



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

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**Committee on the Elimination of Racial Discrimination**  
**Ninety-second session**

**Summary record of the 2526th meeting**

Held at the Palais des Nations, Geneva, on Friday, 28 April 2017, at 3 p.m.

*Chair:* Ms. Crickley

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

#### **Fifth informal meeting with States parties**

1. **The Chair** said that the fifth informal meeting with States parties was taking place at a time when toxic global discourse was prompting a rise in racism and racial discrimination in many countries, where conditions were often ripe for their perpetuation and entrenchment.

2. However, it was also important to acknowledge the progress that States parties had made in eliminating racial discrimination from their national territories over the previous 50 years. The Committee was grateful to States parties for the many ways in which they supported its work and the treaty-body strengthening process, which had served to enhance the Committee's capacity to fulfil its mandate. The Committee and its partners looked forward to the continued support of States parties as it persisted in its endeavours to eliminate racial discrimination and to achieve the realization of human rights.

3. The definition of racial discrimination set out in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination was as valid as ever and continued to provide a comprehensive framework within which to define the various forms of the phenomenon present in modern society. By ratifying the Convention, States parties had demonstrated their commitment to confronting racial discrimination head on and to addressing it at the individual and institutional levels. The legacy of modern slavery was easily recognizable in the racism experienced by persons of African descent the world over. Moreover, it was increasingly common for racism to intersect with other forms of oppression, such as the oppression of women. Racial discrimination took on many guises and existed in many forms, some blatant and others more subtle. She trusted that the Committee could count on the support of States parties to address all of them. The Committee looked forward to receiving comments and suggestions in the course of the meeting.

4. **Mr. Avtonomov** said that the Convention had been adopted by the General Assembly of the United Nations in December 1965 and had entered into force in January 1969, becoming one of the foremost international human rights treaties. There were currently 178 States parties to the Convention; 5 States had signed but not ratified the Convention and 14 States had taken no action whatsoever. The Committee hoped that those States that had not yet ratified the Convention would do so in the near future.

5. To date, only 48 States parties had ratified the amendment to article 8 of the Convention proposed by the Government of Australia in 1991. The Committee strongly encouraged those States parties that had not already done so to ratify the aforementioned amendment. The Committee had adopted over 700 sets of concluding observations and had received over 100 follow-up reports under the follow-up procedure adopted in 2005. To date, 57 States parties had recognized the Committee's competence to receive and examine individual communications under article 14 of the Convention. Thus far, the Committee had adopted 53 decisions on individual communications. Moreover, it had sent 152 letters and adopted 18 decisions under its early warning and urgent action procedure.

6. Since 1972, the Committee had adopted 35 general recommendations. It was aware of the need to pay special attention to vulnerable groups, which were often targets of discrimination and, to that end, had adopted general recommendation No. 23 on the rights of indigenous peoples, general recommendation No. 27 on discrimination against Roma, general recommendation No. 29 on article 1 (1) of the Convention (descent) and general recommendation No. 30 on discrimination against non-citizens, which covered discrimination against migrants, refugees and asylum seekers. Against the backdrop of the International Decade for People of African Descent, the Committee had adopted general recommendation No. 34 on racial discrimination against people of African descent (CERD/C/GC/34). The Committee was also attentive to emerging phenomena related to racial discrimination and, in 2013, had adopted general recommendation No. 35 on combating racist hate speech (CERD/C/GC/35). Discrimination on grounds of religion was also a growing phenomenon. However, the Committee could only address that form of discrimination in conjunction with discrimination based on ethnic origin.

7. **Ms. Dah**, summarizing the submissions received from States parties ahead of the meeting, said many States parties had reported that their societies were undergoing profound change driven by a number of factors, including multifaceted economic crises and migration on an unprecedented scale. That change had been accompanied by new challenges, such as the growing prevalence of racist hate speech and racially motivated crimes. More often than not the victims of those crimes were members of vulnerable minority groups, such as the Roma, indigenous peoples and persons of African descent and non-citizens, while the perpetrators tended to be members of the majority population of the State in question.

8. Although States parties recognized the need to adopt urgent and robust measures to tackle those challenges, some of them still struggled to put them in place. The measures taken by States parties included amending their anti-discrimination legislation, including their definition of discrimination, to ensure that it responded to the exigencies of their changing societies; strengthening their national institutions; conducting information and awareness-raising campaigns, including through the media and online, to encourage peaceful coexistence and to counter intolerance; and providing education on human rights. A number of States parties that had experienced conflict had taken legislative measures and established a truth, justice and reconciliation commission in an effort to repair the damage caused.

9. **Mr. Kemal** said that the vast majority of States parties had indicated that they found participating in an interactive dialogue with the Committee to be a useful exercise and valued the latter's input. There was no doubt that the phenomenon of racist hate speech was becoming a serious problem in many European countries. Statistical information provided by States parties suggested that, in certain countries, 20 to 30 per cent of the population experienced hate speech once a month and that 50 to 60 per cent of victims considered racist hate speech to have a negative impact on their psychological health. Those alarming statistics only underscored the need to combat that pervasive phenomenon, which undermined the foundation of trust between minority groups and the majority population.

