



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 elaboration of general recommendations*

I. General recommendations in the practice of the Committee on the Elimination of Racial Discrimination

1. Since 1972,¹ the Committee has issued general recommendations in order to provide guidance to States parties in understanding the provisions of the Convention and thereby assist them in implementing the Convention fully and in their reporting to the Committee. To date, the Committee has adopted 36 general recommendations, including on the understanding of the provisions of the Convention, on the protection of the rights of specific groups deemed more vulnerable to racial discrimination, and on issues of a procedural, institutional or policy nature. In elaborating general recommendations, the Committee codifies its own practice as reflected in its concluding observations, its case law established under the individual communications procedure, its relevant previous recommendations and its work under the early warning and urgent action procedure. It may also take into account the practice of other treaty bodies or other human rights bodies, as appropriate. At its 102nd session, the Committee decided to prepare guidelines for the elaboration of its general recommendations.

2. The Committee may prepare or update a general recommendation on a specific provision of the Convention; on a situation that affects groups and persons subjected to racial discrimination and that is related to one or more provisions of the Convention; and on the rights of a category of persons who are specifically vulnerable to racial discrimination. It may also do so to emphasize a need to cooperate with a specific institution or mechanism in order to promote equality or efforts to combat racial discrimination. While elaborating a general recommendation, the Committee should take into account the evolution of its own practice, the appearance of new forms of racial discrimination and new challenges in the implementation of the Convention both in law and in practice, so as to bring States up to date with regard to the understanding of their obligations under the Convention and how to fulfil them.

3. The purpose of the present guidelines is to define a methodology containing the steps to follow for the elaboration of the Committee's general recommendations.

II. Importance of general recommendations for the Committee, States parties and other stakeholders

4. Over the years, the Committee has observed that various State party authorities, including domestic courts, and other stakeholders, such as civil society organizations, regional organizations, national human rights institutions and academics, have increasingly

* Adopted by the Committee at its 104th session (9–25 August 2021).

¹ The practice began at the fifth session of the Committee (see A/8718).



been using its general recommendations for advocacy purposes, for training purposes or for the purposes of implementing the Convention. Therefore, the Committee believes that the continuing development of general recommendations remains very useful for human rights bearers and is of the utmost importance for effective implementation of the Convention.

III. Methodology

A. Initiation of the elaboration of a general recommendation

5. A proposal for the elaboration of a general recommendation shall be initiated by a member or members of the Committee. The Committee may also wish to consider suggestions brought to its attention by other stakeholders on topics that might be relevant for the elaboration of a general recommendation.

6. In considering a proposal or a request to develop a general recommendation, the Committee should ensure that the proposed general recommendation meets at least one of the following criteria: (a) it will cover a provision of the Convention or a topic that is not yet covered by a previous general recommendation; (b) it will update a previous general recommendation in the light of developments in the Committee's jurisprudence on that topic; (c) it is necessary owing to developments in the jurisprudence of the Committee or will cover new forms of racial discrimination; and/or (d) it will address an emerging issue that could hinder the enjoyment of the rights covered under the Convention.

7. The member or members intending to propose the elaboration of a general recommendation shall bring their written proposal to the Committee.

8. If, after having considered its relevance and feasibility, the Committee accepts the proposal, the member or members who made the proposal should prepare and submit a paper for consideration by the Committee at its following session. In the paper, the member or members should explain the necessity of drafting the proposed general recommendation and provide the rationale, and may provide an outline of the proposed general recommendation. The paper should be introduced by the member or members for consideration during the session. If the Committee endorses the proposal, it shall appoint a rapporteur for the general recommendation at the following session. Two rapporteurs may be appointed, if necessary.

9. The role of the rapporteur(s) for the general recommendation shall consist of leading the work of the Committee on the general recommendation, by preparing the day of general discussion on the topic and relevant material; consulting with various stakeholders as appropriate; and preparing drafts at different stages of the process for discussion and approval or adoption by the Committee. As appropriate, the Committee might take into account language skills when appointing the general recommendation rapporteur(s).

B. Day of general discussion

10. As per its practice, at the session following the acceptance of a proposal for a general recommendation, the Committee shall hold a half-day or day of general discussion on the topic concerned. The purposes of the day of general discussion include raising awareness among the various stakeholders, listening to them and receiving their preliminary inputs. The Committee may invite the following stakeholders, as appropriate, to take part: States parties, United Nations entities, regional mechanisms, national human rights institutions, civil society organizations, in particular non-governmental organizations, and academics. Other private actors may be invited or consulted in accordance with the Guiding Principles on Business and Human Rights or other considerations related to the topic.

