



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1818th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 30 July 2007, at 10 a.m.

Chairperson: Mr. de GOUTTES

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1818/Add.1.

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The public part of the meeting was called to order at 10.30 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the seventy-first session of the Committee on the Elimination of Racial Discrimination.

STATEMENT BY THE DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Ms. KANG (Deputy High Commissioner for Human Rights), reviewing developments since the Committee's previous session, said that on 18 June 2007, the Human Rights Council had adopted a decision on the Universal Periodic Review (UPR) mechanism. Among other things, UPR was intended to be a cooperative mechanism based on objective information and interactive dialogue; promote the universality, interdependence and indivisibility of all human rights; ensure equal treatment of all States; fully involve all countries under review; and complement the work of other human rights mechanisms. UPR would be based on information provided by the State concerned and a brief compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) of information from various sources. That compilation would, in turn, be facilitated by the new Universal Human Rights Index, which, it was hoped, would also be a useful tool for the Committee and other treaty bodies in their reporting and follow-up procedures.

3. In the implementation of UPR each country would be reviewed every four years by a working group composed of all 47 Council members. The working group's reports would be discussed for adoption at the Council's plenary session, with the full involvement of the States concerned. The review's outcome might include an objective assessment of the human rights situation, recommendations on the provision of technical assistance and capacity-building, and voluntary commitments by the States. The UPR guidelines were due for approval in September 2007 and the first 16 countries for review would be considered in February 2008.

4. The President of the Council and the United Nations High Commissioner for Human Rights had both made it clear that UPR should be implemented in synergy with the treaty bodies' procedures to enhance the promotion and protection of human rights. There had been a discussion on UPR with the former President of the Human Rights Council at the 19th meeting of chairpersons of human rights treaty bodies, held in June 2007, and at a joint meeting with Special Procedures Mandate Holders. At the informal consultations between chairpersons and States parties, held on 21 June 2007, the chairpersons had emphasized the complementarity of UPR and the treaty body system while pointing out the challenges UPR presented. They had expressed their appreciation that the treaty bodies' concluding observations and other findings would form part of the basis of UPR. They had also voiced support for effective cooperation between the treaty bodies and the Human Rights Council.

5. At its sixty-first session, the General Assembly had decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action. It had asked the Human Rights Council to prepare the event, formulate a plan and report annually on the matter starting in 2007. In its resolution 3/2, adopted on 8 December 2006, the Council had decided that it would act as the Preparatory Committee for the Durban Review Conference, and that the review should concentrate on the implementation of the Durban Declaration and

Programme of Action. Furthermore, it had requested all stakeholders, including the Committee on the Elimination of Racial Discrimination, to assist the Preparatory Committee and submit their recommendations to it. The Preparatory Committee would be holding its first organizational session in Geneva from 27 to 31 August 2007, for which the Coordinator of the Anti-Discrimination Unit of OHCHR had requested input from the Committee on the Elimination of Racial Discrimination.

6. The Committee on the Elimination of Racial Discrimination had been represented by Mr. de Gouttes and Mr. Sicilianos at the sixth Inter-Committee Meeting, held in June 2007, and at the 19th meeting of chairpersons of human rights treaty bodies, which had both focused on treaty body reform and streamlining working methods. Participants at the former meeting had considered the reports of the Inter-Committee working group on the harmonization of working methods of treaty bodies, which had met in April 2007, with Mr. Pillai representing the Committee on the Elimination of Racial Discrimination. One of the working group's proposals was that the Inter-Committee Meeting should be held twice annually, with the chairpersons of the treaty bodies as ex officio members, and its participants should make recommendations for improving and harmonizing the treaty bodies' working methods.

7. Discussions had resumed at the sixth Inter-Committee Meeting on ways of enhancing cooperation with United Nations specialized agencies, funds and programmes, non-governmental organizations (NGOs) and national human rights institutions. Another issue had been the outcome of the second meeting of the Inter-Committee working group in charge of examining the approach of treaty bodies to reservations, held in December 2006, and attended by Mr. Thornberry. Mr. Sicilianos had reported on the meeting of representatives of treaty bodies with the International Law Commission, held in Geneva in May 2007. Other subjects of discussion had been human rights indicators, and business and human rights, following a study by the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises.

8. Since the Committee's previous session, the United Nations High Commissioner for Human Rights had visited the Great Lakes region of Africa and Central Asia. An OHCHR regional office was being set up in Bishkek, Kyrgyzstan, to work on human rights in close cooperation with Central Asian Governments, international, regional and national organizations, civil society and the private sector. In July 2007, the High Commissioner had visited Indonesia and, together with Indonesia's Minister of Foreign Affairs, had opened the Fourteenth Annual Workshop of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in Asia and the Pacific, held in Bali from 10 to 12 July.