10. The measures taken by States parties to combat that phenomenon included conducting campaigns to raise public awareness of its adverse impact and the need to counter hate propaganda, as well as providing specific training to law enforcement officials, including the police, judges and prosecutors. States parties had also used national action plans as a tool to combat racial discrimination in a holistic manner. It had also been pointed out that the high prevalence of racial discrimination could often be attributed to a low level of education. In view of that fact, States parties were attaching greater importance to providing education on human rights.

11. A number of States parties had suggested that the Committee should take better note of and give more weight to the information and explanations provided in their periodic reports and during their interactive dialogues with the Committee. The frequency with which States parties were expected to report to the Committee was also viewed as a challenge by many, as often the intervals were too short for proposed changes to be implemented and sufficient progress to be made.

12. **Mr. Nuño García** (Spain) said that the comprehensive strategy to combat racism, racial discrimination, xenophobia and other forms of intolerance was his Government's foremost tool for addressing the phenomenon of racial discrimination. The strategy included mechanisms for monitoring and assessing its effectiveness and could be adapted to better respond to emerging challenges. Priority actions in the fight against racial discrimination included the adoption of a comprehensive anti-discrimination law; the endowment of the Council for the Elimination of Racial and Ethnic Discrimination with adequate resources and a new operational model so as to guarantee the independence of its activities; the continuation of integration programmes targeting the country's immigrant population, especially vulnerable groups such as female immigrants, asylum seekers and refugees who might suffer multiple discrimination; the conduct of awareness-raising campaigns to combat forms of intolerance such as Islamophobia, anti-Semitism, anti-Roma sentiment and misogyny in Spanish society; the creation of mechanisms to monitor racist and xenophobic content online, in sport and in the media; the identification and recording of racist and xenophobic incidents in cooperation with public authorities and Spanish civil

society; the provision of specific training to members of the judiciary; the collection of data on racially motivated incidents and crimes; the strengthening of inter-institutional cooperation in the fight against racism, xenophobia and other forms of intolerance, paying special attention to victims; and the conduct of awareness-raising campaigns to combat intolerance in schools, specifically bullying and classroom violence.

13. Spain had taken in close to 8 million foreign nationals over the previous 15 years and had made significant strides towards their successful integration. Fortunately, the xenophobic movements and political parties that had gained strength in neighbouring countries were but marginal groups in Spain.

14. To date, Spain had submitted 23 periodic reports for consideration and, generally speaking, found its interaction with the Committee to be extremely positive. Spain devoted much effort to drafting its periodic reports so as to give an accurate overview of the measures that it had taken to implement the Convention and to give effect to the Committee's recommendations. It found the interactive dialogues with the Committee to be enriching and instructive and appreciated the Committee's diligence in raising issues of concern. Spain made every effort to ensure that the delegations that attended the interactive dialogues with the Committee were composed of officials with the relevant technical knowledge.

15. In the future, the Committee might consider the possibility of conducting country visits in order to gain first-hand experience of the work being done to combat racial discrimination on the ground, in line with the practice of other European and United Nations anti-discrimination bodies.

16. **Ms. Gerardin** (France) said that, in France, the greatest challenge in the fight against racial discrimination was the spate of racist incidents that had occurred following the wave of terrorist attacks that had hit the country in 2015. The French President had declared the fight against racism and discrimination to be a national priority and had ordered the preparation of a corresponding action plan for the period 2015-2017, to be implemented by the Interministerial Commission to combat racism, anti-Semitism and hatred against the lesbian, gay, bisexual and transgender population (DILCRAH). Statistical data provided by DILCRAH indicated that, in 2016, the number of anti-Semitic and anti-Muslim incidents had decreased by 60 and 65 per cent, respectively, which demonstrated that the Government's efforts to mobilize the population against racial discrimination had borne fruit in a relatively short space of time.

17. In France, the public authorities strongly condemned all acts of discrimination and intolerance and actively sought the prosecution and punishment of their perpetrators. The country's legal arsenal for combating and punishing racism and discrimination based on religion or sexual orientation was one of the most comprehensive in the world; almost 70 per cent of complaints resulted in prosecution. The public authorities had also taken steps to strengthen education initiatives as a means of preventing racist hate speech and forestalling prejudice and intolerance. In the month of March each year, schools devoted a week to the fight against discrimination. It was also possible for students to access information on racism and related phenomena such as anti-Semitism and Islamophobia through a specially designed online resource centre.

18. In 2017, DILCRAH would begin the process of devising a new action plan to combat racism and discrimination for the period 2018-2020. It recognized the need to gain a more in-depth knowledge of and to collect more refined data on those phenomena in order to improve upon the measures set out in the previous action plan. There were also plans to provide improved education and training on combating discrimination and promoting diversity in the employment sector, sport and the cultural sphere, including in the media.

19. Since France had last appeared before the Committee in April 2015, the National Assembly had adopted the bill to repeal the Act of 1969 that required Travellers to hold a permit (*livret de circulation*).

20. **Mr. Mandanici** (Italy) said that his Government fully acknowledged that racial prejudice and racist attitudes persisted in certain sectors of Italian society and that sustained efforts were required to eradicate them. Italy had accepted all the recommendations relating

to the principle of non-discrimination made to it during its universal periodic review in 2015 and was committed to taking steps towards their effective implementation at both the national and local levels. Moreover, existing anti-discrimination legislation had been amended and a national action plan to combat racism, xenophobia and related forms of intolerance had been devised. There was also a pressing need to tackle discriminatory attitudes towards migrants and foreign nationals. Italy remained committed to providing emergency assistance, as evidenced by the adoption of Legislative Decree No. 142/2015 on the reception of applicants for international protection. The process of updating other relevant legislation was under way.

