



**United Nations**

# **Report of the Committee on the Elimination of Racial Discrimination**

**Ninety-ninth session  
(5–29 August 2019)**

**100th session  
(25 November–13 December 2019)**

**General Assembly  
Official Records  
Seventy-fifth Session  
Supplement No. 18**





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**United Nations • New York, 2020**

*Note*

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## Letter of transmittal

4 August 2020

Sir,

It is with pleasure that I transmit the annual report of the Committee on the Elimination of Racial Discrimination.

The report contains information on the ninety-ninth and 100th sessions of the Committee, held from 5 to 29 August 2019 and from 25 November to 13 December 2019, respectively.

Owing to the coronavirus disease (COVID-19) pandemic, the 101st session of the Committee, scheduled to begin 20 April 2020, was deferred. However, in order to try to close the protection gap this could create, the Committee found ways to carry out some important tasks and take essential decisions in the form of virtual online meetings, which are also discussed in the present report.

The International Convention on the Elimination of All Forms of Racial Discrimination, which has now been ratified by 182 States, constitutes the normative basis upon which international efforts to eliminate racial discrimination should be built.

During its ninety-ninth and 100th sessions, the Committee continued to deal with a significant workload in terms of the examination of States parties' reports (see chap. III) and of communications under articles 11 and 14 (see chaps. V and VIII).

The Committee examined the situations of several States parties under its early warning and urgent action procedures (see chap. II). The Committee also examined information submitted by several States parties under its procedure for follow-up to the consideration of reports (see chap. IV). It undertook other activities, including holding a meeting with non-governmental organizations at its 100th session and pursued the drafting process of its general recommendation on preventing and combating racial profiling at its ninety-ninth and 100th sessions. The Committee held a special commemorative meeting for its 100th session and continued its work to follow up on General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system.

The Committee remains committed to a continuous process of improvement of its working methods, with the aim of maximizing its effectiveness and adopting innovative approaches to combating contemporary forms of racial discrimination. The evolving practice and interpretation of the Convention by the Committee is reflected in its general recommendations, opinions on individual and inter-State communications, decisions and concluding observations.

It is clear that while progress has been made to address racial discrimination, major and multifaceted challenges remain in the struggle towards its elimination, including the continuation of racist hate speech, the resurgence of nationalist populism and organizations that promote ideologies of racial superiority, and the difficulties that States parties face in countering these phenomena. In addition, the COVID-19 pandemic has exacerbated the difficulties faced by persons who are already vulnerable to racial discrimination by further stigmatizing them, and the Committee has been monitoring how the pandemic affected their enjoyment of basic human rights and freedoms. I have no doubt that the dedication and professionalism of the members of the Committee, as well as the pluralistic and multidisciplinary nature of their contributions, will ensure that the work of the Committee will continue to contribute significantly to the implementation of both the Convention and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the years ahead.

Please accept, Sir, the assurances of my highest consideration.

(Signed) Yanduan **Li**  
Chair  
Committee on the Elimination  
of Racial Discrimination

His Excellency Mr. António Guterres  
Secretary-General of the United Nations  
New York

## I. Organizational and related matters

### A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 8 May 2020, by the closing date of the postponed 101st session of the Committee on the Elimination of Racial Discrimination, there were 182 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in its resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19. During the period under review, Angola ratified the Convention.

2. By the closing date of the postponed 101st session, 59 of the 182 parties to the Convention had made a declaration under article 14 (1) of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. During the period under review, the State of Palestine made such a declaration. The Committee's competence to exercise the functions provided for in article 14 took effect on 3 December 1982, following the deposit with the Secretary-General of the tenth such declaration.

3. Fifty-one States parties have accepted the amendment to article 8 (6) of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992, relating to the funding of the Committee's activities. Since the last report, the State of Palestine and Uruguay have accepted this amendment to article 8 (6) of the Convention.

4. Lists of the States parties that have made the declaration under article 14 and of those that have accepted the amendment to article 8 (6) of the Convention can be found on the website of the United Nations Treaty Collection (see [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en)).

### B. Sessions and agendas

5. The Committee held two sessions during the period under review. The ninety-ninth session (2738th–2772nd meetings), and the 100th session (2773rd–2802nd meetings) were held at the United Nations Office at Geneva, from 5 to 29 August 2019 and 25 November to 13 December 2019, respectively.

6. The provisional agendas of the ninety-ninth and 100th sessions (CERD/C/99/1 and CERD/C/100/1) were adopted by the Committee without revision.

7. On 17 June 2020, owing to exceptional circumstances resulting from the coronavirus disease (COVID-19) pandemic, the Committee, in accordance with rule 3 (1) of its rules of procedure (CERD/C/35/Rev.3), held a virtual meeting, during which it elected its Chair, its Vice-Chairs and its Rapporteur and newly elected members made their solemn declaration. It also appointed members in its working group on early warning and urgent action and its working group on individual communications, respectively. It also appointed a rapporteur for coordinating and finalizing of the draft general recommendation No. 36 on preventing and combating racial profiling.

### C. Membership

8. The list of members of the Committee during the ninety-ninth and 100th sessions was as follows:

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Silvio José Albuquerque e Silva	Brazil	2022

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Noureddine <b>Amir</b>	Algeria	2022
Alexei S. <b>Avtonomov</b>	Russian Federation	2020
Marc <b>Bossuyt</b>	Belgium	2022
José Francisco <b>Calí Tzay</b>	Guatemala	2020
Chinsung <b>Chung</b>	Republic of Korea	2022
Fatimata-Binta Victoire <b>Dah</b>	Burkina Faso	2020
Bakari Sidiki <b>Diaby</b>	Côte d'Ivoire	2022
Rita <b>Izsák-Ndiaye</b>	Hungary	2022
Keiko <b>Ko</b>	Japan	2022
Gun <b>Kut</b>	Turkey	2022
Yanduan <b>Li</b>	China	2020
Nicolás <b>Marugán</b> <sup>1</sup>	Spain	2020
Gay <b>McDougall</b>	United States of America	2020
Yemhelhe Mint <b>Mohamed</b>	Mauritania	2020
Pastor Elias <b>Murillo Martínez</b>	Colombia	2020
Verene Albertha <b>Shepherd</b>	Jamaica	2020
Yeung Kam John <b>Yeung Sik Yuen</b>	Mauritius	2022

9. On 21 June 2019, the twenty-eighth meeting of States parties elected nine members, to replace those whose terms of office were due to expire on 19 January 2020. Therefore, the membership of the Committee since 20 January 2020 has been as follows:

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Silvio José <b>Albuquerque e Silva</b>	Brazil	2022
Sheikha Abdula Ali <b>Al-Misnad</b>	Qatar	2024
Noureddine <b>Amir</b>	Algeria	2022
Marc <b>Bossuyt</b>	Belgium	2022
Chinsung <b>Chung</b>	Republic of Korea	2022
Bakari Sidiki <b>Diaby</b>	Côte d'Ivoire	2022
Ibrahima <b>Guisse</b>	Senegal	2024
Rita <b>Izsák-Ndiaye</b>	Hungary	2022
Keiko <b>Ko</b>	Japan	2022
Gun <b>Kut</b>	Turkey	2022
Yanduan <b>Li</b>	China	2024
Yemhelhe Mint <b>Mohamed</b>	Mauritania	2024

<sup>1</sup> Following the resignation of Nicolás **Marugán** as a member of the Committee, the Government of Spain appointed Maria Teresa Verdugo Moreno who served the remainder of Mr. **Marugán**'s term of office until 19 January 2020.

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Mehrdad <b>Payandeh</b>	Germany	2024
Verene Albertha <b>Shepherd</b>	Jamaica	2024
Stamatia <b>Stavrinaki</b>	Greece	2024
Faith Dikeledi Pansy <b>Tlakula</b>	South Africa	2024
Eduardo Ernesto <b>Vega Luna</b>	Peru	2024
Yeung Kam John <b>Yeung Sik Yuen</b>	Mauritius	2022

#### D. Officers of the Committee

10. During the ninety-ninth and 100th sessions, the Bureau of the Committee comprised the following Committee members, who served during the period 2018–2020:

<i>Chair:</i>	Noureddine Amir
<i>Vice-Chairs:</i>	Gay McDougall Yanduan Li Pastor Elias Murillo Martínez
<i>Rapporteur:</i>	Rita Izsák-Ndiaye

11. During its virtual meeting held on 17 June 2020, as a result of the COVID-19 pandemic, and in accordance with rule 3 (1) of its rules of procedure, the Committee elected its Bureau comprising the following Committee members, to serve a two-year term (2020–2022):

<i>Chair:</i>	Yanduan Li
<i>Vice-Chairs:</i>	Marc Bossuyt Verene Albertha Shepherd Yeung Kam John Yeung Sik Yuen
<i>Rapporteur:</i>	Rita Izsák-Ndiaye

#### E. Cooperation with the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the special procedures of the Human Rights Council and the regional human rights mechanisms

12. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning cooperation with the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization,<sup>2</sup> both organizations were invited to attend the sessions of the Committee. Consistent with the Committee's recent practice, the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund were also invited to attend.

13. During the Committee's ninety-ninth session, reports of the ILO Committee of Experts on the Application of Conventions and Recommendations submitted to the International Labour Conference and relating to States parties under review were made available to the members of the Committee, in accordance with arrangements for cooperation between the two committees. The Committee took note with appreciation of the reports of the Committee of Experts.

<sup>2</sup> See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718)*, chap. IX, sect. B.

**F. Other matters**

14. During its ninety-ninth session, on 22 August 2019, the Committee met with a representative of the European Union Fundamental Rights Agency to exchange views and information on matters of common interest.

15. During its 100th session, on 9 December 2019, the Committee held a special meeting with non-governmental organizations. Representatives of eight organizations working mainly in the field of racial discrimination attended. At the meeting, views and thoughts were exchanged on how to improve the engagement with regard to different aspects of the work of the Committee including: (a) the review of States parties; (b) the follow-up to concluding observations; (c) the early warning and urgent action procedure; and (d) the submissions of reports to the Committee.

16. During its 100th session, on 12 December 2019, the Committee held a special meeting to celebrate its 100th session. The Director ad interim of the Council and Treaty Mechanisms Division delivered opening remarks recalling the main achievements of the Committee, including its pioneering role with regard to the institution-building accomplished by the treaty bodies, as well as its central place in the fight against racial discrimination worldwide. Committee members and representatives of non-governmental organizations discussed and recounted the achievements of the Committee, including through the recording of individual interviews and reflections.

**G. Adoption of the report**

17. At its 2083rd meeting (101st session), the Committee adopted its annual report to the General Assembly.

## II. Prevention of racial discrimination, including early warning and urgent action procedures

18. The Committee's work under its early warning and urgent action procedures is aimed at preventing and responding to serious violations of the Convention. This work is based on guidelines adopted by the Committee at its seventy-first session, in August 2007.<sup>3</sup>

19. The Committee's working group on early warning and urgent action was established at the sixty-fifth session of the Committee, in August 2004. During the ninety-ninth and 100th sessions, the Working Group comprised the following members:

*Coordinator:* José Francisco Calí Tzay

*Members:* Alexei S. Avtonomov  
Chinsung Chung  
Bakari Sidiki Diaby  
Yanduan Li  
Gay McDougall

20. Following the special meeting the Committee held on 17 June 2020, as a result of the COVID-19 pandemic, and in accordance with rule 3 (1) of the rules of procedure, the composition of the Working Group is as follows:

*Coordinator:* Chinsung Chung

*Members:* Bakari Sidiki Diaby  
Rita Izsák-Ndiaye  
Mehrdad Payandeh  
Eduardo Ernesto Vega Luna

### A. Decision

21. The following decision was adopted by the Committee at its 100th session (decision 1 (100)).

#### **Decision 1 (100) on Canada**

At its 2801st meeting, on 13 December 2019, during its 100th session, the Committee on the Elimination of Racial Discrimination adopted the text below:

*“The Committee on the Elimination of Racial Discrimination,*

*Acting under its early warning and urgent action procedure,*

*Concerned by the refusal to consider free, prior and informed consent as a requirement for any measure, such as large-scale development projects, that may cause irreparable harm to indigenous peoples' rights, culture, lands, territories and way of life,*

*Concerned also by the continuation of construction of the Site C dam and the approval of the Trans Mountain Pipeline Expansion project without free, prior and informed consent by all the indigenous peoples affected,*

*Concerned further by the approval of new large-scale development projects on indigenous peoples' traditional lands and territories without the free, prior and informed consent of affected indigenous peoples, such as the Coastal Gas Link pipeline in the territory of the Wet'suwet'en people,*

*Disturbed by forced removal, disproportionate use of force, harassment and intimidation by law enforcement officials against indigenous peoples who peacefully oppose large-scale development projects on their traditional territories,*

*Alarmed by the escalating threat of violence against indigenous peoples, such as the reported violent arrest and detainment of a Secwepemc defender against the Trans Mountain Pipeline Expansion project, on 19 October 2019,*

<sup>3</sup> See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 18 (A/62/18)*, annex III.