9. OHCHR had held more training workshops to strengthen the capacity of national human rights institutions, NGOs and the media to support and facilitate the implementation of concluding observations at the national level. Workshops would be held in Geneva in November 2007 for the target groups from Indonesia, Guyana and a third country, and preparations had begun for follow-up workshops in Georgia, Mexico and Morocco. Translations into Arabic, Chinese and Russian of the DVD on the work of the treaty bodies should be ready by September 2007. OHCHR was developing a web page with information on the follow-up to concluding observations.

10. The CHAIRPERSON recalled the proposal at the 19th meeting of chairpersons of human rights treaty bodies that the treaty bodies' concluding observations should form the basis of the information to be taken into consideration in the Human Rights Council's deliberations. The chairpersons had insisted on the need for dialogue and cooperation with the Council, with full respect for the treaty bodies' independence.

11. Mr. KJAERUM welcomed the support the Committee received from OHCHR. He hoped, however, that the Committee would be allocated more resources in the future in view of the new approaches it had been developing, such as the early warning and urgent action procedure, in response to the demands set by the new United Nations agenda. Such groundbreaking procedures, intended to ensure that human rights were respected on the ground, had been positively received by civil society. Since NGOs looked to the Committee for guidance and inspiration they would be frustrated unless the Committee met their expectations in full.

12. The Committee should be a leading contributor to the Durban Review Conference, as it had been to the 2001 Conference. It would therefore be taking part in all sessions of the Preparatory Committee, in order to gauge the direction in which the Member States were moving. He welcomed the progress made on UPR and looked forward to the guidelines, in the hope that OHCHR would play an important role in UPR implementation. The treaty bodies' concluding observations and other findings should not merely complement UPR but should be its backbone.

13. Ms. KANG (Deputy High Commissioner for Human Rights) said that OHCHR applauded the Committee's efforts to innovate and did its utmost to support them. Resources were severely limited, however, and her Office had to allocate funds wherever they were most needed. She agreed that the Committee should play a leading part in the Durban Review Conference; its contributions had already been requested. Pleased that UPR had met with a positive response, she said it was generally agreed that the mechanism should complement and not duplicate the work of the treaty bodies.

14. Mr. PILLAI said that he had repeatedly raised the matter of the scant attention paid to the Committee's annual reports to the General Assembly. He wondered whether the treaty bodies' annual reports might be taken into consideration by the Human Rights Council, by means of UPR or another mechanism.

15. Ms. KANG (Deputy High Commissioner for Human Rights) said that she would look into the matter.

16. Mr. LINDGREN ALVES said that his long experience on the Third Committee of the General Assembly had taught him that, for reasons of workload and excessive documentation, the treaty bodies' annual reports were not properly examined, and sometimes not even circulated. Many delegates knew little or nothing about the Committee's work. Consequently, the only beneficiaries of the annual reports were the treaty bodies themselves, the United Nations Secretariat and civil society. It was vital for the Committee to raise awareness of its work, in particular among Governments. Since the Human Rights Council was a new body, starting from scratch, it might be called upon to examine the annual reports more thoroughly than the General Assembly did. At the very least he proposed that the treaty bodies' recommendations should be an item placed high on the Council's agenda in the future.

17. Mr. ABOUL-NASR said that the General Assembly could not devote much time to the Committee's work, since there were many other calls on its resources. The Committee should continue to encourage follow-up action in the Human Rights Council and the wider United Nations system, but it should also concentrate on its relations with NGOs and regional organizations, distributing its reports to them and involving them as closely as possible in its work. NGOs could exert pressure on their national Governments and demand action which would further the Committee's aims.
18. Ms. KANG (Deputy High Commissioner for Human Rights) agreed that civil society could do more to encourage Governments to follow up the Committee's recommendations than the Office of the High Commissioner. The UPR was a possible entry point for the Committee to influence the work of the Human Rights Council, but the treaty monitoring bodies must be careful to preserve their independence.
19. She, too, had been a government delegate to the Third Committee and knew how little time it had to consider racial discrimination. It was nevertheless important to raise the Committee's profile at the General Assembly, which represented all the Member States. The Chairperson of the Committee was scheduled to give a presentation on its work to the General Assembly in 2008.
20. The CHAIRPERSON agreed that the treaty bodies must maintain their independence. The information which they could submit to the Human Rights Council was limited in any case: it seemed more useful to concentrate on raising awareness in the Third Committee.