21. Following its interactive dialogue with the Committee in December 2016, Italy had submitted additional information in writing and had arranged for the Committee's concluding observations to be translated into Italian and disseminated widely. The Government was in the process of organizing an event to promote the rights of persons of African descent.

22. **Mr. Pfeifer** (Austria) said that since Austria intended to submit its next periodic report in the near future, he would refrain from discussing the challenges that it faced in addressing racial discrimination. Turning to the treaty-body reporting procedure in general, he reiterated that Austria was a strong supporter of the international, independent human rights monitoring system and viewed the interactive dialogues with the treaty bodies as a useful exercise, as they allowed the country to take stock of its achievements and shortcomings. Austria took its reporting obligations very seriously and invested a lot of time and resources in preparing the reports requested of it. However, the steep increase in its reporting obligations coupled with a reduction in the human and financial resources allocated for that purpose had forced Austria to consider making a number of changes to enable it to continue meeting those obligations.

23. It was worth pointing out that the more international human rights treaties a State ratified, the more reports and written replies it was required to draft and submit, often without additional resources being allocated for that purpose, leading to reporting fatigue among line ministries. Moreover, the lack of harmonization in the treaty bodies' working methods could also make reporting onerous. Austria appreciated the fact that a number of treaty bodies had introduced a simplified reporting procedure to alleviate the burden placed on States parties, but such procedures were not offered across the board. Austria also considered there to be considerable overlap and duplication in the issues raised by the different treaty bodies, which only made for an excessive number of similar recommendations. The uneven distribution of the country's reporting obligations was also a major challenge: its reporting calendar was such that in some years it was not required to submit any reports or participate in any interactive dialogues whatsoever, whereas in other years it was overburdened. Furthermore, the drain on time and resources entailed by constant reporting detracted from the country's ability to act upon the recommendations already made to it, which ought normally to take precedence. In the light of the above, there was a clear need for States parties to keep working with the treaty bodies to improve the existing reporting system.

24. **Ms. Bolaños Pérez** (Guatemala) said that, in Guatemala, priority actions in the fight against racial discrimination included the continuation of public awareness campaigns as a means of changing attitudes and perceptions in Guatemalan society; the amendment of domestic legislation and public policy to better tackle racial discrimination; the realization of the commitments made by the country's political parties before the legislature to guarantee indigenous peoples the enjoyment of their rights; the strengthening of the public institutions responsible for promoting and realizing indigenous rights, including the Office for Indigenous Peoples and Multiculturalism, the Presidential Commission on Discrimination and Racism against Indigenous Peoples and the Office for the Defence of Indigenous Women's Rights; the adoption of a strategy to prevent the dissemination of racist propaganda on social media platforms; the clarification of the limits of the right to freedom of expression; the reduction of the inequality in indigenous peoples' enjoyment of economic, social and cultural rights; the provision of translation and interpretation services in legal proceedings for persons whose first language was not Spanish; better coordination between the indigenous and State justice systems to guarantee indigenous peoples access to

justice; the adoption of a specific law defining and criminalizing racial discrimination; and the harmonization of Guatemalan law with relevant international law.

25. Guatemala enjoyed an open and cooperative relationship with the treaty bodies and had corresponded with the Committee on the Elimination of Racial Discrimination under its early warning and urgent action procedure. It had also received a visit from Committee members in autumn 2015 during which they had met with, *inter alia*, the President of the Constitutional Court, the President of the Supreme Court and the Director of the Public Criminal Defence Institute, as well as with representatives of Guatemalan civil society, and had conducted a number of field visits.

26. **Mr. Šćepanović** (Montenegro) said that the Ministry for Human and Minority Rights had launched a plan to combat discriminatory behaviour and practices as well as a plan to educate the public about discrimination. Since 2011, anti-discrimination training had been dispensed on an annual basis to public officials, NGOs and other stakeholders active in the protection and promotion of human and minority rights. The country's anti-discrimination law had been amended to include more specific forms of discrimination, including racial discrimination. The anti-discrimination provisions of the Criminal Code had also been strengthened, with the result that racist or discriminatory motives for a crime could now be considered as an aggravating circumstance in certain cases.

27. In an effort to close the gap between the marginalized Roma community and the majority population, the Government had taken part in the Decade of Roma Inclusion and had launched a Roma integration initiative for the period 2016-2020, which addressed the racial discrimination to which they were subjected. Montenegro had adopted further measures aimed at improving the situation of the Roma as part of its preparations to join the European Union. Although the measures had yielded positive results, there was still room for improvement. The main obstacles hindering the successful integration of the Roma into Montenegrin society included their low level of education. In an effort to remedy that situation, the Government had taken a number of initiatives intended to improve the enrolment rate of Roma children in school and to reduce the number of dropouts. The Government had also organized outreach activities in the municipalities where the Roma community lived, with the aim of increasing their access to health care. The large number of registration requests submitted by internally displaced persons and the Roma community as they attempted to gain official status in Montenegro also posed a challenge. Montenegro would be grateful to receive any suggestions from the Committee on how to combat racial discrimination against the Roma and on how to achieve their social inclusion.

