



United Nations

Report of the Committee on the Elimination of Racial Discrimination

**Ninety-sixth session
(6–30 August 2018)**

**Ninety-seventh session
(26 November–14 December 2018)**

**Ninety-eighth session
(23 April–10 May 2019)**

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

GE.19-14322(E)



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United Nations • New York, 2019

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Letter of transmittal

5 August 2019

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-sixth, ninety-seventh and ninety-eighth sessions of the Committee, held from 6 to 30 August 2018, 26 November to 14 December 2018 and 23 April to 10 May 2019 respectively.

The International Convention on the Elimination of All Forms of Racial Discrimination, which has now been ratified by 181 States, constitutes the normative basis upon which international efforts to eliminate racial discrimination should be built.

During its ninety-sixth, ninety-seventh and ninety-eighth 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). Furthermore, the Committee examined information submitted by several States parties under its procedure for follow-up to the consideration of reports (see chap. IV). It also undertook other activities, including holding a meeting with States parties at the ninety-seventh session and launching the process of preparing a general recommendation on preventing and combating racial profiling at the ninety-seventh and ninety-eighth sessions. The Committee 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 Chair, on behalf of the Committee, was invited by the President of the General Assembly to address the commemorative plenary meeting of the General Assembly to mark the International Day for the Elimination of Racial Discrimination, which was held in New York on 25 March 2019 and focused on mitigation and countering of rising nationalist populism and extreme supremacist ideologies.

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 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. 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) Nourredine **Amir**
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 10 May 2019, by the closing date of the ninety-eighth session of the Committee on the Elimination of Racial Discrimination, there were 181 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in 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, Dominica and the Marshall Islands acceded to the Convention.

2. By the closing date of the ninety-eighth session, 58 of the 181 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. 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. Forty-nine 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.

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/Treaties.aspx?id=4&subid=A&lang=en>).

B. Sessions and agendas

5. The Committee held three sessions during the period under review. The ninety-sixth session (2645th–2679th meetings), the ninety-seventh session (2680th–2709th meetings) and the ninety-eighth session (2710th–2737th meetings) were held at the United Nations Office at Geneva from 6 to 30 August 2018, 26 November to 14 December 2018 and 23 April to 10 May 2019 respectively.

6. The provisional agendas of the ninety-sixth and ninety-eighth sessions were adopted by the Committee without revision (see [CERD/C/96/1](#) and [CERD/C/98/1](#)). A revision of the agenda of the ninety-seventh session ([CERD/C/97/1](#)) was announced at the opening of the session.

C. Membership

7. The list of members of the Committee during the ninety-sixth and ninety-seventh 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
Noureddine Amir	Algeria	2022
Alexei S. Avtonomov	Russian Federation	2020
Marc Bossuyt	Belgium	2022

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

8. In a letter dated 3 February 2019, Mr. Marugán informed the Committee of his decision to resign as a member of the Committee. In a letter dated 8 April 2019, the Government of Spain appointed María Teresa Verdugo Moreno to serve the remainder of Mr. Marugán's term of office, expiring on 19 January 2020. Ms. Verdugo Moreno made her solemn declaration at the ninety-eighth session of the Committee.

D. Officers of the Committee

9. During the period under review, the Bureau of the Committee comprised the following Committee members, who were elected to serve a two-year term (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

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

10. 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,¹ both organizations were invited to attend the sessions of the Committee. Consistent with the Committee's recent practice, the

¹ See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718)*, chap. IX, sect. B.

Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund were also invited to attend.

11. During the Committee's ninety-eighth 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.

F. Other matters

12. During its ninety-seventh session, the Committee met with the Working Group of Experts on People of African Descent to exchange views and information on issues of common interest.

13. During its ninety-eighth session, the Committee met with the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action to exchange views on matters of common interest.

14. The United Nations High Commissioner for Human Rights addressed the Committee on 7 May 2019, during its ninety-eighth session.

G. Adoption of the report

15. At its 2738th meeting (ninety-ninth session), the Committee adopted its annual report to the General Assembly.

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

16. 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 2007.²

17. The Committee's working group on early warning and urgent action was established at the sixty-fifth session of the Committee, in August 2004. Following the resignation of Mr. Marugán from the Committee, on 3 February 2019, the composition of the working group as of the ninety-eighth session is as follows:

Coordinator: José Francisco Calí Tzay

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

Consideration of situations under the early warning and urgent action procedures

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

19. In the light of a reply received from the Government of India, dated 16 July 2018, to the Committee's previous letter, dated 17 May 2018, concerning alleged attacks against students of Kashmiri origin and of African origin, the Committee, in a letter dated 30 August 2018, noted the information provided by the State party and requested further information on measures taken to investigate such acts, prosecute and sanction those responsible and provide victims with reparation.

20. On 30 August 2018, the Committee sent a letter to the Government of the Philippines noting the information provided by the State party in its letter, dated 6 August 2018, in which it had responded to the Committee's decision 1 (95) of 8 May 2018.³ That decision related to a court petition filed by the Philippines State Prosecutor, which contained a list of hundreds of individuals accused of being affiliated with alleged terrorist organizations, many of whom were indigenous leaders, human rights defenders and United Nations independent experts. In its letter, the Committee reiterated the concerns raised in its decision, and expressed regret at the absence of information on investigations, prosecutions and convictions in relation to the killings of human rights defenders.