The meeting was suspended at 11.10 a.m. and resumed at 11.25 a.m.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CERD/C/71/1)

21. The CHAIRPERSON said that, during the session, the Committee would have the opportunity to exchange views with Ms. Jahangir, the Special Rapporteur of the Human Rights Council on freedom of religion or belief. Unfortunately, no other special rapporteurs were able to attend the current session. On the afternoon of Monday 13 August, the Committee would hold consultations with States parties.
22. The agenda was adopted.

STATEMENT BY A REPRESENTATIVE OF THE INTERNATIONAL LABOUR OFFICE

23. Mr. OELZ (International Labour Office) said that the International Labour Office (ILO) had collaborated with the Committee for some years. Many States had ratified both the International Convention on the Elimination of All Forms of Racial Discrimination and the relevant ILO Convention, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), so the supervisory bodies for those two instruments, the Committee and the ILO Committee of Experts on the Application of Conventions and Recommendations, needed to coordinate their approach.
24. The Committee had made many valuable contributions both to the work of the ILO supervisory bodies and to the technical assistance provided by the International Labour Office. The Committee of Experts had often referred specifically to CERD's concluding observations

and general comments, especially general recommendation No. 27 on discrimination against Roma. In that way, the ILO could raise issues with Governments which it would not otherwise have been able to discuss.

25. He would welcome any suggestions on ways in which the ILO could help the Committee in its work. ILO standards addressed certain groups and thematic issues more specifically than the Convention: for instance, the recent International Labour Conference had held a most constructive debate on caste-based discrimination.

26. The second Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, entitled Equality at work: Tackling the challenges, had been published earlier in the year. He would make copies available to members through the Committee secretariat. The report considered structural and indirect discrimination, the value of affirmative action and the effectiveness of labour inspection authorities and the judiciary in combating discrimination. In the case of labour inspection authorities, in particular, the report had found that they lacked the resources and capacity to exploit their full potential in the prevention of discrimination, since non-discrimination was a relatively novel issue in labour legislation. A recent series of testing studies carried out in France had shown that four out of five job candidates from ethnic minorities had been rejected at the very beginning of the recruitment process, even though they were as well qualified as other candidates. There were often gaps in the labour legislation of a certain country, as well as problems of harmonization with other anti-discrimination provisions. Such issues were relevant to the Committee's consideration of the situation in the Democratic Republic of the Congo, Indonesia and Moldova, scheduled for the current session. The ILO recommended additional training and awareness-raising, as well as legal aid for persons complaining of discrimination.

27. There was a need for wider-ranging policies to address structural inequalities. Over the previous two to three years, the ILO had encouraged parties to Convention No. 111 to promote equal opportunities and treatment in employment for indigenous and tribal peoples (article 2 of the Convention) and to study the impact of current policies on those groups. That issue was of particular concern in the Democratic Republic of the Congo. The ILO had called upon New Zealand, whose report was likewise due to be considered at the current session, to continue its extensive study of the position of the Maori population in the labour market.

28. The ILO would continue to send reports and other information to the Committee, and would be happy to provide ad hoc assistance as required.

29. The CHAIRPERSON said that racial discrimination in employment was an important indicator for assessing the overall situation of discrimination in a society. The Committee warmly welcomed the information provided by the ILO, although it was most useful when it was provided promptly. The Committee was interested in information relating to discrimination in employment in the private as well as the public sector.

30. Mr. SICILIANOS said that he had been privileged to attend the international colloquium held to commemorate the 80th anniversary of the Committee of Experts in November 2006. Recalling that the sixth Inter-Committee Meeting of the human rights treaty bodies had called for greater cooperation with the United Nations specialized agencies, he suggested that the Committee should appoint one of its members at the current session as a focal point for relations

with the specialized agencies. He looked forward to reading the report Equality at work: Tackling the challenges, but asked Mr. Oelz to indicate the sections most relevant to the Committee.

31. Mr. CALITZAY asked how many countries had ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169), to what extent it was applied by those countries, and whether any programme existed to promote the Convention. With respect to Mr. Oelz's reference to the Maori people as a minority, he asked whether the ILO considered all indigenous populations to be minorities.