*Recalling* its previous concluding observations of 2017 on Canada (CERD/C/CAN/CO/21-23) and its general recommendation No. 23 (1997) on the rights of indigenous peoples,

1. *Calls upon* the State party to immediately cease construction of the Trans Mountain Pipeline Expansion project and cancel all permits, until free, prior and informed consent is obtained from all the Secwepemc people, following the full and adequate discharge of the duty to consult;

2. *Also calls upon* the State party to immediately suspend the construction of the Site C dam, until free, prior and informed consent is obtained from West Moberly and Prophet River Nations, following the full and adequate discharge of the duty to consult;

3. *Further calls upon* the State party to immediately halt the construction and suspend all permits and approvals for the construction of the Coastal Gas Link pipeline in the traditional and unceded lands and territories of the Wet'suwet'en people, until they grant their free, prior and informed consent, following the full and adequate discharge of the duty to consult;

4. *Recommends* that the State party establish, in consultation with indigenous peoples, a legal and institutional framework to ensure adequate consultation, with a view to obtaining free, prior and informed consent regarding all legislation affecting indigenous peoples;

5. *Urges* the State party to take the necessary steps to incorporate free, prior and informed consent in domestic legislation, in consultation with indigenous peoples, in compliance with international human rights obligations and jurisprudence, taking into account the Committee's general recommendation No. 23 (1997) on the rights of indigenous peoples;

6. *Also urges* the State party to freeze present and future approval of large-scale development projects affecting indigenous peoples that do not enjoy free, prior and informed consent from all indigenous peoples affected;

7. *Further urges* the State party to immediately cease forced eviction of Secwepemc and Wet'suwet'en peoples;

8. *Urges* the State party to guarantee that no force will be used against Secwepemc and Wet'suwet'en peoples and that the Royal Canadian Mounted Police and associated security and policing services will be withdrawn from their traditional lands;

9. *Also urges* the State party to prohibit the use of lethal weapons, notably by the Royal Canadian Mounted Police, against indigenous peoples;

10. *Encourages* the State party to seek technical advice from the Expert Mechanism on the Rights of Indigenous Peoples."

## **B. Statement**

22. The following statement (Statement 1 (2020)) was adopted by the Committee remotely:

### **Statement 1 (2020) on the United States of America**

On 12 June 2020, under exceptional circumstances owing to the COVID-19 pandemic, the Committee on the Elimination of Racial Discrimination adopted the statement below:

*"The Committee on the Elimination of Racial Discrimination,*

*Acting* under its early warning and urgent action procedures,

*Alarmed* by the horrific killing of George Floyd in Minneapolis on 25 May 2020,

*Alarmed also* by the recurrence of killings of unarmed African Americans by police officers and individuals over the years,

*Deeply concerned* by the continuing practice of racial profiling, the use of brutality and the excessive use of force by law enforcement officials against persons belonging to

racial and ethnic minorities, including unarmed individuals, leading to disproportionately recurrent killings of unarmed African Americans without appropriate accountability for and sanctions imposed to those responsible,

*Disturbed* by the excessive use of force by law enforcement officials against peaceful protesters across the country who are calling for an end to racial discrimination and for justice regarding the death of George Floyd, including the use of pepper spray, rubber bullets and batons on protesters, media and bystanders, and which has led to extensive arrests and detentions,

*Convinced* that systemic and structural discrimination permeates State institutions and disproportionately promotes racial disparities against African Americans, notably in the enjoyment of the rights to equal treatment before the tribunals, security of person and protection by the State against violence or bodily harm, and other civil, economic, social and cultural rights enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination,

*Noting* the criminal investigation launched against the four police officers responsible for the death of George Floyd, including of the police officer whose direct action caused the death of the victim, and their ongoing prosecution,

*Noting also* the announcement of police reforms by the local authorities in Minneapolis, and similar announcements by other local governments, to redirect the policing budget to social services,

*Noting further* the peaceful protests held worldwide in solidarity with African Americans and other ethnic minorities in the United States of America, as well as against racial discrimination in their own countries,

*Recalling and supporting* the statement of United Nations special procedures condemning modern day racial terror lynchings and calling for systematic reform and justice, and their statement on the protests against systemic racism in the United States, both issued on 5 June 2020,

*Recalling* its previous concluding observations issued in 2008 (CERD/C/USA/CO/6) and 2014 (CERD/C/USA/CO/7-9) on the United States, and its previous decision regarding the horrific events in Charlottesville on 11 and 12 August 2017,

*Recalling* its general recommendations No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, No. 34 (2011) on racial discrimination against people of African descent and No. 35 (2013) on combating racist hate speech,

1. *Calls upon* the Government of the United States of America to fully respect its international obligations, in particular those arising from the International Convention on the Elimination of All Forms of Racial Discrimination, to which it is a party;

2. *Urges* the Government of the United States to ensure that the death of George Floyd is thoroughly investigated, and that the alleged perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the gravity of the crime;

3. *Calls upon* the Government of the United States to increase the oversight of police misconduct and to ensure that each allegation of excessive use of force by law enforcement officials, including in the context of ongoing peaceful protests, is promptly and effectively investigated irrespective of race, colour, descent, national or ethnic origin and that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions;

4. *Urges* the Government of the United States to desist from calling on the military to ensure public order in the context of these peaceful protests, which could lead to the excessive use of force against African Americans and other ethnic minorities;

5. *Calls upon* the Government of the United States to intensify efforts to prohibit and eradicate in practice racial profiling and the excessive use of force by law enforcement officials towards persons belonging to racial and ethnic minorities;

6. *Urges* the Government of the United States to publicly recognize the existence of structural racial discrimination in the society, as well as to unequivocally and

unconditionally reject and condemn racially motivated killings of African Americans and other minorities;

7. *Urges* the Government of the United States, and State and local authorities, to take immediate and appropriate reforms aimed at eliminating racially disparate impacts or structural discrimination in the police and the criminal justice system, taking into account the rights of victims of racially motivated crimes;

8. *Recommends* that the Government of United States, and State and local authorities, ensure a wide dissemination of the Convention in training and education curricula for law enforcement officials;

9. *Invites* the United States to urgently submit its combined tenth to twelfth periodic reports, which has been overdue since 20 November 2017, and to include information on the measures taken to give effect to the recommendations contained in the present statement.”

