



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination Seventy-fifth session

Summary record of the 1971st meeting

Held at the Palais Wilson, Geneva, on Friday 28 August 2009, at 10 a.m.

Chairperson: Ms. Dah

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The meeting was called to order at 11.10 a.m.

Report of the Committee to the General Assembly at its sixty-fourth session

(CERD/C/75/CRP.1/Add.1 to 13 and CERD/C/75/CRP.2/Add.2, documents distributed in the meeting room, in English only)

1. **Mr. Schackel** (Secretary of the Committee) said that, owing to an error, the item under consideration had not been included on the agenda of the current session (CERD/C/75/1). The secretariat of the Committee would publish a corrigendum.
2. **The Chairperson** invited Mr. Sicilianos to present the draft report of the Committee.
3. **Mr. Sicilianos** (Rapporteur for the draft report of the Committee to the General Assembly at its sixty-fourth session) explained that the structure of the draft report being submitted for consideration and approval was the same as it had been the previous year. However, a number of experts would have to contact the secretariat of the Committee to ensure that the information on their respective terms of office had been correctly included in the addenda to the report. Since he had consulted all the experts of the Committee on the subject and since they had assisted in drafting the document, he said that he thought that, as a whole, it could be adopted as it stood.
4. **The Chairperson** said that it was her understanding that the members of the Committee were willing to adopt, as a whole, the report of the Committee to the General Assembly at its sixty-fourth session.
5. *The draft annual report of the Committee to the General Assembly at its sixty-fourth session was adopted as a whole.*
6. **Mr. Sicilianos** thanked the members of the Committee for the confidence they had placed in him. He said that he would not stand for re-election to the Committee, as he was going to take up a new challenge as a member of the Human Rights Council's Working Group of Experts on People of African Descent. He thanked the Chairperson and commended her for the calm and serenity that she had instilled in the Committee over the past two years, while never failing in her firmness or determination. He would strive, in his new capacity, to defend the rights of people of African descent, an issue that was closely linked to the mandate of the Committee.
7. **The Chairperson** extended warm thanks to Mr. Sicilianos for his kind words and wished him every success in his new mission. She said that, over the past six years, Mr. Sicilianos had gained a great deal of expertise and had come to be one of those persons whose advice was sought and valued. Knowing that discrimination against people of African descent would be the Committee's focus in the decade to follow, she welcomed the fact that Mr. Sicilianos was fully aware of the main concerns of the Committee regarding the treatment of such persons, and she was certain that he would play a significant role in advancing the work of the Human Rights Council's Working Group of Experts.
8. **Mr. de Gouttes** commended the Chairperson for the remarkable way in which she had carried out her duties and said that she had displayed serenity, firmness and, when the occasion arose, humour, which had helped to create a constructive atmosphere within the Committee. The current session was proving to be quite productive, with the Committee adopting two new general recommendations and considering 11 periodic reports.
9. Joining the Chairperson in praising Mr. Sicilianos' contribution to the work of the Committee, he expressed admiration of his colleague's exceptional legal expertise and the speed with which he was able to write up drafts on complex issues.

10. **Mr. Prosper**, concurring with Mr. de Gouttes, said that the Committee would undoubtedly miss Mr. Sicilianos and, in particular, his precision, perceptiveness and insight. He hoped that the new member of the Committee would be a woman, thereby improving its gender balance.

11. **Mr. Amir** said he had learned a great deal from Ms. Dah's two years as Chairperson, for she had taught him to place the collective interest of the Committee above his personal concerns. He welcomed the fact that the Chairperson had represented Africa with such dignity and had thus increased its visibility. He had also learned a great deal from the exemplary way in which Mr. Sicilianos had performed his duties during the years that they had worked together on the Committee.

12. **Mr. Kemal** joined his colleagues in praising the Chairperson and said that, in the space of just two years, she had demonstrated her ability to assume great responsibilities; he hoped that she would have further opportunities to put her undeniable talent in that area to use. Paying tribute to Mr. Sicilianos' vast knowledge and practical acumen, he said that Mr. Sicilianos' departure would leave a void in the Committee that would be difficult to fill.

13. **Mr. Avtonomov** said that he hoped that Mr. Sicilianos would, upon taking up his new position, work closely with the Committee when it considered the rights of people of African descent.

14. **Mr. Diaconu**, joining in the tributes paid to Mr. Sicilianos and Ms. Dah, pointed out that Ms. Dah was the first woman to chair the Committee and that she had done so expertly.

Organizational and other matters (*continued*)

Methods of work of the Committee

15. **The Chairperson** proposed that members of the Committee should offer suggestions on issues relating to the Committee's working methods that they wished to address at the seventy-sixth session.

16. **Mr. Lindgren Alves** said that he would like the Committee to discuss, at its seventy-sixth session, whether the urgent action procedure should apply only in cases of apparent or imminent genocide, as initially intended. He suggested that the Committee should also consider the possibility of establishing a working group on the rights of indigenous peoples.

17. **Mr. Thornberry** said that it was true that the urgent action procedure had changed over the years, as had the international situation, with more and more complaints being lodged by indigenous peoples. Furthermore, only 53 States parties had made a declaration as provided for in article 14 of the Convention, and communications from individuals appeared to invariably concern the same States. The Committee must remedy that situation, one way or another, and consider how to go about making the procedure provided for in article 14 more widely known.

18. **Mr. Peter** proposed that an entire meeting should be devoted to improving the methods of work of the Committee and, in particular, as Mr. Thornberry had suggested, to the question of communications under article 14 of the Convention. The Committee could also address the drafting of concluding observations, which were of quite variable quality.

19. **Mr. de Gouttes** said that he shared Mr. Thornberry's opinion that the Committee should make every effort to publicize the procedure for communications from individuals. At its seventy-sixth session, the Committee might wish to adopt a decision in which it recalled the importance of that procedure and drew attention to the ways in which it benefitted victims (when all domestic remedies had been exhausted), States parties (which

could thus demonstrate their willingness to apply the Convention) and the Committee (which thus had an opportunity to develop its jurisprudence).

20. **The Chairperson** thanked the members of the Committee for their suggestions and observations and said that they would be taken into due consideration in drafting the programme of work of the seventy-sixth session of the Committee.

Closure of the session

21. Following an exchange of courtesies, the Chairperson declared the seventy-fifth session of the Committee on the Elimination of Racial Discrimination closed.

The meeting rose at 12.45 p.m.