32. Mr. AMIR said that exchange of information was an essential tool in ensuring respect for human rights. Presuming that the ILO received the Committee's conclusions and would not hesitate to examine discriminatory situations in States parties, particularly with regard to labour rights, which affected not only racial minorities but also groups such as disabled people, he asked whether the ILO took the Committee's concerns into account in trying to reduce discrimination in the world of work. Likewise, it would be helpful for the ILO to inform the Committee of the reactions of its own member States to ILO requests, in order to ensure a concerted approach to assisting those who found themselves without work because of discrimination. He supported further cooperation between the Committee and the ILO.

33. Mr. AVTONOMOV expressed appreciation for the valuable information which the ILO provided to the Committee. The Committee's work involved consideration of various ILO Conventions, notably those dealing with minorities and the rights of immigrants, who constituted a special group vulnerable to discrimination and therefore requiring special attention. He advocated continued and closer cooperation between the Committee and the ILO to ensure harmonization of their approaches to matters of discrimination.

34. Mr. THORNBERRY underlined the importance of ILO Conventions in the work of the Committee, in particular the Indigenous and Tribal Populations Convention, 1957 (No. 107), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the last of which accounted for almost a third of its activities. The Committee recommended ratification of key ILO Conventions, especially Convention No. 169. Cooperation between the ILO and the Committee could be further enhanced. The ILO produced manuals dealing with various rights which effectively provided an interpretation of certain conventions, and they could be used to promote consistency between treaty bodies and the ILO. He would welcome additional information and views from the ILO on the matter.

35. Mr. OELZ (International Labour Office) said that 20 ILO member States had ratified Convention No. 169, although there was insufficient time to comment on the extent of their compliance with its provisions. The Committee's focus on that Convention helped to promote it, as did the Project to Promote ILO Policy on Indigenous and Tribal Peoples (PRO 169), mainly funded by Danish International Development Assistance (DANIDA) and the European Commission, which had the aim of encouraging ratification and implementation of the Convention and promoting best practices in that regard. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) commented extensively on the application of Convention No. 169, which also attracted the most representations alleging

non-compliance with its provisions. More than indicating a high level of non-compliance, that fact suggested that the Convention enjoyed a high profile among member States and was widely relied upon.

STATEMENT BY A REPRESENTATIVE OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

36. Mr. MAGAZZENI (Coordinator of the National Institutions Unit, Office of the High Commissioner for Human Rights), outlining the general strategic direction being taken by OHCHR in relation to national human rights institutions, said that great importance was attached to the development and strengthening of national human rights protection systems in accordance with the Secretary-General's 2002 report Strengthening of the United Nations: an agenda for further change, which stated that the emplacement or enhancement of a national protection system in each country, reflecting international human rights norms, should be a principal objective of the United Nations. An enhanced country engagement and increased focus on national human rights protection systems was crucial to addressing human rights challenges and protection gaps, and national human rights institutions were the best relay mechanism at country level to ensure the application of international human rights norms. They could also be instrumental in reforming and strengthening judicial and security institutions. In 2006, OHCHR had been given a leading role within the United Nations system on national human rights institutions in the context of action on the rule of law.

37. Current efforts to establish or strengthen national human rights institutions focused on: supporting efforts by Governments to establish or strengthen national human rights institutions, in accordance with the Principles relating to the Status of National Institutions (the Paris Principles); performing a leadership role and closely monitoring compliance with the Paris Principles by national human rights institutions; and working to enhance synergies between national human rights institutions and the United Nations human rights system. National human rights institutions had a vital role to play in the treaty body process, inter alia by encouraging ratification of international instruments and contributing to State reports, and the Paris Principles further legitimized their role.

38. National human rights institutions, with their local and national knowledge, had a unique capacity to address, inform, prevent and eliminate potential race-related problems within society and to promote respect for the enjoyment of human rights without any discrimination. Their role had been recognized by the Committee in its general recommendation XVI of 25 March 1993, and the Committee had been one of the first treaty bodies to give national human rights institutions the opportunity to address its sessions.

39. In November 2006, the International Roundtable on the Role of National Human Rights Institutions and Treaty Bodies, held in Berlin, had discussed a draft harmonized approach with respect to treaty bodies. The institutions' commitment under that approach concerned providing information to treaty bodies when drafting lists of issues, assisting Governments in understanding their treaty obligations, and seeking opportunities for oral presentations. National human rights institutions saw a strong role for themselves in the follow-up to treaty bodies' concluding observations. The proposed harmonized approach had been discussed by the International Coordinating Committee for National Human Rights Institutions, the Inter-Committee Meeting and the chairpersons of human rights treaty bodies in June 2007.

