



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-second session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1847th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 18 February 2008, at 3 p.m.

Chairperson: Ms. DAH

CONTENTS

DIALOGUE WITH UNITED NATIONS BODIES AND SPECIALIZED AGENCIES AND
OTHER COMPETENT BODIES

* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1847/Add.1.

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

DIALOGUE WITH UNITED NATIONS BODIES AND SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES

1. The CHAIRPERSON, recalling the Committee's practice of meeting every year with representatives of United Nations bodies and specialized agencies and other competent bodies with a view to keeping abreast of activities relevant to its work, welcomed the representatives of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO) and the Office of the United Nations High Commissioner for Refugees (UNHCR). She asked Mr. Magazzeni, Coordinator of the National Institutions Unit, Office of the United Nations High Commissioner for Human Rights, to open the discussion.
2. Mr. MAGAZZENI (Coordinator, National Institutions Unit, Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that in 2007 OHCHR had worked to provide more effective support for treaty body recommendations and to integrate them into its work, using them to guide and support the human rights activities of the United Nations and other actors, such as the United Nations country teams or national human rights institutions. In particular, treaty body recommendations had been more consistently reflected in OHCHR priorities for action and country engagement strategies and had in many cases been implemented with the support of personnel in the field as well as national human rights institutions. OHCHR field work increasingly focused on follow-up to the recommendations from the international human rights system, in such areas as changes in legislation or the administration of justice, implementation of regulations, and setting up of national human rights institutions. Follow-up had been mainstreamed into OHCHR operational services and provided an indicator of the degree of countries' compliance with human rights norms, thus helping OHCHR continuously refine its country assessment and engagement strategy.
3. He noted that the number one global indicator in the OHCHR Strategic Management Plan for 2008-2009 was the number of "A" status national human rights institutions, i.e. institutions that complied with the Paris Principles, or other national human rights institutions that, with the assistance of OHCHR, had become independent entities that complied with the Paris Principles and engaged in a substantive and appropriate manner with the international human rights system, especially the treaty monitoring bodies.
4. He recalled that the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights currently had a representative in Geneva, Ms. Katharina Rose, who could speak on behalf of "A" status national human rights institutions at meetings of treaty bodies and the Human Rights Council. He encouraged the Committee to support that initiative, since many national human rights institutions could not afford to send representatives to meetings in Geneva. He commended the Committee's decision to recognize the independent status of national human rights institutions and to incorporate in its rules of procedure a provision enabling "A" status national human rights institutions to participate in its meetings during consideration of their country reports.

5. In November 2007 a treaty body workshop had been held in Geneva, attended by representatives of national human rights institutions from various regions of the world as well as members of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Subcommittee on Prevention of Torture. One of the workshop's objectives had been to review lessons learned and best practices observed in the relationship between national institutions and treaty bodies. Representatives of national human rights institutions in New Zealand, the Republic of Korea and South Africa had expressed their views on their relations with the Committee on the Elimination of Racial Discrimination and the implementation of its concluding observations. The participants had adopted conclusions supporting greater interaction between the treaty body system and national human rights institutions, in line with the harmonized approach developed at the International Round Table on the Role of National Human Rights Institutions and Treaty Bodies held in Berlin in 2006. The workshop's conclusions had also referred to the recent general observation on the international human rights system made by the International Coordinating Committee's Sub-Committee on Accreditation in October 2007, which highlighted the importance for national human rights institutions of engagement with the international human rights system, in particular the Human Rights Council and its mechanisms, and the human rights treaty bodies.

6. National institutions currently took part in treaty body work, although actual participation in the preparation of reports in some regions was relatively low. OHCHR had recently organized an East African subregional workshop on treaty body reporting in Arusha, Tanzania. Participants had included representatives of several States, national institutions and the recently established secretariat of African National Human Rights Institutions, based in Nairobi, Kenya.

7. In January 2008, the German Institute for Human Rights had published a handbook on national institutions and treaty bodies which highlighted good practices for interaction between national human rights institutions and treaty bodies and their respective procedures. Recently, OHCHR and the United Nations Development Programme (UNDP) had agreed to share via e-mail, for one month, information on the role of national human rights institutions. UNDP had also made a commitment to prepare a guide for its personnel on the role and responsibilities of national institutions, to provide training to local coordinators on the relevant activities of OHCHR, and to ensure that UNDP was regularly updated on progress made in that regard.

