



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

113th session

Summary record of the 3078th meeting

Held at the Palais Wilson, Geneva, on Monday, 5 August 2024, at 10 a.m.

Chair: Mr. Balcerzak

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The meeting was called to order at 10 a.m.

Opening of the session

1. **The Chair** declared open the 113th session of the Committee on the Elimination of Racial Discrimination.

2. **Mr. Ngefa** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said many of the challenges facing the world involved issues of direct concern to the Committee. At the recent fifty-sixth session of the Human Rights Council, the United Nations High Commissioner for Human Rights had spoken of the cruelty of war and had expressed dismay at the extent to which warring parties went beyond the boundaries of what was acceptable – and legal – and trampled on human rights. In that context, the Convention remained highly relevant. Indeed, the advisory opinion on legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, adopted by the International Court of Justice on 19 July 2024, was grounded in the Convention to a substantial degree. The landmark opinion highlighted the complementarity of human rights mechanisms and the importance of the work of the human rights treaty bodies.

3. Another example of complementarity was the universal periodic review procedure of the Human Rights Council, through which Member States' human rights records were reviewed by leveraging the expertise of treaty bodies, special procedure mandate holders, the United Nations system, regional human rights mechanisms, national human rights institutions and civil society. The Committee's concluding observations commonly featured in the pre-session reports drawn up by OHCHR, especially compilation reports, which were used by Member States when making recommendations to the country under review. The universal periodic review represented an important opportunity for States and other stakeholders to promote implementation of the concluding observations of the treaty bodies with a view to improving the protection of human rights.

4. OHCHR welcomed the Committee's efforts to address intimidation and reprisals, in which regard the United Nations applied a zero-tolerance policy. The Secretary-General had recognized that preventing reprisals was a key priority and responsibility of the Organization. Members of civil society and victims of violations provided the treaty bodies with crucial testimony and contextual information. States should ensure that all persons who cooperated with the United Nations were adequately protected from acts of intimidation or retaliation.

5. Since the Committee's previous session, the High Commissioner, in accordance with Human Rights Council resolution 54/25 on a world of sports free from racism, racial discrimination, xenophobia and related intolerance, had invited Member States and sporting bodies to join action to combat racism in and through sport. At the fifty-sixth session of the Council, during the quadrennial panel on promoting human rights through sport and the Olympic ideal, the High Commissioner had highlighted that some businesses in the sports world were aligning their practices with the Guiding Principles on Business and Human Rights and had pointed out that States had the primary responsibility to address those issues, ensure access to remedies and prevent further violations – an approach that implied zero tolerance for racism and all forms of discrimination, including antisemitism and Islamophobia, in sport. He had invited stakeholders to cooperate with OHCHR on the implementation of resolution 54/25 and would give an oral update on the resolution at the Council's fifty-seventh session, due to be held in September and October 2024.

6. At the same session, the High Commissioner would present his fourth report on racial justice and equality for Africans and people of African descent. The report would focus on dismantling systemic racism and advancing transformative change for racial justice and equality for Africans and people of African descent, while examining key elements of intersectionality. The International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement would likewise submit a report to the Council, focusing on justice, accountability and redress.

7. As the International Decade for People of African Descent was drawing to an end, calls for a second international decade had gained momentum, and some States had launched initiatives to contribute to the fight against racism. For example, Brazil and Colombia had

proposed a General Assembly resolution to proclaim 25 July as the International Day of Women and Girls of African Descent. In addition, Brazil was advocating for the creation of an eighteenth Sustainable Development Goal on ethnic-racial equality. Canada had announced that its domestic efforts under the International Decade for People of African Descent would be extended until 2028.

8. In April 2024, the Working Group of Experts on People of African Descent, during its thirty-fourth session, had discussed the economic, social and cultural rights of people of African descent in the age of digitalization, artificial intelligence and new and emerging technologies. In May, the Working Group had undertaken a country visit to Colombia at the invitation of the Government. It would present its annual report and country visit reports at the fifty-seventh session of the Human Rights Council. The Permanent Forum on People of African Descent had held its third session, also in April 2024. Over 1,000 participants, including representatives of States and civil society and activists of African descent, had considered issues such as reparatory justice, economic justice and education and culture. In May 2024, at its twenty-second session, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action had discussed the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent, as requested by the General Assembly in resolution 76/226. The Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action, at its session in June, had covered numerous issues, including artificial intelligence, racism and racial discrimination and anti-racism in education and public discourse. The Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, whose fourteenth session had ended on 2 August 2024, had examined concrete elements that would contribute to the elaboration of a draft additional protocol criminalizing acts of a racist and xenophobic nature.

9. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had recently presented two reports to the Human Rights Council. The first addressed the burgeoning development and application of artificial intelligence and the ways in which it perpetuated racial discrimination; the second focused on combating the glorification of Nazism. In August 2024, the Special Rapporteur was due to conduct a country visit to Brazil, where she would investigate a range of manifestations of racial discrimination, including those affecting people of African descent, Quilombolas, Roma and Indigenous Peoples. The Special Rapporteur on the rights of Indigenous Peoples would soon submit a thematic report to the General Assembly that would examine the challenges faced by mobile Indigenous Peoples and initiatives undertaken by Indigenous Peoples, States and other stakeholders to ensure that their rights were recognized and respected.

10. OHCHR continued to actively support the strengthening of the treaty body system, a topic which had been discussed at the thirty-sixth meeting of the Chairs of the human rights treaty bodies, held in June 2024 in New York. The Chairs had met with the Secretary-General and other senior United Nations officials, engaged with civil society and held a comprehensive exchange with Member States. They had made progress towards the harmonization of working methods and had advocated greater support for the treaty body strengthening process. At a well-attended meeting with Member States, the Chairs had called for resources to implement the predictable review calendar and other proposals.

11. Notwithstanding the Committee's commitment to advancing human rights across the globe, the circumstances remained challenging. The treaty bodies faced chronic resource constraints and the planning and execution of their work had been hampered by the ongoing United Nations liquidity crisis – a point that the Chairs had communicated forcefully during their meetings with Member States. OHCHR was doing its utmost to support the treaty bodies in the fulfilment of their mandates, including by highlighting the direct impact of resource limitations on human rights protection.

12. **The Chair** said that, as the representative of OHCHR had noted, the recent advisory opinion of the International Court of Justice included extensive references to the Convention. The Committee closely followed the Court's jurisprudence and that of regional human rights courts and domestic courts. That the Convention had served as the basis for several

proceedings before the International Court of Justice underscored its significance as a “living instrument” that was used on a daily basis to uphold and enhance human rights standards in preventing and combating discrimination based on race, colour or national or ethnic origin.

13. At the outset of its 113th session, the Committee was confronted with multiple crises, including a crisis of compliance with international law, a crisis of multilateralism and security in international relations and the United Nations liquidity crisis. Each had presented challenges for the work of the human rights treaty bodies, including by limiting their online engagement with civil society and severely restricting their capacity to process individual communications. The United Nations human rights system was in danger. The Committee urged States to take seriously their obligations under the Charter of the United Nations, international human rights treaties and international law in general.

14. The Committee was vigilant and responsive to the issue of intimidation and reprisals against human rights defenders, representatives of civil society and members of treaty bodies. Sadly, it had already received disturbing information about incidents and possible reprisals in the context of the present session. The Committee called on all States to respect, protect and support human rights defenders, whose efforts contributed to a better world. Any actions that made human rights defenders afraid to engage with the Committee were unacceptable.

15. **Ms. Shepherd** said she hoped that other States would follow the example of Canada in extending its activities in the framework of the International Decade for People of African Descent pending the possible declaration of a second international decade. Continuous action was needed to improve the situation of people of African descent.

16. **Mr. Amir** said that, despite the encouraging words that had been spoken and the resolutions that had been passed on peace and security and respect for human rights, the international community had been powerless to stop the massacre of the Palestinian people, which continued to be decimated. Neither the International Court of Justice, nor the Security Council, nor the Committee itself had succeeded in persuading the State of Israel to take the path of peace.

17. In its efforts to promote peace and justice and put an end to the barbarism that continued to afflict Gaza and many other parts of the world, the United Nations could take heart from the Olympic Games currently taking place in Paris, in which thousands of men and women from all countries were setting an example of respect and non-discrimination.

18. **Mr. Diaby** said that he, too, was interested to note that Canada had announced the continuation of activities under the International Decade. The Committee might encourage other States to do likewise. Regarding Human Rights Council resolution 54/25, he wished to point out that the Committee worked actively to tackle racism in sport and had often invited States parties to take measures to address the problem.

19. The Committee had received allegations of intimidation against human rights defenders and representatives of civil society and was concerned about their safety. During the reviews of periodic reports scheduled for the current session, the Committee would seek commitments from the Governments concerned that they would protect human rights defenders and civil society organizations that cooperated with the Committee.

Adoption of the agenda (CERD/C/113/1)

20. *The agenda was adopted.*

The meeting rose at 10.35 a.m.