C. First draft of the rapporteur(s) for the general recommendation and first reading

11. At the session following the session during which the day of the general discussion took place, the rapporteur(s) shall submit the first draft of the general recommendation to the Committee. In the first draft, the rapporteur(s) should outline and develop the main parts of the draft general recommendation. The first draft should be transmitted to the Committee members through the secretariat ahead of the session in order to facilitate the discussion. Members will be invited to provide written comments or amendments prior to the session, and/or written or oral comments or amendments during the session.

12. At the same session, the Committee shall approve the first draft, paragraph by paragraph. In the event the Committee is not in position to approve the first draft, the approval shall be deferred for consideration later at the same session if possible, or at the next session, after a revised version has been submitted by the rapporteur(s) for the general recommendation. The approval of the first draft shall take place in a closed meeting of the Committee. Once approved, the first draft shall become the draft of the Committee.

D. Call for inputs

13. The first draft of the Committee shall be made available on the web page of the Committee, along with a call for inputs from stakeholders and the deadline for the submission of those inputs. If it deems it necessary, the Committee may invite external experts with specific expertise on the subject matter to shed light on specific aspects of the topic. The Committee may also hear from representatives of the Office of the United Nations High Commissioner for Human Rights, United Nations entities or regional organizations whose domain of competence is of relevance to the topic. These meetings shall be closed.

E. Second draft and second reading

14. Inputs submitted by stakeholders should be aimed at providing the Committee with a wider spectrum of views on the subject matter, encompassing as many relevant issues as possible, and to helping the Committee refine accordingly the draft general recommendation and its pertinence. However, the Committee, in particular the rapporteur(s) for the general recommendation, bears sole responsibility for the usage of the inputs, taking into account their pertinence to the subject matter and their usefulness for the general recommendation, as the Committee's work shall first be based on its own jurisprudence and practice.

15. At the session following the session at which the first draft is approved, the rapporteur(s) for the general recommendation shall submit the second draft, which is to be more developed in substance. The second draft should be made available to the Committee members prior to the session. Committee members may provide preliminary comments on the second draft prior to the session, and/or provide written or oral comments or amendments during its consideration at the plenary of the Committee.

16. At the same session, the Committee shall read the second draft, presented by the rapporteur(s) for the general recommendation. The second draft shall be considered and approved paragraph by paragraph, during a closed meeting, and the process should allow for the consideration of suggestions, comments and proposals for amendments put forward by Committee members. Amendments shall be discussed in the course of the consideration and accepted or rejected. If accepted, they shall be included in the text. At the same session, if possible, the rapporteur(s) shall submit the revised version of the second draft for approval by the Committee. When approved, the second draft is considered as "pre-adopted" unless some paragraphs or issues remain under discussion. The rapporteur(s) for the general recommendation should then prepare the third draft.

F. Third draft and third reading

17. Consideration of the third draft shall take place at the session following the approval of the second draft. This should normally be considered as the final stage of the drafting process unless outstanding questions remain for discussion. The rapporteur(s) for the general recommendation shall submit the third draft in advance of the session, and Committee members may provide their written comments prior to the session. Comments and amendments may also be submitted during the plenary, either in writing or orally. The reading shall be done paragraph by paragraph in public meetings. The rapporteur(s) for the general recommendation shall revise the third draft as amended by the Committee, and submit the revised version for final pre-adoption before the end of the session.

G. Fourth reading

18. If the Committee deems it necessary or the third draft is not pre-adopted, the Committee may hold a fourth reading at the following session, in public meetings. That shall be the final stage and shall conclude the drafting process.

H. Final adoption

19. Following pre-adoption, the draft general recommendation shall be cleared by the rapporteur for the general recommendation and transmitted to the secretariat of the Committee to be sent for translation into the three working languages of the Committee before the final adoption. At the session following the final stage of the drafting process, the Committee shall adopt the draft general recommendation in public. The rapporteur(s) for the general recommendation shall introduce the draft before the Committee proceeds with its final adoption, which shall be done either paragraph by paragraph or as a whole. After adoption, the Committee should make the general recommendation available on the web page of the Committee.

20. The Committee shall take measures to widely promote the adopted general recommendation, including through seminars or webinars, with the support of the secretariat.

I. Timeline

21. The Committee shall complete the elaboration of the general recommendation within six sessions from the session during which the day of the general discussion takes place.

J. Secretariat support

22. As appropriate, the secretariat of the Committee, in close collaboration with the rapporteur(s) for the general recommendation, shall provide the necessary support to the Committee.