28. **Ms. Díaz** (Ecuador) said that the fight against racial discrimination must be underpinned by a strong political will and concrete action. Articles 176 and 177 of the Comprehensive Criminal Code prohibited discrimination and hate crimes, respectively, while the Organic Act on Communication criminalized the dissemination of discriminatory content. In February 2016, the Government had declared its intention to play a major role in celebrating the International Decade for People of African Descent.

29. Ecuador also recognized the need to step up its efforts to promote interculturalism and cultural freedom in Ecuadorian society; to guarantee equal access to health care and education; to eradicate discriminatory practices, such as racial profiling; to conduct community-based training on racial discrimination and racially motivated crimes; and to educate the media about the dangers of disseminating racist propaganda while encouraging them to promote respect for interculturalism, diversity and equality as a means of eradicating structural racism in Ecuadorian society. Moving forward, it was crucial to adopt measures that guaranteed minorities' right to recognition, access to justice and development as part of a fairer, more inclusive society where individuals could exercise their rights in full.

30. **Ms. Koval** (Ukraine) said that three years had passed since the Russian Federation had unlawfully occupied the Autonomous Republic of Crimea, which was a sovereign territory of Ukraine. The Russian authorities had installed a regime of ethnic Russian dominance that discriminated against non-Russian groups, including the indigenous people of the region, the Crimean Tatars, and the ethnic Ukrainian population. The occupying authorities had committed massive and systematic human rights violations and sought to

destroy the identity of ethnic Ukrainians, the Crimean Tatars and other ethnic and religious groups. The General Assembly of the United Nations had reaffirmed that persons resident in Ukraine should enjoy the protection provided for under the Geneva Conventions and applicable international human rights instruments. Numerous accounts of the crimes committed by the Russian Federation in its aggression against Ukraine could be found in the report of the Organization for Security and Cooperation in Europe Special Monitoring Mission to Ukraine, which had been deployed at the request of the Ukrainian Government. Despite repeated protests from Ukraine, the Russian Federation had continued its campaign of discrimination against the Crimean Tatars and ethnic Ukrainians. Ukraine had responded to the gross violations of the Convention committed by the Russian Federation by instituting legal proceedings against it before the International Court of Justice.

31. On 19 April 2017, having reminded the Russian Federation of its duty to comply with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, the Court had indicated the following provisional measures to protect the rights claimed by Ukraine: the Russian Federation must refrain, pending the final decision on the case, from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis and, in addition, it must ensure the availability of education in the Ukrainian language. The Court had also recalled that it expected the Russian Federation, as a party to the Minsk agreements, through individual and joint efforts, to work for the full implementation of the Package of Measures for the Implementation of the Minsk Agreements in order to achieve a peaceful settlement of the conflict in the eastern regions of Ukraine. In addition, the Court had ordered the Russian Federation to refrain from any action which might aggravate or extend the dispute under the International Convention for the Suppression of the Financing of Terrorism before the Court or make the dispute more difficult to resolve. Ukraine expected the Russian Federation to give full and immediate effect to those provisional measures and to refrain from committing further violations of international law. Ukraine would submit all the evidence necessary to support the consideration of the merits of the case, which was the next step towards bringing the Russian Federation to justice for the violation of its international legal obligations. Ukraine urged the Committee to pay due attention to the situation in the Autonomous Republic of Crimea.

32. **Mr. Torrejón Alcoba** (Plurinational State of Bolivia) said that the elimination of racial discrimination could only be achieved in the Plurinational State of Bolivia by dismantling the institutional structures, normative frameworks and national systems that had been put in place in the colonial era, as they tended to promote discrimination. The process of decolonizing Bolivian society, ridding it of its patriarchal culture and eradicating racist and discriminatory practices that had been entrenched under colonial rule was led by State institutions and was well under way.

33. According to the Constitution, the State was responsible for, inter alia, fostering mutual respect and intracultural, intercultural and multilingual dialogue. The Act on the Elimination of Racism and All Forms of Discrimination likewise enshrined the principle of interculturalism. The Plurinational State of Bolivia remained committed to giving full effect to the provisions of the Convention and was considering taking further legislative measures to facilitate its implementation. More efforts should be devoted to addressing human rights issues at the different points of entry and in transit zones along international borders in an effort to pre-empt racial discrimination and incitement to racial hatred.

34. **The Chair** said that, while she recognized the value of conducting country visits, the Committee did not have sufficient budgetary resources to fund such visits itself and would therefore need to locate extrabudgetary resources for that purpose, which could prove difficult. The Committee took note of the concerns raised by the representative of Austria over the perceived overlap between the work of the different treaty bodies and the risk of line ministries suffering from reporting fatigue, and would continue to work to address those issues as part of the treaty-body strengthening process, during meetings of the Chairs of the human rights treaty bodies and through joint meetings between the Committee and other treaty bodies. However, States parties should take care not to mistake the intersectionality of the treaty bodies' work for overlap.