21. On 30 August 2018, the Committee sent a letter to the Government of Ukraine concerning its new law on education, adopted in September 2017, which allegedly discriminated against some minorities. The Committee requested information on the discriminatory effects of the law, and on steps taken to preserve the linguistic rights of all minorities in the education system on an equal footing.

22. On 30 August 2018, the Committee sent a letter to the Government of the United States of America expressing its concern about the zero-tolerance policy on migration adopted in April 2018, which had a discriminatory effect on migrants and asylum seekers, especially those of indigenous origin, who had crossed the south-west border without documents. Among other issues, the Committee was concerned that the implementation of the zero-tolerance policy had resulted in situations that were not in conformity with the Convention and other relevant human rights standards. It requested information on steps

² See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 18 (A/62/18)*, annex III.

³ See *Official Records of the General Assembly, Seventy-third Session, Supplement No. 18 (A/73/18)*.

taken to ensure that all relevant minimum human rights standards were respected and that procedural guarantees were offered to all migrants and asylum seekers.

23. On 14 December 2018, the Committee sent a letter to the Government of Australia expressing its concern about allegations of a failure to consult and obtain the free, prior and informed consent of all members of the native title claimant groups of the Wangan and Jagalingou people regarding the Carmichael coal mine and rail project on their ancestral lands in Queensland. The Committee requested information on steps taken to ensure the right to consultation and to the requirement of free, prior and informed consent in accordance with the indigenous peoples' own decision-making mechanisms, and to consider suspending the project until their consent had been obtained.

24. On 14 December 2018, the Committee sent a letter to the Government of Canada raising its concern about allegations that the reform of the Department of Indian Affairs and Northern Development and the development of a "recognition and implementation of indigenous rights framework" had been carried out without consultation and without the free, prior and informed consent of indigenous peoples. The Committee requested information on steps taken to ensure respect for the right to consultation and to the requirement of free, prior and informed consent regarding the adoption of any new policy or institutional framework on indigenous peoples' rights in accordance with their own decision-making processes.

25. On 14 December 2018, the Committee sent a letter to the Government of Canada expressing its concern 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, which would permanently affect their land rights. The Committee requested information on steps taken to suspend the Site C dam project until free, prior and informed consent had been obtained from the indigenous peoples.

26. On 14 December 2018, the Committee sent a letter to the Government of Canada concerning the impact of the Trans Mountain Pipeline expansion project on the Secwepemc indigenous people's land, in British Columbia. The Committee noted that the State party had initiated renewed and open-ended consultations on the extension of that project, whose realization without free, prior and informed consent would permanently affect the land rights of the Secwepemc indigenous people. It requested information on steps taken to ensure respect for the Secwepemc people's right to consultation and to the requirement of free, prior and informed consent in relation to that project.

27. On 14 December 2018, the Committee sent a letter to the Government of France raising concern that the Montagne d'Or mining project was being carried out without consultation and without the free, prior and informed consent of the indigenous peoples of French Guiana, despite the project's adverse impact on indigenous peoples' control and use of their lands. The Committee requested information on measures taken to ensure the right to consultation and to the requirement of free, prior and informed consent, and to consider suspending the project until free, prior and informed consent had been obtained from all the indigenous peoples affected.

28. On 14 December 2018, the Committee sent a letter to the Government of Guyana raising its concern about allegations that the draft environmental and social impact assessment on the Marudi Mountain mining project had been carried out without the full participation of the Wapichan indigenous people. The Committee requested information on steps taken to repeal the draft environmental and social impact assessment, to conduct an environmental and social impact assessment with the full participation of all indigenous peoples affected by the mining project, and to suspend it until their free, prior and informed consent had been obtained.

29. On 14 December 2018, the Committee sent a letter to the Government of India expressing concern about allegations that the Rohingya had been a target of hate speech and violence in India and might have to return to Myanmar, where they faced discrimination, persecution and hatred and had suffered gross human rights violations. The Committee requested information on steps taken to ensure sufficient capacity to replace detention

camps with reception facilities, to provide adequate shelters, basic services and humanitarian assistance, and to fully comply with the obligation of non-refoulement.

30. On 14 December 2018, the Committee sent a letter to the Government of Papua New Guinea expressing its concern about allegations of the Government's continued authorization of the use of special agricultural business leases by foreign companies to occupy and use indigenous lands, including for the purposes of logging and large-scale plantation, despite their reportedly adverse impact on the traditional subsistence lifestyle of indigenous peoples and on the environment. The Committee requested information on steps taken to implement its recommendations contained in its previous letters.

31. On 10 May 2019, the Committee sent a letter to the Government of Brazil expressing its concern about the adverse effects of the construction of highways and railroads in the State of Mato Grosso on the Xavante and other indigenous peoples' rights. It also raised its concern about allegations of a lack of consultation and failure to seek to obtain the free, prior and informed consent of the affected indigenous peoples. In particular, the Committee requested information on steps taken to suspend the construction of the highways and similar projects on or near the traditional lands and territories until such free, prior and informed consent had been obtained.

32. On 10 May 2019, the Committee sent a letter to the Government of Cameroon noting that the State party had granted a special derogation to the company Palm Resources Cameroon for a long-term lease of forest land on the Bagyeli ancestral lands without consultation and without the free, prior and informed consent of the communities concerned. The Committee expressed concern about discriminatory provisions in the legislation of 1974 on land rights. It requested information on steps taken to ensure the right of those communities to consultation and to the requirement of free, prior and informed consent, and to consider providing them with immediate and comprehensive compensation and reparation and reviewing the 1974 legislation to ensure the recognition, protection and titling of indigenous peoples over their traditional lands.