### **C. Consideration of situations under the early warning and urgent action procedures**

23. During the reporting period, the Committee considered a number of situations under its early warning and urgent action procedure, as described below.

24. On 13 May 2019, the Committee received a letter from the Government of Canada in response to the Committee’s letter dated 14 December 2018. In that letter, the Committee had expressed concerns about the alleged lack of measures to ensure the consultation and the free, prior and informed consent of the indigenous peoples of the Province of British Columbia affected by the construction of the Site C dam and which, in addition, would permanently affect their land rights. While noting the information on the Site C dam provided in the Government’s letter on efforts made to consult with indigenous peoples and on environmental and cultural assessments undertaken, the Committee sent a letter dated 29 August 2019, reiterating its concerns and requesting additional information on steps taken to suspend the Site C dam project until free, prior and informed consent had been obtained.

25. On 10 April 2019, the Committee received a letter from the Government of France in response to the Committee’s letter dated 14 December 2018. In that letter, the Committee had expressed concerns about the impact that the Montagne d’Or mining project had allegedly had on indigenous peoples in French Guiana and the fact that it had been developed without adequate consultation and free, prior and informed consent of indigenous peoples. The Committee noted the information provided by the State party on the organization of a public consultation on the Montagne d’Or project and on the plan of the Ministry of Ecological and Solidary Transition to modify the Mining Code in order to provide an opportunity to strengthen the modalities of consultation with the affected populations. In a letter dated 29 August 2019, the Committee reiterated its concerns and indicated it would further consider the matter in the context of the consideration of the periodic reports of the State party.

26. On 29 May 2019, the Committee received a letter from the Government of India in response to the Committee’s letter dated 10 May 2019. In its letter, the Committee had expressed concerns that the draft National Forest Policy 2018 might infringe on the rights of indigenous peoples, in particular by effectively exercising control over community forest resources, and by undermining their governing structure (*gram sabhas*). The Committee noted the information provided by the State party according to which the draft National Forest Policy was being prepared and a consultation process with stakeholders was ongoing. In its letter dated 29 August 2019, the Committee reiterated its concerns and requested additional information on steps taken to consider withdrawing the draft Policy. It also requested information on steps taken to refrain from adopting any legislation or policies that undermine indigenous peoples’ rights and to guarantee the participation of indigenous peoples in the governance of the Compensatory Afforestation Programme as it directly concerns the rights to lands and territories.

27. On 8 July 2019, the Committee received a letter from the Government of Latvia in response to the Committee’s letter dated 10 May 2019, in which the Committee had raised concerns about the alleged discriminatory effect that the new regulation No. 716 on preschool

education might have on ethnic minorities in the field of education. In a letter dated 29 August, the Committee noted the information provided by the State party on the reform of the education system, the content of the new regulation on preschool education and education models. It reiterated its previous concerns about the discriminatory impact of the new regulation No. 716 on preschool education, and requested that additional information be provided in the periodic report of the State party due for submission on 14 May 2021.

28. On 29 August 2019, the Committee sent a letter to the Government of Peru expressing concerns about the adoption of a new regulation of the regional government of Ucayali – Ordinance No. 010-2018-GRU-CR – the implementation of which would negatively affect the land titles over the traditional territory of Santa Clara de Uchnya indigenous community. The Committee also raised concerns that the ordinance had been adopted without adequate consultation and free, prior and informed consent of indigenous peoples. It requested information on steps taken to consider rescinding the ordinance to ensure an adequate consultation of the members of the Santa Clara de Uchnya indigenous community, with a view to obtaining their free, prior and informed consent and to protecting them from intimidation, harassment, threats and attacks by groups of land traffickers present within the ancestral territory.

29. On 24 April 2019, the Committee received a letter from the Government of Thailand in response to the Committee's letter dated 17 May 2017, in which the Committee expressed concerns about the continued allegations of forced evictions and harassment of the Karen indigenous peoples in the Kaeng Krachen National Park, and about the failure to ensure adequate consultation to obtain free, prior and informed consent from them. The Committee noted the information provided by the State party relating to the situation of those indigenous peoples, in particular the adoption of the Community Forest Act on 15 February 2019, the investigation of cases of attacks against the Karen communities, the witness protection programmes and the measures to ensure the protection of the rights of indigenous peoples. In a letter dated 29 August 2019, the Committee reiterated its concerns and requested additional information.

30. On 13 December 2019, the Committee sent a letter to the Government of Belarus expressing concerns about allegedly discriminatory acts against Roma in Mogilev Oblast. The letter raised concerns that upon suspicion of a murder of a police officer at Mogilev Oblast, local police conducted raids and arrested a large number of persons of Roma origin, including women and children. The letter also raised concerns about allegations of harassment, intimidation and excessive use of force by police against Roma. In addition, Roma were allegedly victims of hate speech perpetrated by the police. The Committee requested information to investigate the murder of the police officer and the allegations of racial discrimination against Roma, including hate speech and racial profiling by law enforcement authorities, in order to hold accountable those responsible and provide effective remedies to victims, including reparation, and to protect them from any forms of retaliation or reprisals for reporting such cases.

31. On 13 December 2019, the Committee sent a letter to the Government of Chile expressing concerns about the alleged negative impact the installation of a sanitary landfill would have on the rights of three Huilliche indigenous communities in Fundo Los Millanes, San Antonio de Huelden, over the lands and territories they have traditionally occupied. In the letter, the Committee also raised concerns that the sanitary landfill would negatively affect the water resources and threaten the ancestral, cultural and environmental value of the indigenous peoples' territories and resources. It requested information on measures adopted to evaluate the social and environmental impact of the above-mentioned landfill installation on indigenous communities and on measures to carry out a consultation, with a view to obtaining the free, prior and informed consent of those communities. It also requested information on the specific measures adopted to protect the traditional ways of life and subsistence and the ancestral and cultural value of the indigenous territories affected by the installation and operation of waste dumps and sanitary landfills.

32. On 13 December 2019, the Committee sent a letter to the Government of Panama expressing concerns that the State party had not fully complied with the tripartite agreement of 26 November 2009 and the friendly settlement agreement of 26 August 2019 that it had signed with the Ngäbe indigenous communities affected by the Changuinola I hydroelectric power station. It requested information on measures taken to comply with those agreements

and urged the State party to submit its periodic reports, which have been overdue since 4 January 2013.