40. Building on the increased presence of national human rights institutions in Geneva, an International Coordinating Committee representative would soon be appointed to speak on behalf of specific national human rights institutions at treaty body meetings and at the Human Rights Council. CERD should emphasize to States the importance of involving their national human rights institutions actively in national processes. Treaty bodies should also emphasize the importance of having national human rights institutions that fully complied with the Paris Principles, especially in terms of their independence. The National Institutions Unit of the OHCHR would provide technical support for the establishment and strengthening of national human rights institutions in order for them to be more independent, credible and effective.

41. Mr. PILLAI said that an increased OHCHR field presence would help in evaluating national human rights standards and bringing them into line with international standards, in incorporating international standards into the work of Governments and in strengthening national human rights institutions, ensuring that they increasingly conformed to the Paris Principles. National human rights institutions effectively constituted a mechanism for implementing international human rights standards and making information available to the international community. Given the importance accorded to national human rights institutions by treaty bodies, which regarded them as being independent of Governments and NGOs, he expressed disappointment that no mention was made of them in the President's text entitled United Nations Human Rights Council: Institution-Building adopted by the fifth session of the Human Rights Council.

42. Mr. KJAERUM expressed disappointment that only a few national institutions made use of the opportunity to participate in the Committee's country examinations, even though some progress had been made. He asked what the OHCHR's next steps would be to raise awareness among national institutions and what measures it wished to see taken by the Committee in order to foster stronger interaction with them. National human rights institutions provided an important link between the work of the Committee and the situation on the ground, and they were in a position to promote implementation of the treaty bodies' conclusions at national level.

43. Mr. SICILIANOS, expressing a particular interest in the subject as vice-president of his country's national human rights institution, echoed the comments of previous speakers. He requested that the conclusions of the Berlin roundtable be circulated to members, since the International Coordinating Committee of National Human Rights Institutions had invited the Committee to consider them and one section in particular was directed at the Committee.

44. Mr. AVTONOMOV, speaking from personal experience of participating in his country's own human rights bodies, particularly concerning the rights of children, asked whether OHCHR was taking action to avoid competition between different national human rights institutions and promote cooperation among them so as to ensure that they all contributed to the implementation of international human rights instruments.

45. Mr. ABOUL-NASR said that greater attention should be paid to discrimination against certain groups of the population in developing countries, such as in Sudan, where the problems in Darfur were specific to certain racial groups. Equal attention should be given to addressing racial discrimination in developing countries and European countries.

46. The CHAIRPERSON noted that several Committee members were also members of national human rights institutions in their home countries, and recognized the significant role that could be played by those institutions in the international system.

47. Mr. MAGAZZENI (Coordinator of the National Institutions Unit, Office of the United Nations High Commissioner for Human Rights) said that resolution 2005/74 of the United Nations Commission on Human Rights recognized the important role of national human rights institutions and set the basis for their participation in the international human rights system. National human rights institutions with A status were entitled to address any item on the agenda of the United Nations Human Rights Council and to participate in the Universal Periodic Review and complaints procedures, and guidelines were being developed by the secretariat of the Council, to specifically set the conditions of that participation.

48. The Office would endeavour to ensure that national human rights institutions were informed about the harmonized approach to the work of the treaty bodies, and the International Coordinating Committee would encourage its members to participate in the treaty body system, where necessary through Geneva-based representatives. The Committee on the Elimination of Racial Discrimination should continue its efforts to involve national institutions in its work.

49. Efforts would be made to mobilize United Nations Country Teams to ensure that, in the event of financial restrictions, national human rights institution representatives were able to participate in treaty body discussions on the situation in their countries. He hoped that the conclusions of the Berlin International Roundtable on the Role of National Human Rights Institutions and Treaty Bodies would be circulated among national human rights institutions and translated into active participation in the treaty body processes of consideration of reports by States parties.

50. Mr. ABOUL-NASR asked if any conferences similar to that held in Berlin had been organized in African countries.

51. Mr. MAGAZZENI (Coordinator of the National Institutions Unit, Office of the United Nations High Commissioner for Human Rights) said that a conference would be held in Kigali in October 2007 to consider the role of national human rights institutions in addressing the situation of refugees, internally displaced persons and stateless persons, and the next major international conference would take place in Nairobi, with the participation of over 120 national institutions. Activities had also been carried out in Jordan on national institutions and civil society organizations, addressing also their role in efforts to counter terrorism. The Office's activities focused on the areas of the world where the most could be achieved by involving national institutions in the international human rights system.

The public part of the meeting rose at 12.30 p.m.