33. In the light of a reply received from the Government of Canada, dated 17 April 2019, to the Committee's previous letter, dated 14 December 2018, the Committee, in a letter dated 10 May 2019, welcomed the information provided by the State party and expressed concern about allegations that the consultation process of the third phase of the Trans Mountain Pipeline expansion project had not been agreed by the Secwepemc indigenous people and had not included all the communities concerned. In particular, the Committee urged the State party to ensure that no decisions concerning that project were taken without the free, prior and informed consent of the Secwepemc indigenous people.

34. In the light of a reply received from the Government of Canada, dated 3 April 2019, to the Committee's previous letter, dated 14 December 2018, the Committee, in a letter dated 10 May 2019, welcomed the information provided by the State party and reiterated its concern about the limited information provided with regard to measures taken to obtain free, prior and informed consent on the indigenous rights framework and on the new rights-based policy to be launched in June 2019. The Committee urged the State party to ensure that no decisions about the indigenous rights framework or other such legislation were taken without consultation and without the free, prior and informed consent of indigenous peoples.

35. On 10 May 2019, the Committee sent a letter to the Government of Chile expressing its concern about allegations of the desecration of the sacred site of Chinay, located in Villarrica National Park, and about similar acts of desecration of indigenous peoples' sacred sites that had reportedly occurred in the territory of the State party. The Committee recalled its recommendations to the State party in paragraphs 11 and 13 of its previous concluding observations ([CERD/C/CHL/CO/19-21](#)), in 2013.

36. On 10 May 2019, the Committee sent a letter to the Government of India expressing concern that the draft national forest policy submitted for public consultation in March 2018 would have a negative impact on the right of indigenous peoples over their traditional lands and their right to effectively exercise control over community forest resources, notably by undermining their governing structure (*gram sabhas*). The Committee requested information on steps taken to annul the draft national forest policy, to ensure the rights of

indigenous peoples over their lands and territories, and to refrain from adopting any legislation and policies that undermined indigenous peoples' rights.

37. On 10 May 2019, the Committee sent a letter to the Government of Latvia expressing its concern that the new regulation No. 716 on preschool education, of 21 November 2018, might discriminate against ethnic minorities. The Committee recommended the State party to take measures to ensure that its language policy and laws did not create direct or indirect discrimination or restrict the rights of ethnic minorities to access to education, employment and basic services. It also recommended the State party to give further consideration to amending the Education Law, and requested information on steps taken to ensure that the new regulation No. 716 on preschool education was in conformity with the Convention.

38. On 10 May 2019, the Committee sent a letter to the Government of the United States raising its concern that the planned construction of a 30-metre telescope on Mauna Kea in the State of Hawaii might affect the rights of indigenous peoples over their ancestral lands. It also expressed concern about allegations of a lack of adequate consultation and failure to seek the free, prior and informed consent of indigenous peoples. The Committee requested information on the steps taken to ensure respect for the right to consultation and to the requirement of free, prior and informed consent of native Hawaiians affected by such projects on or near their ancestral lands and territories, and to consider suspending the 30-metre telescope project until their free, prior and informed consent had been obtained.

39. On 10 May 2019, the Committee sent a letter to the Government of the United States regarding the desecration of the Pu'uone sand dunes complex, a burial site of the Kanaka Maoli indigenous people in Central Maui in the State of Hawaii, which had reportedly been used for extractive activities over a period of years without the free, prior and informed consent of Kanaka Maoli and resulted in the removal of innumerable graves in the area. The Committee expressed concern that the legal framework established more complicated requirements for native Hawaiians than for the rest of the population to claim cultural descendancy with respect to a burial site. The Committee requested information on steps taken to ensure respect for the right to consultation and to the requirement of free, prior and informed consent to Kanaka Maoli indigenous people regarding current and future projects on their traditional lands and to review the existing legislation regarding burial sites.

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

40. At its ninety-sixth session, the Committee adopted concluding observations on seven States parties: Bosnia and Herzegovina (CERD/C/BIH/CO/12-13), China (including Hong Kong, China, and Macao, China) (CERD/C/CHN/CO/14-17), Cuba (CERD/C/CUB/CO/19-21), Japan (CERD/C/JPN/CO/10-11), Latvia (CERD/C/LVA/CO/6-12), Mauritius (CERD/C/MUS/CO/20-23 and Corr.1) and Montenegro (CERD/C/MNE/CO/4-6).

41. At its ninety-seventh session, the Committee adopted concluding observations on six States parties: Albania (CERD/C/ALB/CO/9-12), Honduras (CERD/C/HND/CO/6-8), Iraq (CERD/C/IRQ/CO/22-25), Norway (CERD/C/NOR/CO/23-24), Qatar (CERD/C/QAT/CO/17-21) and Republic of Korea (CERD/C/KOR/CO/17-19).

42. At its ninety-eighth session, the Committee adopted concluding observations on five States parties: Andorra (CERD/C/AND/CO/1-6), Guatemala (CERD/C/GTM/CO/16-17), Hungary (CERD/C/HUN/CO/18-25), Lithuania (CERD/C/LTU/CO/9-10) and Zambia (CERD/C/ZMB/CO/17-19).

