



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 with national human rights institutions**

A. General observations

1. The Committee on the Elimination of Racial Discrimination considers that close cooperation between the Committee and national human rights institutions is important for the promotion and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination at the domestic and international levels.

2. The present document was prepared pursuant to the Committee's decision to develop guidelines on its cooperation with national human rights institutions to clarify and further develop such cooperation.¹ In the present guidelines, the Committee builds on its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, taking into account procedures and practices developed subsequently by the Committee and other treaty bodies.

3. The Committee notes that, to fulfil their roles effectively, national human rights institutions should be established, and where necessary strengthened, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and be duly accredited as such by the Global Alliance of National Human Rights Institutions. The Committee has recommended, and will continue to recommend, as appropriate, that all States parties to the Convention establish and strengthen national human rights institutions in full compliance with the Paris Principles. The Committee encourages States parties to vest such institutions with the competence to examine individual complaints on racial discrimination.

4. National human rights institutions are important national partners of the Committee in promoting respect for the Convention. At the domestic level, such institutions may review draft legislation and government policies on protection against racial discrimination; monitor legislative compliance with the provisions of the Convention; consider the general recommendations and jurisprudence of the Committee when carrying out their mandates; educate the public about the obligations of States parties; and assist the Government in the preparation of reports submitted to the Committee. At the international level, national human rights institutions should encourage the State party to meet its reporting obligations; may provide the Committee with independent information on the national implementation of the Convention; and may work on follow-up to, and monitor implementation of, recommendations contained in the Committee's concluding observations, opinions and other decisions. In States that are not party to the Convention, national human rights institutions may encourage its ratification.

* Reissued for technical reasons on 22 September 2022.

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

¹ See [A/76/18](#), para. 52.

5. The Committee is committed to making its work more accessible to national human rights institutions. Accordingly, the secretariat of the Committee provides such institutions with information in a timely manner and advises on opportunities to engage with the Committee in its work. Furthermore, the secretariat liaises with the head office of the Global Alliance of National Human Rights Institutions, in Geneva, which encourages national human rights institutions to be more effective in their collaboration with the Committee in its work and supports them by sharing information, disseminating the Committee's output and documentation and advising such institutions regarding opportunities to contribute.

6. The Committee welcomes the representation and contributions of national human rights institutions at its sessions and meetings. It also welcomes the use of information and communications technologies, such as videoconferencing, to enhance contributions from such institutions from all regions during its sessions.

B. Independent role of national human rights institutions

7. The Committee recognizes that, by virtue of their mandates under the Paris Principles, national human rights institutions have an independent and distinct relationship with the Committee. The relationship is different from, yet complementary to, those of States parties, civil society, non-governmental organizations and other actors. National human rights institutions are a bridge bringing the Committee's work closer to all stakeholders at the national level and bringing national reality closer to the Committee. Accordingly, the Committee provides national human rights institutions that are accredited by the Global Alliance of National Human Rights Institutions with opportunities to engage with it that are distinct from those of other actors. The Committee's engagement modalities for those accredited institutions include separate seating, and speaking arrangements for the presentation of information at specific meetings with the Committee, in particular prior to and during sessions. For national human rights institutions accredited with A status by the Global Alliance of National Human Rights Institutions, an additional speaking arrangement is possible during the examination of the State party's report, if the State party concerned agrees to it.

C. Role of national human rights institutions in the reporting procedure

8. The Committee recognizes that national human rights institutions that are compliant with the Paris Principles can contribute at all stages of the reporting process under the Convention, including by providing information for the preparation of lists of themes and lists of issues prior to reporting, before and during the examination of the State party's report, and with regard to follow-up to concluding observations.

9. National human rights institutions are encouraged to provide alternative reports 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 recommendations contained in previous concluding observations of the Committee.

10. National human rights institutions should ensure that their reports are submitted within the deadlines provided by the secretariat. They should provide information focused on the areas covered by the Convention and ensure that it complies with the criteria of being reliable, concise, relevant and non-abusive. Reports should ensure anonymity by not mentioning the names of individuals unless they are already in the public domain or the individuals concerned have given their approval. National human rights institutions are encouraged to submit reports that do not exceed 20 pages.

1. State reporting requirements under the Convention

11. The Committee considers that national human rights institutions have an important role in encouraging their respective States to meet their reporting obligations. The Committee encourages national human rights institutions to conduct human rights education and awareness-raising programmes, with a view to informing and raising awareness among State officials and other stakeholders, including civil society actors, about the reporting obligations of States parties under the Convention.

2. Consultations and inputs for the State party report

12. The Committee recognizes the value of States parties organizing broad national consultations when drafting their reports under the Convention. In this regard, the Committee also recognizes the value of States making their reports available in advance to national human rights institutions and to all sectors of civil society, and inviting all stakeholders for consultations thereon. The role played by a national human rights institution in providing information that may contribute to a State party's report does not preclude national human rights institutions from submitting their own independent alternative reports to the Committee.