35. **Ms. McDougall** said that it was extremely helpful to learn about the experiences of different States parties in regard to hate speech and its corrosive effects on the fabric of society, in addition to the measures adopted to combat it. There was a clear need for the Committee to deepen its understanding of the dynamics of that phenomenon on the ground in different countries and to devise innovative means of addressing it. She was grateful to the representative of Austria for his thoughtful statement. The Committee would continue to explore ways to alleviate the onerous reporting obligations placed upon States parties. She would welcome more suggestions on how the Committee could invigorate its interactive dialogues so as to make them more beneficial to States parties.

36. **Mr. Bossuyt** said that the Committee was grateful to States parties for the importance that they attached to eliminating racial discrimination and for the cooperation that they demonstrated in fulfilling their reporting obligations. He imagined that nearly all States parties faced the challenges described by the representative of Austria. He recognized that the proliferation of the treaty bodies and the accompanying increase in reporting obligations upon States parties had given rise to a number of problems. The introduction of a simplified reporting procedure had been the Committee's way of trying to lessen the reporting burden on States parties and he encouraged as many States parties as possible to avail themselves of it. It was unfortunate that the current reporting schedule often required States parties to draft and submit several reports simultaneously. It was clear that the treaty bodies needed to work in partnership with the Office of the United Nations High Commissioner for Human Rights (OHCHR) to find a solution to those problems; such a solution did not lie with the Committee on the Elimination of Racial Discrimination alone.

37. **Mr. Murillo Martínez** said that he welcomed the leading role played by a number of States parties in celebrating the International Decade for People of African Descent. He also welcomed the suggestion made during the regional meeting for Latin America and the Caribbean on the Decade that another World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance might be held in the future. Another World Conference would provide a further opportunity to condemn racism and racial discrimination and to show the continued determination of the international community to combat those phenomena and to overcome the challenges associated with them.

38. **Ms. Molin** (Sweden) said that, in November 2016, her Government had adopted a national plan to combat racism, similar forms of hostility and hate crime, which identified different forms of racism and set out key objectives in strategic areas. An English version of that plan would be made available to the Committee. The Government recognized that it needed to improve coordination and monitoring of its work in that sphere, while developing research and knowledge, enhancing dialogue with and support for civil society, strengthening preventive measures online and developing a more active legal system. The Government appreciated the Committee's work, notably the dialogue maintained during the reporting process, and valued meetings at which countries could describe their experiences, challenges and efforts to overcome problems.

39. **The Chair** said that the Committee routinely recommended the adoption of national action plans in accordance with the Durban Declaration and Programme for Action, and was satisfied that a number of countries had adopted or were considering the adoption of such plans.

40. **Ms. Kremer** (Israel) said that her Government had maintained a professional dialogue with the Committee since the Convention had entered into force in Israel in 1979, and it remained fully committed to promoting human rights and prohibiting racial discrimination. In January 2014, the Ministry of Justice had launched a campaign to make the general public aware that discrimination and racism were morally wrong and also constituted a criminal offence. Other efforts included the establishment of a special hotline to provide information and assistance for victims of discrimination and racism — including incitement — and a website to disseminate information on laws and regulations in that sphere and ways to contact the Ministry and other relevant bodies. The Ministry of Education had devised educational programmes on democracy, tolerance, coexistence and human rights that were intended to provide the knowledge and tools to combat discrimination; the education system employed a broad approach to preventing hate crimes and propaganda through an emphasis on tolerance and pluralism. Pupils of all ages were



taught about the principles of democracy, the rule of law, human rights and the rights of minorities. However, there was still room for improvement in the fight against racism, such as by increasing the presence of minority groups in all sectors of Israeli society, particularly the labour market and culture and the media.

41. **Ms. Moore** (United States of America) said that her Government welcomed the efforts to foster dialogue and the exchange of information between States parties and the Committee, and hoped that the current initiative would be repeated. The United States remained committed to combating racism and discrimination and to meeting its obligations under the Convention. It had submitted periodic reports in 2000, 2007 and 2013 respectively, had responded positively to the Committee's observations and recommendations after each review, and planned to submit a new report in November 2017.

42. **Ms. Li Pin Yuen** (Mauritius) said that her country cooperated with human rights mechanisms and treaty bodies and fully engaged with other international and regional organizations involved in human rights issues. The Government of Mauritius had developed reliable administrative and legal frameworks to address racial discrimination, and the Constitution established the right of every citizen to be treated equally. The Criminal Code established offences such as incitement to racial hatred, which was punishable by fines or penal servitude. The Information and Communications Technologies Act had been enacted to counter the sending of discriminatory messages via the Internet, while the Equal Opportunities Act sought to improve protection against discrimination. Mauritius had engaged in a very fruitful dialogue with the Committee; its combined fifteenth to nineteenth periodic reports (CERD/C/MUS/15-19) had been reviewed in 2012, and most of the Committee's recommendations had been implemented. The combined twentieth to twenty-third periodic reports, concerning the reporting period 2009-2016, were being finalized and would be submitted in due course.

43. **The Chair** said that she was interested to observe the focus of Mauritius and other States parties on online racism and other technology-related dimensions of racial discrimination.