43. The country rapporteurs were as follows:

Albania	Mr. Kut
Andorra	Mr. Diaby
Bosnia and Herzegovina	Ms. Shepherd
China (including Hong Kong, China, and Macao, China)	Mr. Marugán
Cuba	Mr. Albuquerque e Silva
Guatemala	Mr. Avtonomov
Hungary	Ms. Ko
Honduras	Mr. Murillo Martínez
Iraq	Mr. Avtonomov
Japan	Mr. Bossuyt
Latvia	Ms. Li
Lithuania	Ms. Li
Mauritius	Ms. Mohamed
Montenegro	Ms. Chung
Norway	Ms. Ko
Qatar	Ms. Dah
Republic of Korea	Ms. McDougall
Zambia	Ms. Shepherd

44. 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) 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

45. During the period under review, Mr. Kut served as coordinator on follow-up to the consideration of reports submitted by States parties.

46. Terms of reference for the work of the coordinator on follow-up⁴ and guidelines on follow-up⁵ to be sent to each State party together with the concluding observations of the Committee were adopted by the Committee at its sixty-sixth and sixty-eighth sessions respectively.

47. At the 2676th meeting (ninety-sixth session), the 2706th meeting (ninety-seventh session) and the 2736th meeting (ninety-eighth session), Mr. Kut presented a report to the Committee on his activities as coordinator.

48. At its ninety-sixth, ninety-seventh and ninety-eighth sessions, the Committee considered the follow-up reports of Armenia ([CERD/C/ARM/CO/7-11/Add.1](#)), Australia ([CERD/C/AUS/CO/18-20/Add.1](#)), Bulgaria ([CERD/C/BGR/CO/20-22/Add.1](#)), Cyprus ([CERD/C/CYP/CO/23-24/Add.1](#)), Ecuador ([CERD/C/ECU/CO/23-24/Add.1](#)), Finland ([CERD/C/FIN/CO/23/Add.1](#)), Kuwait ([CERD/C/KWT/CO/21-24/Add.1](#)), New Zealand ([CERD/C/NZL/CO/21-22/Add.1](#)), Pakistan ([CERD/C/PAK/CO/21-23/Add.1](#)), the Republic of Moldova ([CERD/C/MDA/CO/10-11/Add.1](#)), Serbia ([CERD/C/SRB/CO/2-5/Add.1](#)), Tajikistan ([CERD/C/TJK/CO/9-11/Add.1](#)) and Uruguay ([CERD/C/URY/CO/21-23/Add.1](#)). It continued the constructive dialogue with those States parties by transmitting comments and requesting further information.

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

⁵ 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

49. 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. The composition of the working group was as follows:

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

50. During its ninety-sixth session, the Committee issued an information note on the inter-State communications submitted in 2018, by Qatar against Saudi Arabia, Qatar against the United Arab Emirates, and the State of Palestine against Israel respectively.⁶ In that note, the Committee recalled that in May 2018, it had decided to request the Secretary-General to transmit the three communications to the three States parties concerned, in accordance with article 11 (1) of the Convention.⁷ The Committee indicated that the United Arab Emirates and Israel had submitted their responses to the Committee within the deadline of three months, and the Committee had agreed to transmit them to the applicant States. The Committee had also granted a request from Saudi Arabia for an extension, and agreed that it would transmit any response to Qatar upon receipt. The Committee noted that if any of the States referred the matter again to the Committee before 8 November 2018, it would have to consider the admissibility of the communication. However, in view of the procedures required under articles 11 and 12 of the Convention, the Committee would not be in a position to deal with preliminary issues such as jurisdiction and admissibility of the communications until its ninety-eighth session.

51. On 29 October 2018, Qatar referred both matters again to the Committee, in accordance to article 11 (2) of the Convention, and these submissions have been transmitted to Saudi Arabia and the United Arab Emirates. On 7 November 2018, the State of Palestine referred the matter again to the Committee, and this submission has been transmitted to Israel.

52. On 14 December 2018 (ninety-seventh session), the Committee agreed to examine all preliminary questions at its ninety-eighth session, with the participation, without voting rights, of one representative of each of the States parties concerned, in accordance with article 11 (5) of the Convention.

53. During its ninety-eighth session, the Committee adopted rules of procedure specific to its hearings of States as part of its consideration of inter-State communications (see annex II), for inclusion in a future revision of the Committee's rules of procedure. The Committee held hearings with the representatives of Qatar, Saudi Arabia and the United Arab Emirates and the State of Palestine,⁸ during which each State party presented its views regarding the relevant inter-State communications, and replied to the arguments presented by the other party. Immediately after the session, the Committee informed the States parties

⁶ OHCHR, "CERD information note on inter-State communications", 30 August 2018. For further information, see www.ohchr.org/EN/HRBodies/CERD/Pages/InterstateCommunications.aspx.

⁷ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 18 (A/73/18)*, para. 34.

⁸ On 23 April and 1 May 2019, Israel informed the Committee that it was not in a position to attend the hearing scheduled during the ninety-eighth session: it could not participate in such a hearing jointly with the representative of the "Palestinian entity", as it considered that no treaty relations under the Convention existed between Israel and the "Palestinian entity". Israel indicated that it was ready to engage with the Committee on the matter of jurisdiction through written communications.

concerned that, following the hearings, it had continued its examination of the inter-State communications and concluded that additional research and meeting time would be necessary to address some of the issues raised, in order for it to adopt a decision. It therefore decided to continue the proceedings during its ninety-ninth session.

