



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

Distr.: General
20 December 2004
English
Original: French

Committee on the Elimination of Racial Discrimination
Sixty-four session

Summary record of the first part (public)* of the 1637th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 10 March 2004, at 10 a.m.

Chairperson: Mr. Yutzis

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1637/Add.1.

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The meeting was called to order at 10.20 a.m.

Declaration by the United Nations Acting High Commissioner for Human Rights

1. **Mr. Ramcharan** (United Nations Acting High Commissioner for Human Rights) wished to inform the Committee of some recent developments directly or indirectly related to its work. Thus the Intergovernmental Working Group responsible for making recommendations on the effective implementation of the Durban Declaration and Programme of Action had recently adopted its report (E/CN.4/2004/20), which had highlighted a tendency towards a growing consensus in the fight against racial discrimination, the Working Group of Experts on Persons of African Descent had adopted its recommendations (E/CN.4/2004/21), and the Working Group on the Right to Development had finalized its report (E/CN.4/2004/23), which had revealed a fairly general agreement on the need to recognize that the campaign for equality and against discrimination went hand-in-hand with the struggle for development and against poverty.
2. The Acting High Commissioner for Human Rights attached particular importance to strengthening national capacities in the human rights field. He pointed to the initiatives taken by the Office of the High Commissioner in that field, in particular a series of several training workshops on strengthening the implementation of human rights treaty recommendations through the enhancement of national protection measures, the first of which had taken place in Geneva in November 2003, and a sub-regional workshop on the follow-up to the recommendations adopted by the Committee on the Rights of the Child, which had taken place in Damascus in December 2003.
3. The Secretary-General also attached considerable importance to improving the functioning of treaty bodies, and the Office of the High Commissioner was endeavouring in that regard to define ways of producing an expanded core document. The Office of the High Commissioner was also encouraging treaty bodies to rationalize their working methods and strongly urged them to develop follow-up procedures, as the Human Rights Committee and the Committee against Torture had already done.
4. Mr. Ramcharan also drew the attention of members of the Committee to the fact that the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, whose mandate made it a close partner of the Committee on the Elimination of Racial Discrimination, would soon be holding its first session.
5. On another topic, the Acting High Commissioner for Human Rights advocated the development of a convention on human rights education. The introduction of general human rights teaching at primary and secondary level would help to advance human rights, whatever the level of development of the country concerned and whether its recent history had been marred by conflicts or not. A more strategic and more systematic approach was needed in that area in order to advance equality and step up the fight against discrimination.
6. Conscious of the importance of 7 April 2004, which would mark the tenth anniversary of the Rwanda genocide, the Secretary-General had proposed a few weeks previously that a special rapporteur or special representative of the Secretary-General should be appointed on the question of genocide. He had also put forward the idea that it might be time to envisage the adoption of an additional protocol to the Convention on the Prevention and Punishment of the Crime of Genocide for the purpose of establishing a committee on the prevention of genocide. The Office of the High Commissioner had written to the States parties to the Convention asking them to express their views on the Secretary-General's proposal and had put forward the idea of establishing a committee composed of five members, each representing one of the main geographical regions, which would be responsible for making recommendations to the States parties aimed at strengthening international cooperation with regard to the prevention of genocide.

7. **Mr. Shahi** said that the tenth anniversary of the Rwanda genocide, in the face of which the international community had remained passive, could be the opportunity for the Committee to ask itself whether it, for its part, had taken all the necessary measures to try to prevent the foreseeable genocide in Rwanda, in particular via General Dallaire, Commander of the United Nations Assistance Mission for Rwanda (UNAMIR) at the time. Indeed, all international mechanisms, including the Committee, had a duty to identify ways of ensuring they would not repeat past errors. In that regard, it was extremely interesting to learn that consideration was being given to establishing a committee for the prevention of genocide.

8. **Mr. Thornberry** said he was greatly interested by the prospect of the preparation of a convention on human rights education. There was a need for a consolidated instrument in that field, given the dispersion of the different sources available. The Committee would doubtless have a role to play in that regard, with particular reference to articles 5 and seven of the Convention.

9. Concerning the prevention of genocide, he considered that the Committee's role would consist in encouraging the States parties to bring their institutions into line with the Convention, which would help prevent conflicts. He therefore endorsed Mr. Shahi's suggestion.