33. On 13 December 2019, the Committee sent a letter to the Government of the Russian Federation, expressing concerns about allegations of arbitrary detention and inhuman treatment of Roma by law enforcement officials, as result of an inter-ethnic violent confrontation between Roma and non-Roma in the village of Chemodanovka, Penza Oblast, in June 2019. In the letter, the Committee also stated that hundreds of Roma had to flee the village because of threats and intimidation and were subject to a court order to demolish their houses without alternative options for resettlement. The Committee requested information on measures taken to investigate allegations of discrimination against Roma, hold those responsible accountable and provide Roma with effective remedies and redress, including reparation. It also requested information on steps taken to protect Roma victims from any forms of retaliation or reprisals for reporting such cases, prevent forced evictions of Roma and house demolition, and ensure that families and individuals affected are provided with alternative adequate housing and compensation.

### III. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

34. At its ninety-ninth session, the Committee adopted concluding observations on seven States parties: Czechia ([CERD/C/CZE/CO/12-13](#)), El Salvador ([CERD/C/SLV/CO/18-19](#)), Iceland ([CERD/C/ISL/CO/21-23](#)), Mexico ([CERD/C/MEX/CO/18-21](#)), Mongolia ([CERD/C/MNG/CO/23-24](#)), Poland ([CERD/C/POL/CO/22-24](#)) and State of Palestine ([CERD/C/PSE/CO/1-2](#)).

35. At its 100th session, the Committee adopted concluding observations on five States parties: Cambodia ([CERD/C/KHM/CO/14-17](#)), Colombia ([CERD/C/COL/CO/17-19](#)), Ireland ([CERD/C/IRL/CO/5-9](#)), Israel ([CERD/C/ISR/CO/17-19](#)) and Uzbekistan ([CERD/C/UZB/CO/10-12](#)).

36. The country rapporteurs were as follows:

Cambodia	Mr. Diaby
Colombia	Ms. Verdugo Moreno
Czechia	Mr. Avtonomov
El Salvador	Mr. Calí Tzay
Iceland	Mr. Bossuyt
Ireland	Ms. Shepherd
Israel	Ms. Izsák-Ndiaye
Mexico	Mr. Albuquerque e Silva
Mongolia	Mr. Yeung Sik Yuen
Poland	Ms. McDougall
State of Palestine	Ms. Chung
Uzbekistan	Ms. Li

37. The concluding observations adopted by the Committee at those sessions are available from the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR) ([www.ohchr.org](http://www.ohchr.org)) and the Official Documents System of the United Nations (<http://documents.un.org>) under the symbols indicated above.

#### **IV. Follow-up to the consideration of reports submitted by States parties under article 9 of the Convention**

38. During the period under review, Mr. Kut served as Rapporteur for follow-up to the consideration of reports submitted by States parties.

39. At its sixty-sixth and sixty-eighth sessions, the Committee adopted terms of reference for the work of the Rapporteur for follow-up<sup>4</sup> and the guidelines on follow-up<sup>5</sup> to be sent to each State party together with the concluding observations.

40. At the 2802nd meeting (100th session), Mr. Kut presented a report to the Committee on his activities as Rapporteur.

41. At its 100th session, the Committee considered the follow-up reports of Belarus ([CERD/C/BLR/CO/20-23/Add.1](#)), Canada ([CERD/C/CAN/CO/21-23/Add.1](#)), Costa Rica ([CERD/C/CRI/CO/19-22/Add.1](#)), the Russian Federation ([CERD/C/RUS/CO/23-24/Add.1](#)) and Sweden ([CERD/C/SWE/CO/22-23/Add.1](#)).

42. The Committee continued the constructive dialogue with those States parties by transmitting comments and requesting further information. The Committee also transmitted reminder letters to States parties with overdue follow-up reports.

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<sup>4</sup> For the terms of reference, see *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18 (A/60/18)*, annex IV.

<sup>5</sup> For the text of the guidelines, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 18 (A/61/18)*, annex VI.

## V. Consideration of communications received under article 11 of the Convention

43. Under article 11 of the Convention, if a State party considers that another State party is not giving effect to the provisions of the Convention, it may bring the matter to the attention of the Committee, by submitting a communication. In 2018, the Committee received the first three such inter-State communications. It was agreed that the Committee's working group on individual communications would also deal with inter-State communications.<sup>6</sup> During the ninety-ninth and 100th sessions of the Committee, the Working Group comprised the following members.

*Coordinator:* Marc Bossuyt  
*Members:* Silvio José Albuquerque e Silva  
 Alexei S. Avtonomov  
 Keiko Ko  
 Yeung Kam John Yeung Sik Yuen

44. During the Committee's special meeting held on 17 June 2020, as a result of the COVID-19 pandemic, and in accordance with rule 3 (1) of the rules of procedure, the Committee appointed the new members of the Committee's Working Group on communications. Its composition is as follows:

*Coordinator:* Yeung Kam John Yeung Sik Yuen  
*Members:* Silvio José Albuquerque e Silva  
 Rita Izsák-Ndiaye  
 Keiko Ko  
 Stamatia Stavrinaki

45. During its ninety-ninth session, the Committee adopted four decisions,<sup>7</sup> which concerned two different inter-State communications submitted by Qatar: one against Saudi Arabia, and one against the United Arab Emirates. In both cases, after having received written submissions and oral statements from the States parties' representatives, the Committee decided that it had jurisdiction. It also decided that the two communications submitted by Qatar were admissible. The Committee requested its Chair to appoint, in accordance with article 12 (1) of the Convention, the members of ad hoc conciliation commissions, which should make their good offices available to the States parties concerned with a view to amicable solutions based on the States parties' compliance with the Convention. As a follow-up to the Committee's admissibility decisions, and in compliance with article 12 (1) (a) of the Convention, following consultations with the States parties concerned, the Chair appointed the members of the two ad hoc conciliation commissions tasked with finding amicable solutions to the matters. The Commission on the case *Qatar v. Saudi Arabia* is composed of: Marc Bossuyt (Belgium), Chinsung Chung (Republic of Korea), Makane Moïse Mbengue (Senegal), Monica Pinto (Argentina) and Verene Albertha Shepherd (Jamaica). The members of the Commission on the case *Qatar v. United Arab Emirates* are: Sarah Cleveland (United States), Chiara Georgetti (Italy), Bernardo Sepulveda-Amor (Mexico), Maya Shali-Fadel (Algeria) and Yeung Kam John Yeung Sik Yuen (Mauritius).