3. Contributions to the development of lists of themes and lists of issues prior to reporting

13. Receiving information from national human rights institutions at an early stage of the reporting process is critical for the Committee's work. Accordingly, the Committee invites such institutions to submit written contributions as inputs for the development of lists of themes and lists of issues prior to reporting.

14. To facilitate the timely submission of the reports of national human rights institutions, the secretariat of the Committee provides the institution concerned with advance notice of reporting schedules and advice on opportunities to contribute in that context.

4. Contributions for and during Committee sessions

15. The Committee welcomes the submission of alternative reports and oral presentations by national human rights institutions and encourages the presence of such institutions during the examination of the State party's report.

16. National human rights institutions have the opportunity to address the Committee in formal closed meetings with interpretation and informal private meetings, at the request of the national human rights institution and closely preceding the dialogue with the State party. Such meetings allow for interactive discussions and sharing of updated additional information between the Committee and national human rights institutions. Upon request, there are additional opportunities for such institutions to provide the Committee with detailed information during informal private meetings. The privacy of the meeting is aimed at ensuring national human rights institutions unfettered and effective engagement with the Committee without fear of reprisals or intimidation. To facilitate these informal private meetings, the secretariat of the Committee will liaise with the national human rights institution as early as possible in the process.

17. National human rights institutions accredited with A status by the Global Alliance of National Human Rights Institutions have the possibility, at their request, to be allotted an amount of time, defined by the Committee, to present a statement during the formal dialogue with the State party. Such a request should be made as early as possible to the secretariat.

5. Contributions to follow-up to concluding observations

18. Under the Paris Principles, national human rights institutions have a specific mandate to monitor and report on the compliance of their respective State with international human rights instruments, including compliance with recommendations resulting from international human rights bodies. National human rights institutions can provide the Committee with written information, including an evaluation of the measures taken by the State party to implement the recommendations that were selected by the Committee for its follow-up

procedure. These contributions should be submitted to the Committee when the follow-up report of the State party is due (within one year after the adoption of the concluding observations of the State party) or once the report is made public, within the prescribed deadlines.

19. The Committee welcomes and supports the important role of national human rights institutions with respect to supporting the follow-up of the recommendations contained in the concluding observations in the country, while recalling that the duty to implement the Convention rests with States themselves. National human rights institutions can support implementation in a number of ways, which include the following: broadly disseminating the principles of the Convention and the concluding observations to all stakeholders; organizing follow-up consultations and seminars involving the Government and non-governmental organizations, as well as the parliament and other bodies; and advising their respective States to mainstream the recommendations from concluding observations throughout national planning and legislative review processes. Furthermore, the Committee encourages national human rights institutions to use their annual reports to monitor the implementation of the recommendations contained in the Committee's concluding observations.

20. In order to ensure the most effective involvement of national human rights institutions in the follow-up procedure, the secretariat of the Committee shall provide the institutions concerned with advance notice of follow-up procedure schedules as well as advice on opportunities to contribute to the process.

6. Contributions under the review procedure

21. The Committee encourages national human rights institutions to submit alternative reports in cases in which the Committee has decided to examine a State party in the absence of a State report. National human rights institutions will be provided with the same opportunities to contribute as under the regular reporting procedure, including in relation to the list of themes if the Committee decides to adopt one.

D. Role of national human rights institutions in relation to the early warning and urgent action procedure

22. National human rights institutions can raise awareness about the early warning and urgent action procedures at the national level. They can also provide the Committee with reliable and evidence-based information that reflects potential serious violations or 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.

23. The Committee encourages national human rights institutions to submit relevant and reliable information on any developments that may have taken place at any stage of the early warning and urgent action procedure, including on follow-up to actions taken by the Committee on specific situations.

E. Role of national human rights institutions in the development and dissemination of general recommendations

24. The Committee encourages national human rights institutions to provide input at all stages of the development of general recommendations, including during days of general discussion organized by the Committee, in writing or in other forms during the consultation process.

25. National human rights institutions are encouraged to disseminate and make use of the Committee's general recommendations in their advocacy efforts domestically and in relevant policy development, and to ensure wide dissemination of the general recommendations in national and local languages as appropriate, including by advocating for their translation into such languages.

26. To maximize the effectiveness of contributions from national human rights institutions in the preparation of general recommendations, the secretariat of the Committee will inform such institutions in a timely manner about opportunities for them to contribute.

F. National human rights institutions and the individual communications procedure

27. National human rights institutions may encourage national authorities of their respective State party to make the declaration under article 14 to recognize the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by the State party of any of the rights set forth in the Convention. National human rights institutions are encouraged to provide information on the individual communications procedure at the national level and on the implementation and dissemination of the opinions of the Committee.

G. Reprisals

28. In the light of General Assembly resolution 68/171 and the Committee's guidelines to address allegations of reprisal and acts of intimidation against individuals and organizations cooperating with the Committee,² national human rights institutions may report to the Committee cases of intimidation, threats of reprisal and acts of reprisal against the members or staff of the institution or human rights defenders for seeking to cooperate, for cooperating or for having cooperated with the Committee.

² Available from
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fRLE%2f9029&Lang=en.