VI. Reprisals

54. During its ninety-sixth session, the Committee received allegations of reprisals against two human rights defenders who had been prepared to cooperate with the Committee in the context of its consideration in August 2018 of the nineteenth to twenty-first periodic reports submitted by Cuba ([CERD/C/CUB/19-21](#)). The Committee's focal point on reprisals, Mr. Calí Tzay, together with the Chair of the Committee, sent a letter to the State party seeking information on the allegations. On 8 October 2018, the Committee received a reply from the State party, which it will consider at its ninety-ninth session.

VII. States parties whose reports are seriously overdue

A. Reports overdue by at least 10 years

55. As at 10 May 2019, 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
Afghanistan	Second 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
Eswatini	Fifteenth periodic report overdue since 1998
Burundi	Eleventh periodic report overdue since 1998
Gabon	Tenth periodic report overdue since 1999
Haiti	Fourteenth periodic report overdue since 2000
Guinea	Twelfth periodic report overdue since 2000
Syrian Arab Republic	Sixteenth periodic report overdue since 2000
Zimbabwe	Fifth periodic report overdue since 2000
Lesotho	Fifteenth periodic report overdue since 2000
Tonga	Fifteenth periodic report overdue since 2001
Bangladesh	Twelfth periodic report overdue since 2002
Eritrea	Initial report overdue since 2002
Belize	Initial report overdue since 2002
Benin	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
Uganda	Combined eleventh to thirteenth periodic reports overdue since 2005
Mali	Combined fifteenth and sixteenth periodic reports overdue since 2005
Ghana	Combined eighteenth and nineteenth periodic reports overdue since 2006

Libya	Combined eighteenth and nineteenth periodic reports overdue since 2006
Côte d'Ivoire	Combined fifteenth to seventeenth periodic reports overdue since 2006
Bahamas	Combined fifteenth and sixteenth periodic reports overdue since 2006
Cabo Verde	Combined thirteenth and fourteenth 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
Guyana	Combined fifteenth and sixteenth periodic reports overdue since 2008
Brazil	Combined eighteenth to twentieth 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

56. As at 10 May 2019, the following States parties were at least five years late in the submission of their reports:

Botswana	Combined seventeenth and eighteenth periodic reports overdue since 2009
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
Democratic Republic of the Congo	Combined sixteenth to eighteenth periodic reports overdue since 2011
Guinea-Bissau	Initial report overdue since 2011
Croatia	Combined ninth and tenth periodic reports overdue since 2011
Nicaragua	Combined fifteenth to seventeenth periodic reports overdue since 2011
Congo	Combined tenth and eleventh 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
Monaco	Combined seventh to ninth periodic reports overdue since 2012
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
Ethiopia	Combined seventeenth to eighteenth 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

57. 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.

58. At its ninety-seventh 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.

59. As at 10 May 2019, under the simplified reporting procedure, the Committee had received the eighth to fourteenth periodic reports submitted by Bahrain, overdue since 2007, and the eighteenth to twenty-fifth reports submitted by Hungary, overdue since 2004.

VIII. Consideration of communications under article 14 of the Convention

60. 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 58 States parties have recognized the competence of the Committee to consider such communications.⁹

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

62. At the time of adoption of the present report the Committee had registered, since 1984, 67 complaints concerning 16 States parties. Of those, 2 complaints were discontinued, 19 were declared inadmissible and 2 were declared admissible. The Committee adopted final decisions on the merits of 36 complaints, and declared and found violations of the Convention in 20 of them. Ten complaints were pending consideration.

63. At its ninety-seventh session, the Committee considered communication No. 58/2016 (*S.A. v. Denmark*). The communication had been submitted by S.A., originally from Bosnia and Herzegovina, who had acquired Danish citizenship in 2002 and currently resided in Denmark. He claimed to be a victim of a violation by Denmark¹⁰ of his rights under articles 2 (1) (c), 5 and 6 of the Convention. He alleged that the authorities had violated his rights under those articles when he had requested social assistance, in July 2009, and had been advised to apply for dispensation at the immigration authorities for his right to reside in Denmark. In August 2010, the petitioner had submitted a complaint to the Board of Equal Treatment, which had granted him compensation of 2,000 DKr (approximately US\$ 330). The petitioner had later appealed the decision, claiming that the compensation was too low. The decision had been maintained by the district court and the high court. The latter had ordered the petitioner to cover the costs of the proceedings amounting to 25,000 DKr (approximately US\$ 4,200).

64. The Committee considered that the petitioner's claims under article 2 (1) (c) of the Convention were inadmissible under article 14 of the Convention. It observed that the communication raised issues under articles 5 and 6 of the Convention and therefore declared admissible that section of the communication.

65. The Committee considered that the decisions of the authorities denying that the petitioner had Danish nationality amounted to a violation of his rights under article 5 (d) (iii) of the Convention. The Committee further concluded that the compensation received by the petitioner did not comply with article 6 of the Convention. In addition, the Committee considered that asking the petitioner to pay a large amount to cover the legal costs of the court proceedings constituted a sanction against a person who had been the victim of racial discrimination and who was merely seeking adequate compensation. It therefore considered that article 6 of the Convention had been violated.

⁹ Information on the declarations can be found at <https://treaties.un.org/>.

