



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

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## Committee on the Elimination of Racial Discrimination

### 107th session

#### Summary record of the 2925th meeting\*

Held at the Palais Wilson, Geneva, on Tuesday, 30 August 2022, at 3 p.m.

*Chair:* Ms. Shepherd

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Closure of the session

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\* No summary record was issued for the 2924th meeting.

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*The meeting was called to order at 4.05 p.m.*

### **Closure of the session**

1. **The Chair** said that the Committee's 107th session had been opened by Ms. Wan-Hea Lee, Chief of the Civil, Political, Economic, Social and Cultural Rights Section, Human Rights Treaties Branch, Council and Treaty Mechanisms Division, Office of the United Nations High Commissioner for Human Rights. During the session, the Committee had considered and had adopted concluding observations on the reports of seven States parties – Azerbaijan, Benin, Nicaragua, Slovakia, Suriname, the United States of America and Zimbabwe. It was, however, regrettable that the Committee had been obliged to consider the report of Nicaragua in the absence of a delegation. She acknowledged the contributions of all the Committee members, and in particular the respective country rapporteurs and members of the country task forces, who had participated in the interactive dialogues. The Committee especially appreciated the essential information provided by national human rights institutions and non-governmental organizations.

2. The Committee had adopted an Opinion on the admissibility and merits of communication No. 66/2018 (*Breleur v. France*). The petitioner, a French national of African descent, claimed that he had suffered discrimination for the entire duration of his employment with a French company. He had been awarded compensation for pecuniary and non-pecuniary damages, but the employer had refused to reclassify him, as stipulated by a judicial decision on appeal. A further appeal in cassation had subsequently been dismissed. The petitioner claimed in his communication to the Committee that the racial discrimination to which he had been subjected constituted a violation of article 6 of the Convention. The State party, on the other hand, had argued that the petitioner had been fully compensated. In its Opinion, the Committee concluded that the company's failure to implement the judgment concerning the petitioner's reclassification had impeded him from receiving full compensation for the racial discrimination and from having his pension recalculated. It had therefore found a violation of article 6 of the Convention.

3. The Committee had taken note of the similarities between communication No. 66/2018 (*Breleur v. France*) and communication No. 65/2018 (*Kotor v. France*): both petitioners had been discriminated against by their employer, their cases had been heard and decided by the same courts on the same days and their petitions raised the same questions under the Convention. The Committee had thus based its decision in communication No. 66/2018 (*Breleur v. France*) on the reasoning underlying its decision in communication No. 65/2018 (*Kotor v. France*), finding a violation of article 6 of the Convention in both cases and recommending, *inter alia*, that the State party should take explicitly into account the reclassification of employees who were victims of racial discrimination in the assessment of awards of damages.

4. During the session, the Committee had also considered one follow-up report, received from Belgium. Under its early warning and urgent action procedure, the Committee had adopted a statement on the tragic deaths of African migrants attempting to cross the Spain-Morocco border in Melilla in June 2022, which had been published on the Committee's web page. It had also formally adopted the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines).

5. The Committee had held a day of general discussion to gather input for its upcoming general recommendation on racial discrimination and the right to health. Stakeholders had enlightened the Committee on various issues at the intersection of racial discrimination and health. Work on the draft general recommendation would continue and further consultations would take place in due course.

6. During the session, the Committee had met with the members of the Working Group of Experts on People of African Descent to discuss areas of mutual interest; representatives of the Economic Commission for Latin America and the Caribbean and the United Nations Population Fund to hear about their study entitled "Afrodescendants and the matrix of social inequality in Latin America: Challenges for inclusion" and to discuss possible avenues for collaboration, in particular in the context of State party reviews; the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to

discuss the negative impact that unilateral coercive measures could have on minority groups and non-nationals; one of the vice-chairs of the Quebec Human Rights and Youth Rights Commission, who had shared information on her institution's experience of combating systemic racism and structural inequalities; and Mr. Gianni Magazzeni, Chief of the Universal Periodic Review Branch, Office of the United Nations High Commissioner for Human Rights, to discuss ways of strengthening collaboration with a view to enhancing implementation of recommendations by States parties.

7. The Committee had also met with, and bidden farewell to, Ms. Michelle Bachelet, the United Nations High Commissioner for Human Rights, whose term of office was coming to an end. Members welcomed the inclusion in her 2021 report on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers of a four-point agenda towards transformative change for racial justice and equality, which included measures to confront past legacies.

8. Lastly, the Committee had adopted its annual report to the General Assembly.

9. After the customary exchange of courtesies, she declared the 107th session of the Committee on the Elimination of Racial Discrimination closed.

*The meeting rose at 4.30 p.m.*