44. **Ms. Ekholm** (Finland) said that the recent examination of the twenty-third periodic report of Finland (CERD/C/FIN/23) had permitted a profound and constructive dialogue, in which the Committee had asked pertinent questions and emphasized the need to safeguard human rights in all circumstances. Recognizing that immigration had become a source of tension in many societies, the Government was concerned about a rise in hate speech against asylum seekers and in that regard it appreciated the Committee's guidance on the interpretation of the Convention. A survey had been carried out by the Ministry of the Interior to develop a comprehensive overview of Finnish people's views of asylum policy and asylum seekers and to collect suggestions on activities to be carried out by the State. The findings of that survey would feed into the planning and evaluation of immigration policy measures, as well as communications. Noting that the Committee had made the simplified reporting procedure available to States parties whose reports were overdue, she wondered whether that procedure would be offered to all States parties in the near future.

45. **Mr. Jovanović** (Serbia) said that the Convention was an important standard for planning and implementing comprehensive measures to tackle all forms of discrimination in Serbia. Although the mainstreaming of human rights policies in Serbia had accelerated during the previous decade, some challenges remained, including: the institutional and legal framework for combating racism, the situation of the Roma minority, the protection of all minority rights, and issues related to discrimination against refugees and migrants. The Roma community formed the largest national minority in Serbia and its members faced challenges in all spheres of society. The Government recognized the need to combat anti-Roma attitudes using tools to enhance the participation of Roma representatives in designing and implementing policies and measures to improve their lives. The Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025 had been adopted based on the principles of inclusiveness and decentralization, and included affirmative measures in the priority areas of education, housing, health and employment. The Government had developed a framework to improve the protection of minority rights, promoting attributes such as language, tradition and culture under a transparent approach that relied on cooperation and decision-making with councils of national minorities. The migrant and

refugee crisis, in which more than 1 million migrants and refugees from war-affected areas had passed through Serbia, had posed many security, humanitarian and economic challenges, but had also demonstrated the country's tolerance, solidarity and readiness to help those in need. No instances of migrants being targeted by racist or insulting speech or physical attacks had been reported during the previous year.

46. With regard to the country's international reporting obligations, one particular challenge referred to the monitoring of the work of judicial authorities in real time, since different systems were used that caused a delay in the compilation of data. The Government had incorporated the Committee's recommendations into its anti-discrimination policies and was monitoring the implementation of those policies. It looked forward to receiving further advice and support on the occasion of the review of its second to fifth periodic reports at the Committee's ninety-fourth session.

47. **Mr. Marugán** said that some of the challenges related by the States parties were of a global nature. Tools such as television and the Internet, which had enabled the ever-faster transfer of information, also permitted the spread of fears, prejudices and stereotypes leading to racial discrimination. Hate speech, as mentioned by several delegations, was one area in which instruments were required in order to counteract the phenomenon as effectively as possible. The Committee also recognized the global challenges facing countries in their implementation of article 5 of the Convention and the Sustainable Development Goals, particularly the fact that certain ethnic communities and minorities suffered disproportionately from poverty, unemployment and underemployment and a lack of education, health and housing. In that context, he wished to thank Italy for offering to host a regional conference as part of the International Decade for People of African Descent.

48. **Ms. Shepherd** said that she too wished to thank Italy for its offer, and hoped that other Western European countries would lend their support to the conference. She was grateful to States parties for their frankness in acknowledging the challenges that they faced in overcoming racial discrimination against vulnerable groups. Through the Committee's interactions with States in various forums, she was aware that resources were limited and that Governments and NGOs located far from Geneva encountered difficulties in sending large delegations to interact with the Committee. She was especially appreciative of the impressive efforts undertaken by newly independent countries, which faced particular challenges in combating racial discrimination, and she encouraged them to continue on that path.

49. **Ms. Wang Ying** (China) said that her Government had engaged in constructive dialogue with the Committee and had always seriously implemented its obligations under the Convention, which had played an important role in the fight against racial discrimination all over the world. However, the fact that some parts of the world were seeing a worsening of racism, racial discrimination and xenophobia, together with the failure to guarantee minority rights, meant that the Committee carried an important burden and should therefore continue to strengthen its cooperation with all countries on the basis of mutual respect and equality.

50. **Mr. Quental Novaes de Almeida** (Brazil) said that the Government of Brazil appreciated the work of the Committee, which had effectively addressed emerging issues throughout its history by adopting innovative practices such as early warning measures and follow-up procedures. As a State party to the Convention since 1966, Brazil attached considerable importance to the struggle against racism and discrimination and in 2002 had made the declaration recognizing the individual complaints procedure under article 14. He recalled that the Committee had examined the situation of the peoples of the Raposa Serra do Sol indigenous territory under its early warning and urgent action procedure and, upon receiving updated information from the Government on 23 August 2010, had decided to close the case.

51. Socioeconomic indicators suggested that Afro-Brazilians had seen an improvement in their living conditions and in access to services and rights during the previous two decades, thus closing the gap with the rest of the population. The Racial Equality Act approved in 2010 provided the main legal framework for promoting equality and combating racism and racial discrimination, and the Government had also promoted institutional

changes to foster the equal participation of the Afro-Brazilian population in national life. Brazil was a regional leader in affirmative action policies in employment and education, having established quotas in universities for State school leavers, with places allocated to Afro-Brazilian and indigenous students relative to the size of those groups in the community. Consequently, the number of places allocated to Afro-Brazilians had almost tripled in the space of two years, although it was estimated that 10 years might elapse before the measures had a concrete impact on the income gap. Another challenge was the level of lethal violence committed by and against young black men, which accounted for a large proportion of violent deaths in the country. To tackle the problem, the Government had launched the Juventude Viva (“Living Youth”) programme, which included social inclusion and awareness-raising measures to reduce the vulnerability of black youth, and efforts to combat racial profiling and institutional racism in the criminal justice system; those measures were also vital for reducing the disproportionate number of Afro-Brazilians in the country’s prisons.