¹⁰ Denmark ratified the Convention on 9 December 1971 and made the declaration under article 14 on 11 October 1985.

IX. Follow-up to individual communications

66. 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. It decided to add two paragraphs to its rules of procedure setting out details of the procedure.¹¹ The Rapporteur for follow-up on 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 suggestions or recommendations (see annex I).

67. 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 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.

68. 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 recommendations although it did not establish a violation of the Convention.

¹¹ See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18 (A/60/18)*, 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 of violations</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 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	X

<i>State party and number of cases of violations</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>
Republic of Korea (1)	51/2012, L.G.	X (A/71/18) 9 December 2016		X partly satisfactory		X
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

69. 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-seventh and ninety-eighth sessions.

70. The Chair of the Committee participated in and delivered a statement at an event organized by the Working Group of Experts on People of African Descent entitled “Towards a declaration on the promotion and respect of the rights of people of African descent”, held on 29 October 2018 in New York. Ms. Shepherd participated in a number of events, notably as a panellist on the theme of data collection and social and racial justice at the twenty-fourth session of the Working Group of Experts on People of African Descent, held on 28 March 2019, and at a discussion on the Permanent Forum on People of African Descent, held on 10 May 2019, both in Geneva.

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

71. In follow-up to the half-day thematic discussion that it had held on 27 November 2017 (ninety-fourth session) on the theme “Racial discrimination in today's world: racial profiling, ethnic cleansing and current global issues and challenges”, the Committee decided at its ninety-seventh session to develop a general recommendation on preventing and combating racial profiling. It appointed Mr. Murillo Martínez as rapporteur for the general recommendation, and established an informal open-ended drafting group to assist him.

72. At its ninety-eighth session, the Committee adopted an initial draft of the general recommendation, and decided to share it with stakeholders and call for their contributions. The Committee also decided to pursue the drafting process at future sessions, in particular at its ninety-ninth and 100th sessions.

XII. Sixth informal meeting with States parties

73. On 7 December 2018, the Committee held its sixth informal meeting with States parties to the Convention. Representatives of 61 States parties attended. At the meeting, views were exchanged on the following three issues: (a) the review of the human rights treaties bodies system under to paragraph 41 of General Assembly resolution 68/268 of 9 April 2014; (b) steps taken by States parties to implement the Committee's recommendations; and (c) new manifestations of racism and the resurgence of extremism that triggers racial discrimination, and possible measures to counter them (see [CERD/C/SR.2698](#)).

XIII. Discussions on the treaty body strengthening process

74. At its ninety-sixth session, the Committee considered the various recommendations made in the General Assembly resolution 68/268 of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system, and appointed Mr. Albuquerque e Silva as focal point to follow up on the issue.

75. At its ninety-seventh session, the Committee discussed how it could contribute fully to the process of reviewing the treaty body system. Upon the resignation of Mr. Albuquerque e Silva as focal point, the Committee appointed Mr. Avtonomov and Ms. Chung as focal points.

76. At the Committee's ninety-eighth session, the two focal points presented proposals for a position paper for the Committee, which formed the basis for the Committee's views regarding the review of the treaty body system.

Annex I

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,¹² as well as any decisions made by the Committee on the nature of those responses.

France

Gabre Gabaroum, opinion No. 52/2012, adopted on 10 May 2016

Issues and violations found

2. The issue was the failure to take effective measures to counter a company's practice of stigmatizing and stereotyping French nationals of African origin on the basis of their colour or their national, ethnic or racial origin. The Committee found a violation of article 2 of the Convention. It also considered that the State party had violated article 6, as the domestic courts had persisted in requiring the petitioner to prove discriminatory intent, which ran counter to the Convention's prohibition against all behaviour having a discriminatory effect and counter to the procedure for the reversal of the burden of proof provided for under national legislation (art. L-1134-1 of the Labour Code).

Remedy recommended

3. The Committee recommended that the State party take steps to ensure that the principle of reversal of the burden of proof was fully observed by: (a) enhancing the judicial procedures available to victims of racial discrimination by, inter alia, rigorously applying the principle of reversal of the burden of proof and (b) disseminating clear information about domestic remedies available to presumed victims of racial discrimination. The State party was also requested to widely disseminate the opinion of the Committee, in particular among judiciary officials.

Initial or periodic reports examined since the adoption of the opinion

4. No periodic reports of the State party have been examined by the Committee since the adoption of the opinion.

Previous follow-up information

5. The previous follow-up information was published in [A/72/18](#) and [A/73/18](#).

Petitioner's additional comments

6. On 6 August and 25 October 2018, the Committee received from the petitioner a copy of the correspondence that he had exchanged with Renault, his former employer. In his letters addressed to the company, dated 13 July and 22 October 2018, he requested the company to pay him compensation based on the opinion issued by the Committee. The company replied to the petitioner by letters dated 19 July and 2 October 2018, indicating that the Committee's opinion did not provide any legal basis for compensation. The company also indicated that the Committee's opinion could not be used against Renault, as Renault had not taken part in the proceedings before the Committee. On 4 June 2019, the petitioner informed the Committee that his retirement date was 11 August 2020. He also indicated that, given that the opinion adopted by the Committee was imprescriptible, he was

¹² *Official Records of the General Assembly, Seventy-third Session, Supplement No. 18 (A/73/18)*.

ready to meet the representatives of the company or the State party in order to receive economic reparation.

