



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

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## Committee on the Elimination of Racial Discrimination

### Guidelines on the cooperation of the Committee on the Elimination of Racial Discrimination with non-governmental organizations\*

#### I. General observations

1. The Committee on the Elimination of Racial Discrimination recognizes the great importance of cooperating with domestic and international non-governmental organizations (NGOs) to promote the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. Mindful of the value of this cooperation, the Committee has over the years developed, and successively increased, space for NGOs to engage with the Committee. NGOs have contributed to the Committee's work by providing country-specific inputs and briefings with respect to State party reviews, lists of themes, lists of issues prior to reporting, follow-up to concluding observations, the early warning and urgent action procedure, and general recommendations. NGOs have also supported the implementation of the Committee's recommendations and other outputs at the national level, and have contributed to improving the visibility of the Committee and its activities.
3. The present guidelines are aimed at clarifying and strengthening the Committee's relationship with NGOs and at enhancing their support for the implementation of the Convention at the domestic level.

#### II. Independent role of NGOs

4. NGOs can only fulfil their important role with respect to supporting the Committee if they are able to work in an independent manner. The Committee therefore highlights the significance of enabling NGOs to perform their work without interference or undue pressure and without fear of reprisals. NGOs are invited to report to the Committee cases of intimidation of, and threats and reprisals against, NGO members or staff or human rights defenders for seeking to cooperate, cooperating or having cooperated with the Committee. The Committee refers to the Guidelines against Intimidation and Reprisals (San José Guidelines) and the Committee's guidelines to address allegations of reprisals and acts of intimidation against individuals and organizations cooperating with the Committee.

#### III. Role of NGOs in the reporting procedure

5. The consideration of State parties' reports by the Committee is based on a dialogue with States parties, which should be constructive and as well-informed as possible. NGOs can provide information for the preparation of lists of themes and lists of issues prior to

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\* Adopted by the Committee at its 105th session (15 November–3 December 2021).



reporting; ahead of and during the examination of the State party's report; and with regard to follow-up to concluding observations, thus making a valuable contribution to the reporting procedure. The Committee therefore values and emphasizes the importance of receiving information from NGOs for its dialogue with States parties. NGOs are encouraged to provide alternative reports, shadow reports or inputs of other forms that contain:

- (a) Information on the implementation of some or all of the provisions of the Convention;
- (b) Comments on the report of the State party;
- (c) Information on the implementation by the State party of previous concluding observations of the Committee;
- (d) Information on positive aspects or emerging challenges registered in the State party.

6. NGOs should ensure that their reports are submitted within the deadlines provided by the Committee secretariat, which are published in an information note for NGOs on the webpage of the relevant session. NGOs should provide information focused on the Convention and ensure that it complies with the criteria of being reliable, concise, relevant and non-abusive. Reports should respect anonymity by not containing the names of individuals unless they are already in the public domain or the concerned individuals have given their approval. NGOs are encouraged to submit reports that do not exceed 20 pages. All NGO submissions should be in English, French or Spanish, which are the working languages of the Committee. Documents submitted in one of the three languages may include, to the extent possible, an executive summary in one of the two other languages. The Committee secretariat does not translate documents submitted by NGOs.

#### **A. State party's reporting requirement under the Convention**

7. Although there is, strictly speaking, no obligation under the Convention that requires a State party to cooperate directly with NGOs, engagement with NGOs has proven to be helpful for States parties in pursuing the aims of the Convention, and the Committee strongly encourages such cooperation.

#### **B. Consultations and inputs to the State party's report**

8. The Committee highlights the importance and usefulness of States parties consulting with or seeking inputs from NGOs to their country reports. In the experience of the Committee, consulting NGOs has tended to strengthen country reports, including by providing a broader range of views and perspectives on challenges and possible solutions and by involving actors who can subsequently support efforts towards implementing the Convention. While noting that the report should always remain the State party's report and that it is only the State party that is accountable for implementing the Convention, the Committee encourages States parties to extend consultations for inputs to NGOs when preparing their country reports.

#### **C. Contributions to the development of lists of themes and lists of issues prior to reporting**

9. The Committee has observed that written reports or other inputs received from NGOs at the early stage of the reporting procedure helps it focus on key issues from the outset of this process. Accordingly, the Committee invites NGOs to submit written contributions to the development of lists of themes and lists of issues prior to reporting. To facilitate the timely submission of NGO reports, the Committee's secretariat indicates specific deadlines on the webpage of the relevant session. NGOs are invited to submit their reports within such deadlines.