52. In the area of data collection, the Government aimed to overcome the invisibility of the Afro-Brazilian community, improve its assessment of communities’ needs and better target social and racial equality policies through the inclusion of an ethnicity-related component in its administrative records and census forms. The Government and civil society remained fully engaged in the fight against racism and racial discrimination, and would redouble their efforts to address inequality.

53. **The Chair** said that the provision of disaggregated data was essential for indicating the scale of the issues that needed to be addressed. She advised States parties to refer to the recommendations of OHCHR on anonymous data collection, which allowed people to self-identify as they saw fit.

54. **Ms. Shino** (Japan) said she feared that negative feelings towards certain nationals and ethnic groups were often and relatively easily inspired by criminal acts and rising international tensions. The Government considered that education and awareness-raising in all segments of society played an important role in counteracting such feelings, and Japan was open to learning about initiatives in that regard. In response to the Committee’s recommendation to take action against hate speech, the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from outside Japan had entered into force in June 2016. Its aim was to increase awareness among the general public and to promote understanding and cooperation through a range of information campaigns using different media. The Government had also stepped up efforts to eliminate unfair discriminatory speech and behaviour by creating a project team in the Ministry of Justice to act against hate speech and strengthen cooperation within and between different levels of government, public entities and civil society. Concerned that intolerance towards other ethnic and religious groups was on the increase, the Government also engaged in bilateral meetings in which it stressed the importance of tolerance and supported efforts to build a world without discrimination. It also hoped to strengthen its contribution to the Committee by nominating a credible candidate as a member.

55. **Mr. Monceau** (Belgium) said that his Government welcomed the holding of informal meetings with States parties and hoped that the Committee would continue the practice in the future. The Government was fully committed to the Convention and its treaty body, which remained highly relevant in today’s world. Several States parties had already described the challenge presented by hate speech, and in that regard the situation in Belgium was no different. The State addressed the issue under a long-established legal framework and extensive legislation designed to combat and penalize racism, xenophobia and discrimination.

56. The Government had enjoyed a good relationship with the Committee and had benefited from its comments and recommendations, although it shared the concerns voiced by the Austrian delegation in respect of “reporting fatigue” and limited capacity. It wholeheartedly supported the treaty-body strengthening process and regarded the simplified reporting procedure as a crucial aspect of that process, while regretting that its implementation had been patchy and that different criteria had been applied by different committees. The Government considered that that issue should be addressed as a priority by the meeting of the Chairs of the human rights treaty bodies. The Belgian delegation would

also be interested to learn whether the Committee had drawn any lessons from the introduction of the simplified procedure and how many States parties had availed themselves of the procedure.

57. **Mr. Toro Carreño** (Bolivarian Republic of Venezuela) said that his delegation supported all mechanisms to tackle racial discrimination and recognized the Committee's efforts to implement the principles contained in the Convention. In response to the Committee's communication and request of 10 February 2017, the Government of the Bolivarian Republic of Venezuela had submitted a note verbale detailing the challenges it faced and its experiences in engaging with the Committee. Considering that the fight against racial discrimination was vital to achieving a fair society based on respect, participation and social inclusion, the note referred to topics such as: social inclusion; economic and productive practices; mainstreaming the human rights approach in public policies; leadership of young people, persons of African descent and indigenous communities; consolidation of public institutions for development; and strengthening of the legal framework to combat discrimination.

58. **Ms. Alfaro Castillo** (Colombia) said that, in compliance with Colombia's obligations under the Convention and in response to the Committee's recommendations, in 2011 of Act No. 1482 had been adopted to protect the rights of individuals and groups vulnerable to acts of racism and discrimination. Moreover, the National Development Plan 2014-2018 included initiatives such as drafting a 10-year plan for the Afro-Colombian population, a special statute for the Raizals of San Andrés and an exemption from property tax for collective territories of Black communities. Colombia faced a particular challenge in achieving the social inclusion of different ethnic groups, which the Government sought to address through programmes, plans and projects aimed at Afro-Colombian, indigenous and Roma communities, among others. A further problem related to the unwillingness of the Afro-Colombian community to self-identify due to negative connotations ascribed to categories such as "negro", "mulatto" or "Afro"; consequently, a committee had been set up to develop strategies to strengthen self-identification.

59. The Committee's recommendations had contributed to progress in a number of areas, and the Government was particularly grateful for observations made regarding the participation of the indigenous and Afro-descendent population in the negotiation of the final peace agreement that had been reached in Havana. That participation continued to be strengthened through determined efforts to ensure that all parties were involved in the process of building a new country.

60. **Mr. Traoré** (Mauritania) said that Mauritania was a multi-ethnic and multicultural society that had an Arab majority and several minorities. Throughout its history, communities had coexisted in a state of mutual enrichment under Islam, and to some extent that tradition underpinned the values that formed the identity of the modern Mauritanian State. The Constitution enshrined the equality of all Mauritians before the law, and the Government had embarked on a large number of institutional and legislative reforms to combat discrimination. Measures included a bill criminalizing discrimination, an anti-discrimination strategy that emphasized education as an essential tool, and a national cohesion strategy. The Government had enjoyed a fruitful dialogue with the Committee and was in the process of implementing concluding observations and recommendations. Mauritania had recently submitted its combined eighth to fourteenth periodic reports, which would provide the opportunity for an in-depth discussion about further challenges in relation to discrimination.