10. **Mr. de Gouttes** said that the Committee was making progress in defining procedures for following up its work. Strengthening the effectiveness of treaty bodies would also depend in large measure on improving the interaction between the various committees. He noted that he had himself participated in the proceedings of the working group on the adoption of an additional protocol to the International Covenant on Economic Social and Cultural Rights

11. He said that it would perhaps be useful to prepare a new protocol on the prevention of genocide and a new instrument on human rights education, but care should be taken to avoid reopening a discussion on the text of the Convention. Interpretation of the provisions of the Convention and the mandate of the Committee evolved naturally with the emergence of new situations without it being necessary to amend the text of the Convention itself.

12. **Mr. Kjaerum** thanked the Office of the High Commissioner for Human Rights for having organized, beginning in the autumn of 2003, training workshops on strengthening the capacity of national human rights institutions and on the possibility of establishing closer links with the treaty bodies, in particular of contributing to their work by submitting alternative reports, which was an approach that should be pursued.

13. He endorsed the proposals of the High Commissioner and Mr. Shahi to appoint a special rapporteur or special representative of the Secretary-General on the question of genocide and to adopt an additional protocol to the Convention on the Prevention and Punishment of the Crime of Genocide in order to establish a committee on the prevention of genocide. He was in favour of defining objective criteria for assessing the situation in individual countries in that regard. In that connection, human rights treaty bodies could ask themselves whether the country concerned had ratified one or more relevant international instruments, whether it had submitted reports under those instruments and what the result of the review of those reports had been.

14. Finally, Mr. Kjaerum considered that it would be desirable for the Office of the High Commissioner to request the States parties concerned to make the declaration foreseen in article 14 of the Convention, a measure that could have positive results at the country level.

15. **Mr. Pillai** said that the interest of States in human rights questions could be gauged from their efforts at national level to tackle the problems facing them in that field, from the kind of institutions established for that purpose and from the quality of the reports they

submitted to the treaty bodies. He considered that human rights issues should be central to the concerns of the international community and accordingly welcomed the Acting High Commissioner's proposals for establishing new international instruments in that regard. He also wondered what should be the role of national human rights institutions, as the initial framework for combating discrimination and human rights violations.

16. **Mr. Herndl** said that members of the Committee would examine closely all the High Commissioner's proposals, with particular regard to the Committee's future role, to increasing the effectiveness of the treaty bodies through better interaction between the different committees, and to the possibility of preparing a convention on human rights education.

17. **Mr. Tang** wished to know whether the Office of the High Commissioner intended to make national human rights bodies or alternatively the Committee responsible for promoting awareness of human rights education among governments.

18. **Mr. Ramcharan** (Acting United Nations High Commissioner for Human Rights) took note with satisfaction of all the comments made by members of the Committee and thanked Mr. Thornbury for having argued in favour of the preparation of a convention on human rights education in the form of a consolidated instrument.

19. He underlined, in response to Mr. De Gouttes, that there was no question of reopening a discussion on the text of the Convention on the Elimination of All Forms of Racial Discrimination but that the possibility of preparing additional protocol to that instrument could be considered.

20. The High Commissioner was grateful to Mr. Kjaerum for having raised the question of the declaration under article 14 of the Convention. He intended to issue a communiqué stating that, following a discussion with members of the Committee, the High Commissioner "called on States parties that were able to do so to make the declaration under article 14 of the Convention".

21. Responding to Mr. Pillai, the Acting High Commissioner said that he would begin reflecting on the responsibilities that he wished to assign to national human rights institutions at the national level.

22. Mr. Ramcharan considered that it was through education at all levels that Governments could best educate the public on human rights questions. The projected convention on human rights education should moreover make Governments more aware of what was expected of them in that regard, with particular reference to the development of educational materials in national languages and their distribution to teachers.

23. **The Chairman** thanked the Acting United Nations High Commissioner for Human Rights for having involved himself personally and as Acting High Commissioner in the discussion that had taken place and in particular for his highly symbolic presence before the Committee. He assured him that his work was a source of inspiration for its members and wished him every success in the complex and sensitive task that awaited him.

The first part (public) of the meeting closed at 11.15 a.m.