8. He recalled that OHCHR had prepared briefing notes for the Committee containing specific recommendations on reports to be considered at the current session. He invited the Committee to encourage States parties that had not yet established national human rights institutions in accordance with the Paris Principles, to do so.

9. Mr. de GOUTTES welcomed the positive reaction by other international human rights treaty bodies to the Committee's recent initiative to allow national human rights institutions not only to attend public meetings at which the Committee considered the reports of States parties, but also to take the floor. He asked whether the other treaty bodies intended to follow the Committee's example and adopt that practice and whether any of them had adopted other practices that the Committee might wish to emulate with a view to facilitating interaction with national human rights institutions.

10. Mr. CALITZAY thanked the National Institutions Unit for having organized the workshop on preparation of reports in November 2007 in Arusha, Tanzania, which had been attended by other members of the Committee as well as members of the Human Rights Committee and the Committee against Torture. The workshop had emphasized the central role that must be played by national human rights institutions in promoting access to justice without discrimination and respect for indigenous rights.

11. Mr. KJAERUM commended the National Institutions Unit's efforts to promote closer collaboration between treaty bodies and national human rights institutions in the context of consideration of States parties' reports.

12. He asked why OHCHR sometimes opened a national office in a country such as Mexico or Uganda that already had an "A" status national human rights institution. He also enquired about the respective roles of the two entities in such cases and, in particular, whether the fact that OHCHR had opened an office in the country implied a certain lack of confidence in the institution in question. If that were the case, the Committee, too, could not, in his view, have confidence in information provided by that national human rights institution during its consideration of the State party's report.

13. Mr. EWOMSAN welcomed the newly established cooperation between the United Nations Development Programme (UNDP) and national human rights institutions, which should help developing countries, in Africa in particular, to obtain financial and technical assistance with a view to preparing overdue reports.

14. Mr. PETER asked if the National Institutions Unit sought to provide support to national human rights institutions whose decisions were not implemented at the national level or, worse still, were deliberately ignored, with complete impunity, by the governments of the States concerned.

15. He suggested that OHCHR should invite members of human rights committees from the region concerned to the subregional workshops it organized on issues relating to the mandates of the various human rights treaty bodies.

16. Mr. MAGAZZENI said that the Committee had truly blazed a trail by inviting national institutions to participate independently in the State party reporting process. Other treaty bodies seemed inclined to follow its example. In furtherance of that approach, he recommended involving the national institutions in the preparation of the list of issues and encouraging them to prepare their own report on the situation in the State party under review. The national institutions should ensure that the recommendations made by the committees were followed up at the national level, without, however, substituting themselves for the States parties in that regard.

17. He confirmed that OHCHR had opened local offices in certain countries where "A" status national institutions existed, such as Colombia, Mexico, Nepal and Uganda, and that those local offices did not always consult the institutions concerned about their activities. The adoption of the Strategic Management Plan 2008-2009, which recognized national institutions' capacity to promote and protect human rights and ensure follow-up at the local level, should put an end to

such situations. The clearly defined objective was to prevent duplication, give each entity its own sphere of responsibility, and ensure that OHCHR country offices concentrated exclusively on emergency situations.

18. He noted that UNDP had substantial financial resources which it intended to invest in ensuring respect for the rule of law and the principles of good governance at country level, thereby benefiting the treaty bodies as a whole.

19. He added that, at its autumn 2007 session, the Sub-Committee on Accreditation of the International Coordinating Committee for the Promotion and Protection of Human Rights had withdrawn the “A” status of a national institution because one of its members had been appointed by the Government, creating a potential threat to the independence of that institution. By so doing, the International Coordinating Committee had sought to make it clear to States that if they wished national human rights institutions to work in collaboration with United Nations human rights treaty bodies for the implementation of international human rights conventions and treaties they must guarantee the independence and impartiality of those institutions.

20. Lastly, he undertook to transmit to the competent authorities Mr. Peter’s suggestion that committee members from the regions concerned should be invited to regional and subregional workshops and seminars.

