shariah. Any differences that might exist could be harmonized through dialogue with the Committee, whose purpose was not to judge States parties, but rather to guide and assist them in implementing the Convention.

45. The rights of foreign workers in Saudi Arabia deserved the sympathetic consideration of the Saudi authorities given that they apparently were under the total control of their sponsors. Full expression of the Convention's articles should be given in the State Party's national laws, since Saudi Arabia's foreign population accounted for between 15 and 20 per cent of the total. He wondered whether there was racial animosity either towards those workers or among them. If so, that would reinforce the need for anti-discrimination legislation.

46. Lastly, he wished to pay tribute to the Saudi Arabian authorities for their organization each year of the hajj for the world's Muslims. Some 2 million persons apparently made the pilgrimage each year. The treatment afforded those pilgrims by the Saudi authorities was a supreme example of non-discrimination on a very large scale, as those making the hajj were of many different races, national origins and languages. The spirit with which the Saudi Government handled that vast undertaking each year would no doubt come to prevail in its dealings with its own citizens and other residents of its country.

47. Mr. LINGREN ALVES said that the impressive size of the Saudi delegation demonstrated the seriousness of the Government's intention to engage in a fruitful dialogue with the Committee; the submission of its first report (combining the initial and second periodic reports) was another encouraging sign. Since he understood that many Committee members had not yet had time to thoroughly review the third periodic report, he suggested that it should be considered together with the fourth periodic report the next time the Committee gathered to consider Saudi Arabia's periodic reports.

48. The second periodic report did not contain sufficient information about article 5 (c) of the Convention, which referred to political rights. In view of the Government's stated intention to engage in cooperation and dialogue with all the international human rights treaty bodies, he suggested that a core document should be prepared on Saudi Arabia. Such a document would

provide members of the bodies with a clearer understanding of the way in which Saudi Arabians viewed their political rights, so that they would not need to rely on press reports and other outside sources. He would be interested to know, for example, if people of any origin or race could vote in Saudi Arabian elections.

49. Everyone was aware that in 1948 Saudi Arabia was one of the six countries that had abstained when the Universal Declaration of Human Rights had been adopted. Among the other countries that had abstained were several that would most likely today support the Declaration as approved in 1948: South Africa, which was no longer under the apartheid regime, and several communist countries, which were no longer communist. Would Saudi Arabia in current circumstances vote in favour of the Universal Declaration? That was important, in his opinion, because an affirmative answer to that question would make the Universal Declaration truly universal.

50. The CHAIRMAN, speaking as a member of the Committee, observed that the Kingdom of Saudi Arabia had adopted a Code of Judicial Procedure, a Code of Criminal Procedure and a Code of Practice for Lawyers. Those were three very important legislative instruments for a country whose laws were based on the Islamic Shariah because they offered guarantees to all persons subject to those procedures. He asked what the relationship was between the three codes and the Shariah. He wished to know, for example, whether Shariah courts were required to uphold all three codes and whether their procedures followed those indicated in the codes.

51. He wondered what the relationship was between the Convention and national legislation, as well as how much importance national legislation gave to the Convention. If the Committee asked many questions concerning human rights, it was because it was attempting to ascertain, through the responses of the delegation, the extent of violation, if any, of the Convention in the State Party. For example, given that Saudi Arabia was the capital of Islam, the Committee wished to ensure that there had been no instances of discrimination on the grounds of race or ethnic origin in terms of exercising religious freedom. The Committee's point of departure was always race and ethnic origin. Thus, it was important for the Committee to know whether foreigners and persons of other ethnic origins who lived in Saudi Arabia were granted the right to profess and practice their own religion.

52. With regard to women's rights, what interested the Committee was not the general situation of women in Saudi Arabia, since there was a Committee for the Rights of Women within the European Parliament for that issue, but rather whether there was any discrimination against women on the multiple grounds of racial or ethnic origin and gender. Regarding asylum-seekers, he asked whether Saudi Arabia had a policy with respect to the way in which asylum was granted or refugees were received. Were all applicants granted asylum? Were some nationalities or groups denied admittance on grounds of race or ethnic origin? Concerning labour, he wished to know how migrant workers, especially domestic workers who lived in Saudi Arabia, were treated. Had there been any instances of discrimination against them? The delegation should also inform the Committee whether any discrimination existed in terms of access to Saudi nationality. Did the law distinguish between certain races or ethnic origins as regards the acquisition of nationality? He recalled that each country had the right to adopt its own national laws on naturalization, as specified in article 1 of the Convention.

53. Mr. THORNBERRY said he supported the Country Rapporteur's request for more detailed population statistics for Saudi Arabia. That would help the Committee arrive at a better analysis. Information should also be included on the general climate and on popular opinion regarding racial discrimination in Saudi Arabia.

54. It was unclear from the reports what the racial discrimination component was of the various legal codes that had been adopted. Were there, for example, specific provisions that dealt with incitement to racism and the prohibition of direct and indirect discrimination? That was a question that referred to both the concept and structure of the laws presented to the Committee. More information should be provided about the Arab Charter on Human Rights. He would also appreciate more details on the leading issues in Saudi Arabia regarding the ratification of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. He recalled that the Convention on the Elimination of All Forms of Racial Discrimination dealt with the racial discrimination implications of essentially all human rights.

55. He would welcome information on Saudi actions relating to the use of the Internet for racist purposes, which was of considerable interest outside Saudi Arabia as well, given the increasing evidence of the negative uses of the Internet, including its use by racist organizations and for racist proclamations. The experience of Saudi Arabia in that regard would be of considerable interest to the Committee. Referring to a passage in the third periodic report concerning the issue of inheritance, he said it appeared that the rules of inheritance prescribed by the Shariah applied only to Muslims. It was not clear which laws in fact applied to non-Muslims. How did the Government address the fair application of those laws? The answer to that could raise questions about legal pluralism and how it might apply in the current context. As to the issue of migrant populations, more information should be provided on education, the language of instruction in schools, and what opportunities existed for foreigners to conserve and develop their culture. Numerous positive principles and laws had been discussed; the Committee would be interested to learn how they were carried out in practice.

56. He endorsed Ms. January Bardill's question concerning the relationship between culture and human rights. How did Saudi Arabia see the relationship between traditions and human rights? Was there a sense within the country that human rights grew from within the culture, even if the language and concepts employed traditionally were not those used in human rights? That had important implications in a world which sought dialogue between civilizations. The more information the State Party could provide to those outside its culture, the closer all parties could move towards mutual understanding. He supported Mr. Lingren's question regarding the Saudi approach to the Universal Declaration of Human Rights.

57. The CHAIRMAN invited the Head of the Saudi Delegation to answer the comments and questions put forward by the Committee members in the remaining time or to postpone that discussion until the following day.

58. Mr. AL-KABEER (Saudi Arabia) thanked the Committee on behalf of the Saudi delegation for the opportunity to present its report and to engage in fruitful dialogue with the Committee. The delegation had listened carefully to the comments and questions put forward to it. As time was limited, however, the delegation preferred to wait until the next morning to answer the Committee members' questions.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

59. The CHAIRMAN drew the Committee members' attention to a document (CERD/C/61/Misc.13), that concerned the issue of whether to consider concluding observations in closed or in public meetings. The Committee had to take a decision on that issue before it could discuss any concluding observations at the current session; the matter had already been discussed at length in two sessions and the time had come to take a decision.

The meeting rose at 5.55 p.m.