#### **D. Contributions prior to and during Committee sessions**

10. The Committee welcomes contributions from NGOs prior to and during its sessions, which facilitate the preparation of the reviews for the Committee and promote constructive and well-informed dialogues with States parties.

11. The Committee also welcomes oral presentations by NGOs and encourages their presence during the examination of State parties' reports. The Committee has established the practice of hearing NGOs at informal private meetings held in-person or virtually during its sessions. Such meetings allow for interactive discussions and the sharing of updated additional information between the Committee and NGOs. The privacy of these meetings is aimed at ensuring NGOs unfettered and effective engagement with the Committee without fear of reprisals or intimidation. These meetings are held on the first day of each week in which the State party report is discussed. Upon request, there are additional opportunities for NGOs to provide the Committee with detailed information during informal lunchtime private meetings. To facilitate these informal private meetings, the Committee's secretariat will liaise with the NGO as early as possible in the process and can post relevant information on the Committee's webpage, if the NGO agrees.

12. The Committee encourages NGOs to attend public meetings of the Committee, including the interactive dialogue with the State party. Since NGOs can only attend such formal meetings as observers, they do not address the Committee or the State party on these occasions.

#### **E. Contribution to the follow-up to concluding observations**

13. The Committee encourages NGOs to provide written information, including an evaluation, of the measures taken by States parties to implement the concluding observations that were selected by the Committee for the follow-up procedure, as this helps the Committee to accurately assess State parties' follow-up reports. This information should be submitted when the follow-up report of the State party is due (within one year after the adoption of the concluding observations) or once the follow-up report is made public within the prescribed deadlines in the information note for NGOs posted on the webpage of the relevant session during which the follow-up report is assessed.

#### **F. Contributions to the review procedure**

14. The review procedure, which entails the examination of a State party's compliance with the Convention in the absence of a State party report, is a procedure of last resort. In cases in which the Committee has decided to examine a State party in the absence of a State party report, NGOs are provided with the same opportunities to contribute as under the regular reporting procedure.

### **IV. Role of NGOs under the early warning and urgent action procedure**

15. The Committee has observed throughout the years the crucial role of NGOs with respect to the Committee's early warning and urgent action procedure. NGOs have submitted information on a large number of situations reflecting serious violations or potential serious violations of the Convention that the Committee has considered under this procedure. NGOs can provide the Committee with reliable and evidence-based information that reflects serious violations or potential serious violations of the Convention in the territory under the jurisdiction of the respective State party, and in accordance with the Committee's guidelines for the early warning and urgent action procedure. The Committee encourages NGOs to submit relevant reliable information on any developments that may have taken place at any stage of the early warning and urgent action procedure, including on the follow-up on actions taken by the Committee on specific situations, within the prescribed deadlines in the information note for NGOs posted to the webpage of the relevant session.

## **V. Role of NGOs under the individual communications procedure**

16. NGOs play an important role in providing assistance to alleged victims of human rights violations under the Convention in submitting individual communications to the Committee under article 14 of the Convention. NGOs are encouraged to submit follow-up information on the implementation of the Committee's views.

## **VI. Role of NGOs in the development and dissemination of the Committee's general recommendations**

17. When elaborating general recommendations, the Committee encourages NGOs to provide inputs at all stages of the development of general recommendations, including during days of general discussion organized by the Committee and during the written or other phases of the consultation process. NGOs are encouraged to disseminate and make use of the Committee's general recommendations in their advocacy efforts domestically and in relevant policy development in which they are engaged. They are also encouraged to ensure wide dissemination of the general recommendations, including by advocating for their translation into national and local languages. In order to ensure the most effective contributions of NGOs in the preparation of general recommendations, the Committee's secretariat will inform them, through the Committee's webpage and in a timely manner, about opportunities for NGOs to contribute.

## **VII. Role of NGOs in the dissemination of information on the work of the Committee**

18. The Committee values the tremendous efforts made by NGOs to widely disseminate the Convention and information on the Committee's work, including its general recommendations and concluding observations. The Committee encourages NGOs to pursue such promotion, including through seminars and meetings on follow-up to concluding observations for States, national human rights institutions, or other stakeholders of the civil society.

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