7. On 6 December 2018 and 8 January 2019, the petitioner informed the Committee that he had carried out a hunger strike from 8 to 10 December 2018, in front of St. Peter's Basilica in Rome, the aim of which had been to raise awareness of his struggle. He indicated that he had informed the Ambassador of France to the Holy See, as well as the authorities of the Vatican City, about the purpose of his hunger strike, and had issued a press release. He further indicated that he was open to establishing a dialogue with the relevant authorities, so as to obtain compensation. He considered that his pension, due in March 2019, should take account of such compensation.

8. In this regard, the Committee notes that in its opinion adopted on 10 May 2016, no economic reparations were recommended for the petitioner.

Reply from the State party

9. The reply from the State party is pending.

Proposed further action or Committee's decision

10. The dialogue is ongoing.

Denmark

S.A., decision No. 58/2016, adopted on 13 December 2018

Issues and violations found

11. The issue was to establish whether the State party had fulfilled its obligation, under article 6 of the Convention, to ensure the petitioner's right to seek from the competent national tribunals and other State institutions just and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination. The Committee found a violation, concluding that the compensation received by the petitioner did not comply with article 6 of the Convention as it was not just and adequate and failed to rehabilitate the petitioner, taking into account that no judicial or administrative sanctions had been imposed on the perpetrators of a recognized act of racial discrimination. The Committee also considered that asking the petitioner to pay a large amount to cover the legal costs of the court proceedings constituted a sanction against a person who had been the victim of racial discrimination and who was merely seeking adequate compensation.

Remedy recommended

12. The Committee recommended that the State party review the amount of compensation provided to the petitioner, so as to render it just and adequate, bearing in mind the circumstances of the case. It also recommended that the decision ordering the petitioner to cover the legal costs of the proceedings be reviewed as to bring it in line with the principles of the Convention. The State party was also requested to give wide publicity to the Committee's opinion, including among administrative and judicial bodies and other relevant authorities, and to translate it into the official language of the State party.

Initial or periodic reports examined since the adoption of the decision

13. No periodic reports of the State party have been examined by the Committee since the adoption of the decision.

Previous follow-up information

14. There was no previous follow-up information.

State party's observations

15. On 5 April 2019, the State party submitted follow-up information to the Committee. It indicated that on 8 March 2019, the Board of Equal Treatment had decided that it would not reopen the petitioner's case with a view to reconsidering the amount of the compensation granted to him. The Board had not received a request from the petitioner to reopen the case. According to section 10 of the Act on the Board of Equal Treatment, cases before the Board could be opened only if special reasons made such action appropriate. The Board had concluded that, under that provision, it was not in a position to reopen the case on its own initiative.

16. The State party further indicated that, in order to ensure wide publicity, including among administrative and judicial bodies, it had made the Committee's opinion publicly available on the websites of the Board and of the Ministry of Foreign Affairs. In addition, a summary of the opinion would be included in the Board's 2019 report, which would be published on its website. The Committee's opinion had also been shared with the authorities involved in the case.

17. No information has been provided on the Committee's recommendation that the decision ordering the petitioner to cover the legal costs of the proceedings be reviewed.

Petitioner's comments

18. The petitioner's comments are pending.

Proposed further action or Committee's decision

19. The dialogue is ongoing.

Annex II

Rules of procedure specific to the hearings held pursuant to article 11 of the International Convention on the Elimination of All Forms of Racial Discrimination

Preamble

The Committee on the Elimination of Racial Discrimination (hereinafter referred to as “the Committee”), acting on communications from States parties under article 11 of the International Convention on the Elimination of all forms of Racial Discrimination (hereinafter referred to as “the Convention”),

Bearing in mind articles 11, 12 and 13 of the Convention concerning inter-State communications,

Bearing in mind the rules of procedure of the Committee,

Acting in pursuance of article 11 of the Convention and rules 69, 70 and 71 of the Committee’s rules of procedure,

Establishes the present rules of procedure.

Rule 1

Formalities prior to the hearing

1. If a State party refers the matter again to the Committee, pursuant to article 11 (2) of the Convention, the Committee shall request the respondent State to inform the Committee whether it wishes, within one month of receipt of the request, to supply any relevant information on jurisdiction or admissibility of the communication, including the exhaustion of all available domestic remedies.
2. The Secretariat shall immediately transmit any reply received to the Committee, and the other State concerned. The other State shall have the opportunity to provide its observations on that reply within one month of receipt. The States parties concerned may decide to confine their respective replies to the information already contained in their previous notes in which those issues have been raised.
3. If the interested States fail to exercise their right within the time limits established in rules 1 (1) and 1 (2) above, the Committee may consider that they have waived that right.
4. Pursuant to rule 87 of the Committee’s rules of procedure, the Committee may establish a working group, comprising five members, to assist the Committee in dealing with inter-State communications.
5. Upon the request of one of the parties, late written submissions may be authorized by the Working Group, on an exceptional basis, with due consideration given to the circumstances of the case and the principle of equality of arms. If the Working Group considers that such a submission can be taken into account, it shall transmit it immediately to the State party concerned, giving it the opportunity to comment on any new issues raised within a determined time limit.
6. Upon the closure of the written proceedings related to jurisdiction and admissibility, including the exhaustion of domestic remedies, the case is ready for hearings. Adequate notice of the date on which the matter will be considered shall be given to the concerned States.
7. Pursuant to article 11 (5) of the Convention, the Committee shall invite the States parties concerned to appoint one representative to take part in the oral proceedings before the Committee, without voting rights. The notification of the appointment shall include the name and a biographical résumé of the representative of the State, and shall be submitted within a time limit fixed by the Committee. This notification shall be communicated in a

timely manner to the States parties concerned, in compliance with rule 71 of the Committee's rules of procedure.