21. Mr. FASEL (Office of the United Nations High Commissioner for Human Rights (OHCHR)) recalled that at their 17th meeting, the chairpersons of the international human rights treaty bodies had requested the secretariat to continue its efforts to assist treaty bodies in analyzing statistical information in States parties’ reports and to prepare a background paper for the next inter-committee meeting on the possible use of indicators (A/60/278). In collaboration with experts, special rapporteurs, treaty body members and United Nations bodies, OHCHR had developed a conceptual and methodological framework for identifying indicators to monitor compliance by States parties with international human rights instruments. For more detailed information on the subject, he referred the Committee to document HRI/MC/2006/7. OHCHR had endeavoured to develop simple qualitative and quantitative indicators based on an objective and transparent methodology. The framework was made up of structural, process and outcome indicators. Structural indicators related to the adoption of legal instruments and the existence of basic institutional mechanisms deemed necessary for facilitating realization of the human right in question. Process indicators linked a State’s general policy instruments to milestones that became outcome indicators, which in turn could be more directly related to the realization of human rights. Outcome indicators provided information on individual and collective attainments, reflecting the state of realization of human rights in a given context. The objective was not to use indicators to compare countries or to use the same indicators for all countries.

22. In conclusion, he said that workshops had been organized at the national level to seek the opinion of national authorities on work done to date and to refine indicators as needed.

23. Mr. CALITZAY said that he had attended two subregional workshops on indicators at which he had underscored the usefulness of the Committee’s general recommendations for the development of indicators. Such workshops were extremely important because they brought

together not only decision-makers but also academics and representatives of non-governmental organizations (NGOs) and other bodies who at times had difficulty making their voices heard. The participants had agreed unanimously that the indicators to be used in developing countries should not be the same as those used for developed countries.

24. Mr. de GOUTTES asked which indicators dealt specifically with racial discrimination. He also asked for Mr. Fasel's point of view on statistical indicators relating to the ethnic and racial composition of a country, which were very important for the Committee but should be used cautiously in order to prevent racial or ethnic origin becoming a factor of discrimination.

25. Mr. KEMAL asked where the Committee members could find the indicators developed by OHCHR.

26. Mr. FASEL (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that a copy of the indicators would be distributed to the Committee at a subsequent meeting. OHCHR was convinced of the importance of national and subregional workshops which allowed national human rights institutions, decision-makers and statistics agencies to make their views known. The indicators should be a reference tool to facilitate countries' fulfilment of their human rights obligations. There was no question of imposing any requirements on national authorities. Furthermore, new indicators would be added and others would be refined in the light of needs and concerns. At the current stage he did not wish to go into detail and say whether any given statistical indicator was politically sensitive or not. OHCHR had to date based its work on the Universal Declaration of Human Rights rather than on specific international instruments.

27. Mr. OELZ (International Labour Office (ILO)) drew attention to two recent ILO publications of particular relevance to the work of the Committee. The first, entitled "Eliminating discrimination against indigenous and tribal peoples in employment and occupation", was a guide to ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation. The second, entitled "Handbook on combating child labour among indigenous and tribal peoples", published in English only, dealt with child labour among indigenous and tribal peoples, with particular reference to ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. Both publications had been provided to the Committee.

28. He said that although ILO had for a long time been combating workplace discrimination, the fact was that donors were much more interested in its other activities. Lastly, he recalled that in 2007, ILO and OHCHR had jointly organized a seminar on ethnic and racial diversity in police forces, which had been attended by representatives of such countries as Fiji and Chile.

29. Mr. DIACONU, recalling that on 13 September 2007 the United Nations General Assembly had adopted the United Nations Declaration on the Rights of Indigenous Peoples, asked if ILO intended to use the Declaration to promote implementation of Convention No. 169.

30. Mr. AVTONOMOV stressed that the Committee made much use of the information provided by ILO and often referred to the relevant ILO conventions in the context of its dialogue with States parties. ILO and the Committee should have common positions on the issue of discrimination in order to ensure that their actions were more effective. It was paradoxical that certain countries were parties to ILO Convention No. 111 but not to No. 169, and he wondered what the human rights situation of indigenous peoples was in those countries.

31. Mr. KJAERUM said that he was not surprised to learn that donors were not very generous in funding programmes to combat discrimination but was nevertheless concerned at that situation because discrimination was becoming dangerously commonplace. He asked Mr. Oelz to indicate how the Committee could assist ILO in its efforts to combat discrimination in the workplace and convince potential donors of the importance of that issue.

32. Mr. AMIR said that the issue of the right to work was an important one but that the issue of the economic security of peoples was even more important. Too many people across the world still did not have access to employment and were forced to make their children work in order to survive. The problem was that too many States parties to the ILO conventions did not implement them and were not forced to do so. ILO should consider applying sanctions against States that did not abide by the provisions of the instruments to which they were parties.

33. He said that most international instruments relating to the right to employment, which had been drafted after the Second World War, were no longer topical and did not reflect current international economic realities. He encouraged ILO to look into that matter.

The first part (public) of the meeting rose at 4.45 p.m.