



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

Distr.: General  
9 December 2021

Original: English

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## Committee on the Elimination of Racial Discrimination

### 105th session

#### Summary record of the 2865th meeting

Held at the Palais Wilson, Geneva, on Friday, 3 December 2021, at 3 p.m.

*Chair:* Mr. Bossuyt (Vice-Chair)

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*In the absence of Ms. Li, Mr. Bossuyt took the Chair.*

*The meeting was called to order at 3 p.m.*

### **Closure of the session**

1. **Ms. Izsák-Ndiaye** (Rapporteur) said that the Committee's 105th session had been the first in-person event conducted by the Committee in the past two years with the participation of all 18 Committee members.

2. At the opening of the session, during his statement delivered on behalf of the United Nations Secretary-General, Mr. Cissé-Gouro, the Director of the Human Rights Council and Treaty Mechanisms Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), had stated that the distribution of vaccines to counter the coronavirus disease (COVID-19) pandemic, both within and between States, was far from being fair and inclusive. The Office was helping to disseminate and raise awareness of the Committee's general recommendation No. 36 on racial profiling. He had noted that the Human Rights Council was going to appoint independent experts to examine systemic racism in the areas of law enforcement and the criminal justice system, and he encouraged cooperation between the Committee and the new mechanisms.

3. The Committee had reviewed the reports of Chile, Denmark, Singapore, Switzerland and Thailand during the session. It had expressed its appreciation to national human rights institutions and non-governmental organizations (NGOs) for submitting reports and providing further updates on the situations in their countries. The Committee had also adopted two lists of issues prior to reporting respectively concerning the human rights situations in San Marino and Trinidad and Tobago.

4. The Committee had adopted an opinion on communication No. 65/2017 (*Kotor v. France*). The petitioner, a French national born in Togo, claimed that he had suffered discrimination for the entire duration of his employment with a French company. He had been awarded compensation for pecuniary and non-pecuniary damages, but the employer had refused to reclassify him, as stipulated by a judicial decision on appeal. A further appeal in cassation had subsequently been dismissed. The petitioner claimed in his communication to the Committee that the racial discrimination to which he had been subjected constituted a violation of article 6 of the Convention. The State party, on the other hand, had argued that the petitioner had been fully compensated. In its decision, the Committee concluded that the company's failure to implement the judgment concerning the petitioner's reclassification had impeded him from receiving full compensation for the racial discrimination and from having his pension recalculated. It had therefore found a violation of article 6 of the Convention.

5. Pursuant to the decision on admissibility adopted by the Committee at its 103rd session, in 2018, concerning the inter-State communication submitted by the State of Palestine against Israel under article 11 of the Convention, the Chair had launched consultations with the States parties concerning the composition of the ad hoc Conciliation Commission tasked with finding an amicable solution to the dispute. As the States parties had been unable to agree on the list of candidates proposed by the Chair, the Bureau had suggested that the Commission's members should be elected by secret ballot, by a two-thirds majority vote of the Committee. The members would be selected from among the Committee members, pursuant to article 12 (1) (b) of the Convention, taking into account the representation of regional groups. During the current session, the Committee had established the Commission, which was composed of current members, Ms. Shepherd (Latin American and Caribbean States), Mr. Kut (Western European and other States), Ms. Tlakula (African States) and Ms. Chung (Asia-Pacific States), and Mr. Balcerzak (Eastern European States), who would join the Committee in January 2022.

6. The Committee had also unanimously endorsed the suggestions made on 15 April 2021 by the ad hoc Conciliation Commissions established under the inter-State communication procedures for two communications (*Qatar v. Kingdom of Saudi Arabia* and *Qatar v. United Arab Emirates*). The suggestions related to the future work of the Conciliation Commissions.

7. At the current session, the Committee had also considered the follow-up report concerning Montenegro (CERD/C/MNE/FCO/4-6). It would continue reviewing the implementation of some of the most important and urgent recommendations issued in its concluding observations. Letters to three States parties would be sent pursuant to the deliberations of the Working Group on Early Warning and Urgent Action Procedures. The Committee had held a meeting with the Working Group of Experts on People of African Descent, at which it had shared its future work priorities and plans and had exchanged views about the situation in different regions.

8. With regard to working methods, the Committee had agreed on steps to be taken with respect to States parties who were more than 10 or 15 years late in submitting their periodic reports. It had adopted two guidelines on cooperation with national human rights institutions and NGOs. In addition, it had discussed the procedure for large-scale consultations on its next general recommendations, which would focus on racial discrimination and the right to health.

9. The reports of the following States parties would be considered at the Committee's 106th session, scheduled for April 2022: Bolivia (Plurinational State of), Cameroon, Kazakhstan, Luxembourg and the United States of America.

10. **Ms. Shepherd** thanked Ms. Izsák-Ndiaye for her highly competent services as Rapporteur. As it was her last session as a Committee member, she said that she would be sorely missed.

11. **Mr. Yeung Sik Yuen** joined her in wishing farewell to Ms. Izsák-Ndiaye as well as to Mr. Bossuyt, Ms. Ko and Mr. Albuquerque e Silva.

12. **The Chair** said that he was honoured to serve as acting Chair at his final meeting as a member of the Committee. He sincerely hoped that all future sessions would be held in person rather than via videoconference. After the customary exchange of courtesies, he declared the 105th session of the Committee on the Elimination of Racial Discrimination closed.

*The meeting rose at 3.30 p.m.*