46. During its 100th session, the Committee decided by a recorded vote of 10 to 3 that it has jurisdiction concerning the communication submitted by the State of Palestine against Israel, after having received written submissions and oral statements of both States parties' representatives, as per article 11 (5) of the Convention. Mr. Bossuyt, Ms. Ko and Ms. Verdugo Moreno voted against the decision. There were two abstentions (Ms. Li and Ms. Izsák-Ndiaye), one member did not participate in the vote (Mr. Cali Tzay) and two members were absent (Mr. Avtonomov and Mr. Albuquerque e Silva). The majority decision is available online.<sup>8</sup> Five members of the Committee, including those who voted against the

<sup>6</sup> A/74/18, para. 49.

<sup>7</sup> CERD/C/99/3 and CERD/C/99/4. See also [www.ohchr.org/Documents/HRBodies/CERD/CERD-C-99-5.pdf](http://www.ohchr.org/Documents/HRBodies/CERD/CERD-C-99-5.pdf) and [www.ohchr.org/Documents/HRBodies/CERD/CERD-C-99-6.pdf](http://www.ohchr.org/Documents/HRBodies/CERD/CERD-C-99-6.pdf).

<sup>8</sup> [www.ohchr.org/Documents/HRBodies/CERD/CERD-C-100-3.pdf](http://www.ohchr.org/Documents/HRBodies/CERD/CERD-C-100-3.pdf); [www.ohchr.org/Documents/HRBodies/CERD/CERD-C-100-4.pdf](http://www.ohchr.org/Documents/HRBodies/CERD/CERD-C-100-4.pdf); and [www.ohchr.org/Documents/HRBodies/CERD/CERD-C-100-5.pdf](http://www.ohchr.org/Documents/HRBodies/CERD/CERD-C-100-5.pdf).

decision and those who abstained, appended a joint dissenting opinion.<sup>9</sup> Mr. Avtonomov, who was absent during the vote, declared that he would have wished to join the dissenting opinion. It is now up to the Committee to take a decision on the admissibility of the communication.

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<sup>9</sup> [www.ohchr.org/Documents/HRBodies/CERD/CERD-C-100-5.pdf](http://www.ohchr.org/Documents/HRBodies/CERD/CERD-C-100-5.pdf) (p. 13).

## VI. Reprisals

47. During its 100th session, the Committee adopted guidelines on reprisals aiming at guiding the Committee in different steps of the consideration of cases of allegations of reprisals and follow-up to such cases, prepared by its focal point on reprisals. The guidelines are available on the Committee's webpage.<sup>10</sup>

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<sup>10</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fRLE%2f9029&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fRLE%2f9029&Lang=en).

## VII. States parties whose reports are seriously overdue

### A. Reports overdue by at least 10 years

48. As at 8 May 2020, the following States parties were at least 10 years late in the submission of their reports:

Sierra Leone	Fourth periodic report overdue since 1976
Liberia	Initial report overdue since 1977
Gambia	Second report overdue since 1982
Somalia	Fifth periodic report overdue since 1984
Papua New Guinea	Second periodic report overdue since 1985
Solomon Islands	Second periodic report overdue since 1985
Central African Republic	Eighth periodic report overdue since 1986
Seychelles	Sixth periodic report overdue since 1989
Saint Lucia	Initial report overdue since 1991
Malawi	Initial report overdue since 1997
Burundi	Eleventh periodic report overdue since 1998
Eswatini	Fifteenth periodic report overdue since 1998
Gabon	Tenth periodic report overdue since 1999
Guinea	Twelfth periodic report overdue since 2000
Haiti	Fourteenth periodic report overdue since 2000
Lesotho	Fifteenth periodic report overdue since 2000
Syrian Arab Republic	Sixteenth periodic report overdue since 2000
Zimbabwe	Fifth periodic report overdue since 2000
Tonga	Fifteenth periodic report overdue since 2001
Bangladesh	Twelfth periodic report overdue since 2002
Belize	Initial report overdue since 2002
Benin	Initial report overdue since 2002
Eritrea	Initial report overdue since 2002
Equatorial Guinea	Initial report overdue since 2003
San Marino	Initial report overdue since 2003
Timor-Leste	Initial report overdue since 2004
Trinidad and Tobago	Combined fifteenth and sixteenth periodic reports overdue since 2004
Comoros	Initial report overdue since 2005
Mali	Combined fifteenth and sixteenth periodic reports overdue since 2005
Uganda	Combined eleventh to thirteenth periodic reports overdue since 2005
Bahamas	Combined fifteenth and sixteenth periodic reports overdue since 2006
Cabo Verde	Combined thirteenth and fourteenth periodic reports overdue since 2006

Côte d'Ivoire	Combined fifteenth to seventeenth periodic reports overdue since 2006
Ghana	Combined eighteenth and nineteenth periodic reports overdue since 2006
Libya	Combined eighteenth and nineteenth periodic reports overdue since 2006
Saint Vincent and the Grenadines	Combined eleventh to thirteenth periodic reports overdue since 2006
Barbados	Combined seventeenth and eighteenth periodic reports overdue since 2007
Saint Kitts and Nevis	Initial report overdue since 2007
United Republic of Tanzania	Combined seventeenth and eighteenth periodic reports overdue since 2007
Brazil	Combined eighteenth to twentieth periodic reports overdue since 2008
Guyana	Combined fifteenth and sixteenth periodic reports overdue since 2008
Madagascar	Combined nineteenth and twentieth periodic reports overdue since 2008
Nigeria	Combined nineteenth and twentieth periodic reports overdue since 2008

## **B. Reports overdue by at least five years**

49. As at 8 May 2020, the following States parties were at least five years late in the submission of their reports:

Antigua and Barbuda	Combined tenth and eleventh periodic reports overdue since 2009
India	Combined twentieth and twenty-first periodic reports overdue since 2010
Indonesia	Combined fourth to sixth periodic reports overdue since 2010
Mozambique	Combined thirteenth to seventeenth periodic reports overdue since 2010
Croatia	Combined ninth and tenth periodic reports overdue since 2011
Democratic Republic of the Congo	Combined sixteenth to eighteenth periodic reports overdue since 2011
Guinea-Bissau	Initial report overdue since 2011
Nicaragua	Combined fifteenth to seventeenth periodic reports overdue since 2011
Congo	Combined tenth and eleventh periodic reports overdue since 2012
Monaco	Combined seventh to ninth periodic reports overdue since 2012
Philippines	Combined twenty-first and twenty-second periodic reports overdue since 2012
Tunisia	Combined twentieth to twenty-second periodic reports overdue since 2012
Ethiopia	Combined seventeenth to eighteenth periodic reports overdue since 2013

Iran (Islamic Republic of)	Combined twentieth to twenty-second periodic reports overdue since 2013
Panama	Combined twenty-first to twenty-third periodic reports overdue since 2013
Yemen	Combined nineteenth to twentieth periodic reports overdue since 2013
Morocco	Combined nineteenth to twenty-first periodic reports overdue since 2014

### **C. Action taken by the Committee to ensure submission of reports by States parties**

50. Following the decision taken at its eighty-fifth session to adopt the simplified reporting procedure, the Committee sent a note verbale on 21 January 2015 to States parties whose periodic reports were overdue by more than 10 years, offering them the option to report under the new procedure. In a note verbale dated 30 June 2017, the Committee extended the simplified reporting procedure to all States whose periodic reports were overdue by more than five years. The total number of States parties concerned was therefore 65.

