



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

108th session

Summary record (partial)* of the 2955th meeting**

Held at the Palais Wilson, Geneva, on Friday, 2 December 2022, at 4 p.m.

Chair: Ms. Shepherd

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Closure of the session

* No summary record was prepared for the rest of the meeting.
** No summary records were issued for the 2953rd and 2954th meetings.

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The discussion covered in the summary record began at 4.40 p.m.

Closure of the session

1. **Mr. Guissé** (Rapporteur) said that the Committee's 108th session had been attended in person by all but two of its members. At the public opening, a statement had been delivered by Mr. Mahamane Cissé-Gouro, Director of the Human Rights Council and Treaty Mechanisms Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR). During the session, the Committee had conducted reviews and adopted concluding observations on the reports of six States parties – Bahrain, Botswana, Brazil, France, Georgia and Jamaica. The Committee appreciated the essential information provided by the national human rights institutions of Bahrain, France and Georgia and by non-governmental organizations from all six States parties.

2. The Committee had adopted an Opinion on the admissibility and merits of communication No. 62/2018 (*Jallow v. Denmark*). The petitioner, a Swedish national, claimed to be a victim of a violation by the State party of articles 4 (a) and (c) and 6 of the Convention because of the State party's failure to effectively investigate a hate crime. The petitioner alleged that, in the context of an art exhibition held at the Danish Parliament building and in a private art gallery, pictures had been displayed which portrayed black people, including the petitioner, and members of the Roma community in a manner which he believed constituted incitement to racial discrimination and hatred.

3. The State party argued that its authorities had assessed whether the pictures violated the relevant article of the Criminal Code, read in conjunction with article 10 of the European Convention of Human Rights, on freedom of expression, and had concluded that they did not. It therefore considered that the petitioner's case had been thoroughly reviewed under relevant national legislation and that he had had access to a legal remedy.

4. The Committee had decided that the petitioner's claims of a violation of article 4 (a), in conjunction with article 6, were admissible. Accordingly, the Committee had considered whether the State party had fulfilled its positive obligation to take effective action against reported incidents of racial discrimination. It noted that the pictures in question contained derogatory language and negative depictions of black people and Roma and concluded that they must be understood as incitement to hatred and discrimination on the grounds of race, colour and ethnic origin. Recalling that the right to freedom of expression was not unlimited and must be balanced against the obligation not to disseminate racist ideas, the Committee pointed out that, when an act fell within the scope of article 4 (a) of the Convention, the State party was obliged to react and to take effective measures, and that merely conducting an investigation was not sufficient. The Committee had therefore found a violation of article 4 (a) in conjunction with article 6. The Committee recommended that the State party should issue an apology to the petitioner and grant him full reparation, and should develop guidelines on racist hate speech and establish training programmes for police officers, prosecutors and judges on the prevention of racial hatred and discrimination.

5. During the session, the Committee had also considered follow-up reports received from the Netherlands and Slovakia. Under its early warning and urgent action procedure, the Committee had adopted a decision on the human rights situation in the Xinjiang Uighur Autonomous Region of China, in which it called on the State party to immediately investigate all allegations of human rights violations and to immediately release all individuals arbitrarily deprived of their liberty. The decision and an accompanying press release had been published on the Committee's web page.

6. The Committee had continued to develop its draft general recommendation on racial discrimination and the right to health and had adopted an outline of the text. The next step would be to adopt the first draft at the Committee's 109th session. The Committee had also begun to consider proposals to revise its rules of procedure and would pursue that work at its next session.

7. Furthermore, the Committee had held a meeting with members of the Permanent Forum on People of African Descent to discuss areas of mutual interest, future work priorities and possibilities for collaboration. It had also met with the newly appointed Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related

intolerance, who had presented her mandate and plans for the future and shared her thoughts on a number of issues, including caste-based discrimination.

8. At its subsequent session, scheduled to take place from 11 to 28 April 2023, the Committee would consider the reports of Argentina, the Niger, the Philippines, Portugal, the Russian Federation and Tajikistan.

9. After the customary exchange of courtesies, **the Chair** declared the 108th session of the Committee on the Elimination of Racial Discrimination closed.

The meeting rose at 5 p.m.