Rule 2

Languages

The working languages of the proceedings shall be the usual working languages of the Committee. If one of the States concerned wishes to address the Committee in one of the official languages of the United Nations, interpretation shall be provided in that language. Decisions taken by the Committee shall be translated into the six official languages of the United Nations.

Rule 3

Chairing of the hearing

The hearing shall be chaired in accordance with rules 17, 18 and 19 of the Committee's rules of procedure.

Rule 4

Independence and impartiality of Committee members

1. A member shall not take part in the Committee's examination of an inter-State communication if:
 - (a) He or she is a national of one of the States parties concerned;
 - (b) He or she has any personal or professional conflict of interest in the communication;
 - (c) He or she has participated in any capacity in any decision on the subject matter covered by the communication.
2. Any question arising under rule 4 (1) above shall be decided by the Committee. The member concerned shall not take part in the decision.

Rule 5

Conduct of the hearing

1. During the procedure set out in article 11, the action taken by the Committee shall in no way be construed as an expression of its views on its jurisdiction, nor of the admissibility or merits of the communication.
2. The hearings of the Committee shall be held in private.
3. During the hearing, the representative of the State party that raised preliminary issues shall be invited to present the views of that State party, for a maximum of 45 minutes. The representative of the other State party shall then be given a maximum of 45 minutes to address the Committee. Immediately afterwards, the respective representatives of the two States parties shall be invited to give an oral response for a maximum of 15 minutes.
4. After the representatives of the States parties have presented their views orally to the Committee for 45 minutes, the States parties may provide additional written information, not exceeding 10 pages long, within 24 hours of the oral proceedings. On an exceptional basis, the Committee may allow the States parties to submit a written reply in lieu of oral responses.
5. The oral responses will be limited to two rounds, unless the Chair of the Committee decides otherwise.
6. If the representative of either of the States parties concerned objects to the presence of the representative of the other State party in the room while he or she is delivering his or

her presentation or oral response, the Committee shall place that objection on record and acknowledge that the presence of that representative shall not be interpreted in any way as a position of the Committee with regard to the merits of the objection or to any of the issues raised in the communication.

7. In compliance with the decision of the Committee previously communicated to the States parties concerned, the oral responses made on behalf of each State party shall exclusively cover issues of jurisdiction and admissibility, or issues of jurisdiction only.

8. During the hearing, the Committee members may request in writing the Chair to address questions to the representatives of the States parties concerned. The Chair shall address the questions to the representatives after both of them have made their presentations of 45 minutes, in accordance with rule 5 (3) above.

9. The representatives of the States parties concerned may not address each other directly, but they may suggest that the Chair to do so on their behalf during the last presentation of 45 minutes.

10. The Committee may, at any time prior to or during the hearing, indicate any points or issues that it wishes the parties to address specifically, or on which it considers that there has been sufficient argument.

11. The Chair may authorize the Committee members to hold private consultations after the first round at the earliest. In that regard, the Chair may suspend the hearing for a maximum of 15 minutes. During such breaks, the Secretariat will accompany the representatives of the States parties concerned to a separate room next to the proceedings room.

12. During the hearing, the representatives of the States parties concerned may request to carry out consultations. In this regard, the Chair may authorize such breaks for a maximum of 15 minutes. These consultations shall be conducted outside the proceedings room.

Rule 6

Deliberations and decisions

1. The Committee shall deliberate in private, and its deliberations shall remain confidential. The representative of each State party concerned shall be allowed to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

2. The Committee may also organize informal deliberations in which only its members shall take part, with the support of the Secretariat and conference services, but with the exclusion of précis-writers: no summary records of the informal deliberations shall be prepared.

3. Decisions of the Committee shall be made by a majority of the members present and voting. The modalities of the votes are governed by rules 36 and 49 to 57 of the Committee's rules of procedure. If no member of the Committee requests that a vote be held, the decision may be adopted without voting.

4. After the hearing, and after its examination of any written submissions submitted by the States parties, the Committee shall issue its decision during the current session or at a later session. The Secretary-General shall ensure that the Committee has the services that it requires to adopt a decision, including all the documentation and conference services necessary to ensure that the subject matter of the communication may be fully addressed.

5. If the Committee rejects the preliminary issues or declares that they do not possess an exclusively preliminary character, it shall fix a time limit for the next steps as indicated in article 12 of the Convention, concerning the appointment of an ad hoc conciliation commission to address the issues of substance raised in the communication.

6. If the Committee decides that it has no jurisdiction or that the communication is inadmissible, it shall inform the States parties concerned of its decision not to take further steps in the proceedings.

7. The Committee shall transmit any adopted decision to the States parties concerned within a time limit to be determined by the Committee.

Rule 7

Final provisions

1. The Committee shall adopt the present rules of procedure prior to the beginning of the hearings and transmit them to the States parties concerned.

2. Any question related to the hearings that is not addressed by the present rules of procedure shall be decided by the Committee.

3. The present rules of procedure may be amended by a decision taken by the Committee.