51. At its ninety-ninth session, the Committee discussed how best to support States parties whose reports were overdue in complying with their reporting obligations. Members suggested that the Committee should take a more proactive approach, including by sending biannual reminders to States parties, making further use of the review procedure and the simplified reporting procedure, and seeking bilateral meetings with representatives of the States parties concerned. The Committee also discussed whether it should allow all States parties to the Convention to report under the simplified reporting procedure, but it was decided to consider that matter further at a future session.

52. As at 8 May 2020, under the simplified reporting procedure, the Committee had received the second to sixteenth periodic reports submitted by Afghanistan, overdue since 1986, and the seventeenth to twenty-second periodic reports submitted by Botswana.

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## VIII. Consideration of communications under article 14 of the Convention

53. Under article 14 of the Convention, individuals or groups of individuals who claim that any of their rights under the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee for consideration. A total of 59 States parties have recognized the competence of the Committee to consider such communications.<sup>11</sup>

54. Consideration of communications under article 14 of the Convention takes place in closed meetings, in line with rule 88 of the Committee's rules of procedure. All documents pertaining to the work of the Committee under article 14 are confidential.

55. From 1984 to the time of adoption of the present report, the Committee had registered 70 complaints concerning 17 States parties. Of those, 3 communications were declared admissible, 19 were declared inadmissible and 2 communications were discontinued. The Committee adopted final decisions on the merits of 36 complaints, and declared and found violations of the Convention in 20 of them. Twelve communications were pending consideration.

56. At its 100th session, the Committee considered communication No. 61/2017 (*Yaku Pérez Guartambel v. Ecuador*)<sup>12</sup> and declared it admissible.

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<sup>11</sup> Information on the declarations can be found at <https://treaties.un.org/>.

<sup>12</sup> CERD/C/100/D/61/2017.

## IX. Follow-up to individual communications

57. At its sixty-seventh session, the Committee decided to establish a procedure to follow up on its opinions and recommendations adopted following the examination of communications under article 14 of the Convention.<sup>13</sup>

58. At the same session, the Committee decided to add two paragraphs to its rules of procedure, setting out details of the procedure.<sup>14</sup> The Rapporteur for follow-up to opinions regularly presents a report to the Committee with recommendations on further action to be taken. These recommendations, which are annexed to the Committee's annual reports to the General Assembly, reflect the cases in which the Committee found violations of the Convention or provided recommendations (see annex I).

59. The table below provides an overview of follow-up replies received from States parties. Wherever possible, it indicates whether follow-up replies are or have been considered satisfactory or unsatisfactory, or whether the dialogue between the State party and the Rapporteur for follow-up continues. In general, replies may be considered satisfactory if they reveal a willingness by the State party to implement the Committee's recommendations or to offer an appropriate remedy to the complainant. Replies that do not address the Committee's recommendations or relate only to certain aspects of the recommendations are considered unsatisfactory.

60. At the time of adoption of the present report, the Committee had adopted final opinions on the merits with respect to 36 complaints and found violations of the Convention in 20 cases. In 10 cases, the Committee provided suggestions or recommendations although it did not establish a violation of the Convention.

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<sup>13</sup> See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18 (A/60/18)*, annex IV, sect. I.

<sup>14</sup> *Ibid.*, annex IV, sect. II.

**Follow-up information received to date for all cases of violations of the Convention  
in which the Committee provided suggestions or recommendations**

<i>State party and number of cases with violation</i>	<i>Communication number and author</i>	<i>Follow-up response received from State party</i>	<i>Satisfactory response</i>	<i>Unsatisfactory or incomplete response</i>	<i>No follow-up response received</i>	<i>Follow-up dialogue ongoing</i>
Denmark (7)	10/1997, Ziad Ben Ahmed Habassi	X (A/61/18)	X			
	16/1999, Kashif Ahmad	X (A/61/18)	X			
	34/2004, Hassan Gelle	X (A/62/18)	X			
	40/2007, Murat Er	X (A/63/18)		X incomplete		
	43/2008, Saada Mohamad Adan	X (A/66/18) 6 December 2010 28 June 2011	X partly satisfactory	X partly unsatisfactory		
	46/2009, Mahali Dawas and Yousef Shava	X (A/69/18) 18 June 2012 29 August 2012 20 December 2013 19 December 2014	X partly satisfactory			X
	58/2016, S.A.	X (A/74/18) 5 April 2019	X partly satisfactory			X
France (1)	52/2012, Laurent Gabre Gabaroum	X (A/72/18) 23 November 2016		X partly satisfactory		X
Germany (1)	48/2010, TBB-Turkish Union Berlin/Brandenburg	X (A/70/18) 1 July 2013 29 August 2013 17 September 2014 3 February 2015				X
Netherlands (2)	1/1984, A. Yilmaz-Dogan				X	
	4/1991, L.K.				X	
Norway (1)	30/2003, The Jewish Community of Oslo	X (A/62/18)			X	
Republic of Korea (1)	51/2012, L.G.	X (A/71/18) 9 December 2016		X partly satisfactory		
Republic of Moldova (1)	57/2015, Salifou Belemvire	X (A/73/18) 27 March 2018		X partly satisfactory		X
Serbia and Montenegro (1)	29/2003, Dragan Durmic	X (A/62/18)				X
Slovakia (3)	13/1998, Anna Koptova	X (A/61/18, A/62/18)				X
	31/2003, L.R. et al.	X (A/61/18, A/62/18)				X
	56/2014, V.S.	X (A/71/18) 9 March 2016		X unsatisfactory		X

## **X. Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference**

61. The Committee considered the question of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference at its ninety-ninth and 100th sessions.