61. **Mr. McCook** (Jamaica) said that, notwithstanding his Government's pride in its efforts to build a society in line with the national motto — "Out of Many, One People" — the Committee had raised some issues worthy of reflection during its recent review of Jamaica. Irrespective of concerns about overlapping functions and reporting difficulties, the Government believed that the Convention remained of fundamental importance and that it required unabridged commitment, not least in dismantling the legacy of the trans-Atlantic slave trade, which had perpetuated racism for more than 400 years. Unfortunately globalization, the movement of people and the explosion in new technology had created new dimensions of racist and xenophobic behaviour, and therefore the work of the

Committee should remain at the core of human rights mechanisms and processes. The challenges that had made the Convention necessary were far from having been overcome.

62. **Mr. Amir**, recalling that several meetings had been held on treaty-body strengthening, said that the Convention might be more effectively implemented through the use of resources and tools to deter racist speech. In that regard, he appealed for treaties and criminal codes to be strengthened through provisions that criminalized hate speech and addressed the problem of political parties that abused their freedom of expression during electoral campaigns.

63. **Mr. Yeung Sik Yuen** said that the informal meeting between the Committee and States parties had been a success and had brought the participants face to face with reality and with their responsibility as human beings to build a fairer, more peaceful world in which skin colour and linguistic and cultural differences were regarded as enriching elements, rather than a source of conflict. He encouraged the Committee to hold such meetings more frequently.

64. **Ms. Hohoueto** said that she had been interested to learn about the progress achieved by States parties and their difficulties in implementing the Convention. She was pleased to note that States parties increasingly responded to the Committee's requests for data disaggregated by race and ethnicity. Such data improved the visibility of groups whose development needs had been overlooked and allowed States to formulate development policies for the benefit of all members of society, as well as to effectively plan their actions against racial discrimination.

65. **Mr. Khalaf** said that the exchange of views had shown that the Committee and States parties were on the same side and were travelling in the same direction. More than ever, the Committee sought to hold close to the most fundamental concept expressed in the Convention, which was that of living together. Through that concept, humanity could coexist in a state of enrichment rather than fear, underpinned by law and justice.

66. **Ms. Li** said that the Committee was encouraged by the importance that States parties attached to the Convention. The questions put by the delegations were worthy of consideration, and the challenges they had described would inspire the Committee to work harder to combat racism.

67. **Mr. Kut** said he believed that the informal meeting had achieved its goal, and that the Committee recognized the need to record the information provided by States parties and to share and encourage the positive trends, developments and achievements that they reported. The complaint of "reporting fatigue" was a valid one, especially in regions such as Europe that were subject to multiple monitoring mechanisms. In his view, States and mechanisms should maintain their cooperation through open communication channels in order to find a solution to the problem.

68. **Mr. Lindgren Alves** said that the meeting had permitted an extremely useful interaction with the States parties. The multiplication of reporting mechanisms and obligations was indeed one of the most urgent problems facing the human rights system; however, it should be noted that States parties had the capacity to resolve the problem themselves by taking action at the General Assembly.

69. **Ms. Mohamed** expressed gratitude for an honest, open and rewarding discussion, which would allow the Committee to move forward in the fight against discrimination.

70. **Mr. Calí Tzay** said that the Committee should listen carefully to the sentiments of the States parties and their descriptions of activities undertaken, devoting equal attention to progress made and problems encountered. Unfortunately, he believed that current events made the Convention more relevant than ever. Indigenous peoples, persons of African descent, Roma and other groups were increasingly affected by the building of imaginary walls between persons of different colour, language or culture, as well as physical walls designed to prevent immigration and the creation of multi-coloured societies. It was important for the Committee to remain vigilant in combating such developments.

71. **The Chair**, responding to the question raised about the simplified reporting procedure, said that reminders had been sent to the 36 countries whose reports were

overdue, 3 of which had agreed to adopt the simplified procedure. The Committee had adopted a list of issues prior to reporting for one of those countries, and it would continue to do so for other States parties at future sessions. An incremental approach was being taken in the adoption of the simplified reporting procedure, since some countries had already agreed to follow the old procedure and it would be unfair to ask them to change. She intended to raise the issue at the meeting of the Chairs of the human rights treaty bodies later in 2017.

72. Structural and institutional racism clearly remained major issues. The Committee considered that all forms of racial discrimination ought to be eliminated, while recognizing that particular aspects such as Islamophobia and prejudice against migrants could be highlighted at different times. While the Committee's activities were focused on its mandate, it also kept abreast of the contributions made by other agencies and mechanisms, such as the Sustainable Development Goals and the ongoing effort to develop a global compact on refugees pursuant to the New York Declaration for Refugees and Migrants. Those efforts should be grounded in human rights and in ensuring that racial discrimination was not a part of those experiences. Lastly, she expressed the hope that States parties would maintain their commitment to eliminating racial discrimination and their engagement with the Committee for that purpose.

*The meeting rose at 5.50 p.m.*