62. Ms. McDougall participated in an event organized by the Anti-Racial Discrimination Section of OHCHR, which was held in Geneva, and discussed the situation of indigenous peoples and how to make efficient use of the concluding observations at the regional level. The National Human Rights Committee of Qatar in cooperation with the United Nations High Commissioner for Human Rights, the European Parliament, the International Federation of Journalists and the Global Alliance of National Human Rights Institutions organized an international conference on the theme “Social media: challenges and ways to promote freedoms and protect activists”, which was held in Doha on 16 and 17 February 2020. Ms. Izsák-Ndiaye was invited and gave a speech on the search for common values, multilateralism and its current challenges in the context of hate speech and content regulation.

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## **XI. Preparation of a general recommendation on preventing and combating racial profiling**

63. In regards to its work on the general recommendation on preventing and combating racial profiling, the Committee received numerous contributions from States parties, national human rights institutions, regional organizations, non-governmental organizations and academia. At its ninety-ninth and 100th sessions, the Committee pursued its work on the general recommendation and considered drafts prepared by its Rapporteur, Mr. Murillo Martínez. The Committee also heard from several experts in the field of artificial intelligence and from other institutional stakeholders.

64. During the Committee's virtual meeting held on 17 June 2020, as a result of the COVID-19 pandemic, and in accordance with rule 3 (1) of its rules of procedure, the Committee appointed Ms. Shepherd as its new Rapporteur for the general recommendation on preventing and combating racial profiling.

## **XII. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention**

65. Article 15 of the Convention empowers the Committee to consider copies of petitions, reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, as transmitted to it by the competent bodies of the United Nations, and to submit to the General Assembly its expressions of opinion and recommendations in this regard.

66. Accordingly, and at the request of the Committee, Ms. Shepherd examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 2018 and 2019<sup>15</sup> and copies of the working papers on the 17 territories<sup>16</sup> prepared by the Secretariat for the Special Committee and the Trusteeship Council (see [CERD/C/98/3](#)) and presented her report to the Committee at its ninety-ninth session, on 28 August 2019.

67. The Committee noted that it remains difficult for it to monitor fully the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Non-Self-Governing Territories. Nevertheless, the Committee took note of a number of human rights issues arising in these territories, which hinder the full enjoyment of all rights under the Convention, especially in the administrative, legislative, judicial and socioeconomic spheres. The Committee will raise such issues with States parties administering these territories during its consideration of their reports submitted under the Convention. The Committee expressed appreciation that most administering powers have committed to ensuring the human rights of the populations within their jurisdictions, especially their right to self-determination, and would urge immediate attention where these rights are infringed.

68. The Committee reiterated that the right to self-determination is an inalienable right of the people in non-self-governing territories, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and remains the fundamental principle with regard to decolonization. It called on the administrative powers to intensify their efforts to address the socioeconomic inequalities in Non-Self-Governing Territories of which petitioners complained.

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<sup>15</sup> *Official Records of the General Assembly, Seventy-Third Session, Supplement No. 23 (A/73/23); Official Records of the General Assembly, Seventy-Fourth Session, Supplement No. 23 (A/74/23).*

<sup>16</sup> American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas), French Polynesia, Gibraltar, Guam, Montserrat, New Caledonia, Pitcairn, Saint Helena, Tokelau, Turks and Caicos Islands, United States Virgin Islands and Western Sahara.

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### **XIII. Discussions on the treaty body strengthening process**

69. At its ninety-ninth session, the Committee considered the various recommendations made in General Assembly resolution 68/268 of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system. In particular, the Committee discussed the outcome of the thirty-first annual meeting of the Chairpersons of Human Rights Treaty Bodies, held in New York in June 2019, and how it relates to the future of the treaty body strengthening process. Committee members agreed that most of the recommendations contained in the outcome document were already part of the working methods of the Committee, including proposals on the format of the dialogue, the periodicity of the review of States parties, the format of the follow-up procedure or the interaction with stakeholders. The Committee decided to further consider that matter at its future sessions.

## Annex

### Follow-up information provided in relation to cases in which the Committee adopted recommendations

1. The present annex contains a compilation of information received on follow-up to individual communications since the previous annual report (A/74/18), as well as any decisions made by the Committee on the nature of those responses.

#### Republic of Korea

L.G., opinion No. 51/2012, adopted on 1 May 2015

##### Issues and violations found

2. The issue before the Committee was the failure to effectively protect the petitioner from an alleged act of racial discrimination. It found that, as a result of the implementation of a policy of mandatory testing for HIV/AIDS and illegal drugs only among foreign teachers who were native speakers of English, the petitioner's right to work was violated (art. 5 (e) (i)), depriving her of her right to effective protection from and remedies for the reported act of racial discrimination (art. 6). In addition, the State party had failed to take effective measures to review governmental policies, to amend, rescind or nullify laws or regulations that perpetuated racial discrimination and to prohibit and bring to an end, by all appropriate means, racial discrimination, in violation of article 2 (1) (c) of the Convention.

##### Remedy recommended

3. The Committee recommended that the State party grant the petitioner adequate compensation for the moral and material damages caused, including compensation for the wages lost during the year she was prevented from working. It also recommended that the State party take the appropriate measures to review regulations and policies relating to the employment of foreigners and that it abolish, both in law and in practice, any piece of legislation, regulation, policy or measure that had the effect of creating or perpetuating racial discrimination. The Committee further recommended that the State party counter the stereotyping and stigmatizing of foreigners by public officials, the media and the public at large and requested the State party to widely disseminate the Committee's opinion.

##### Initial or periodic reports examined since the adoption of the opinion

4. The State party's combined seventeenth to nineteenth periodic reports were examined by the Committee at its ninety-seventh session, held in December 2018.

##### Previous follow-up information

5. Previous follow-up information is contained in [A/71/18](#) and [A/73/18](#).

##### Petitioner's further comments

6. On 21 March 2020, the petitioner informed the Committee that the State party had provided the petitioner with compensation as recommended in the Committee's opinion, which indicated that the petitioner should be granted adequate compensation for the moral and material damages caused by the violations of the Convention, including compensation for the wages lost during the year in which she was prevented from working. The petitioner received the compensation in January 2020, following a court decision of November 2019.

7. The petitioner indicates that, taking into account that the mandatory HIV test has been eliminated and that the petitioner has received compensation, the only pending issue addressed in the Committee's opinion is the elimination of the mandatory drugs test for foreign language teachers, as they continue to be subjected to it, while their Korean colleagues are able to avoid them.

**Reply from the State party**

8. A reply from the State party is pending.

**Proposed further action or Committee's decision**

9. The dialogue is ongoing.
-