



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
20 November 2020

Original: English

Committee on the Elimination of Racial Discrimination 102nd session

Summary record of the first part (public)* of the 2806th meeting

Held via videoconference on Monday, 16 November 2020, at 3 p.m. Central European Time

Chair: Ms. Li

Contents

Opening of the session

Adoption of the agenda

Organizational and other matters

Statements by non-governmental organizations

* The summary record of the second part (closed) of the meeting appears as document [CERD/C/SR.2806/Add.1](#).

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

Opening of the session

1. **The Chair** declared open the 102nd session of the Committee on the Elimination of Racial Discrimination.

2. **Mr. Walker** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that, since its previous session, the Committee had worked assiduously in several areas to prevent the emergence of a protection gap, despite unprecedented challenges. Unfortunately, the coronavirus disease (COVID-19) pandemic was far from being defeated. It continued to pose human rights challenges related to racial discrimination and was having a disproportionate impact on people of African descent, indigenous peoples, migrants, refugees and asylum seekers. Meanwhile, communities across the globe faced difficulties in accessing health care, education, food and housing. As the development of a vaccine became a reality, the Committee's statement on the pandemic and its implications under the Convention – in particular its recommendation to States to ensure that access to an eventual vaccine against COVID-19 would be provided in a non-discriminatory manner – was more relevant than ever. Along the same lines, the report of the Working Group of Experts on People of African Descent on COVID-19, systemic racism and global protests ([A/HRC/45/44](#)), which had been presented at the September session of the Human Rights Council, recommended that States should examine and minimize the impact of systemic racism against people of African descent in policing, health care, responses to the pandemic and other areas.

3. In June 2020, the Human Rights Council had adopted a resolution which mandated the United Nations High Commissioner for Human Rights to prepare a report examining systemic racism and violations of international human rights law against Africans and people of African descent and the use of excessive force against protesters, bystanders and journalists. OHCHR had now commenced preparatory work on that report, and he encouraged the Committee to contribute by sharing its views and recommendations.

4. In another development, the report of the co-facilitators of the 2020 review of the treaty body system had been released on 14 September 2020. The co-facilitators' recommendations closely followed the vision of the Chairs on the future of the treaty body system. In particular, the co-facilitators recommended the use of technologies to support the work of the treaty bodies, while recognizing that online work should not replace in-person interaction. They had emphasized the need to accelerate the harmonization of working methods in certain areas and, significantly, the need to allocate adequate resources to the treaty bodies so that they could carry out their functions and mandates effectively. Governments would now discuss the way forward on the basis of the co-facilitators' report, which was mentioned in a draft resolution on the human rights treaty body system that Iceland had submitted to the Third Committee of the United Nations General Assembly.

Adoption of the agenda (CERD/C/102/1)

5. *The agenda was adopted.*

Organizational and other matters

Statements by non-governmental organizations

6. **Mr. Komatsu** (International Movement against All Forms of Discrimination and Racism) said that, while he welcomed the Committee's effort to work online in the midst of the pandemic, civil society organizations were increasingly concerned about the growing backlog of State party reports and the protection gap caused by the absence of the treaty bodies' review of those reports. On 2 October, a joint letter, signed by 522 civil society organizations and calling for the resumption of such reviews in 2021, had been sent to all the treaty bodies and OHCHR. Civil society organizations were encouraged by the recent decisions taken by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to review at least two State party reports each in their first sessions of 2021 and by the successful online dialogue that had been held in September between the Committee on Enforced Disappearances and the Government of Iraq. They urged the Committee on the Elimination of Racial Discrimination to take a similar initiative and encouraged OHCHR and the United Nations Office at Geneva to ensure that resources were

available for the Committee to hold online or hybrid reviews in 2021. The letter also emphasized that the use of online conferencing to review the reports of States parties should be a temporary and exceptional measure.

7. The International Movement against All Forms of Discrimination and Racism had actively engaged with the review of the treaty body system and it welcomed the findings and recommendations contained in the report of the co-facilitators. It particularly welcomed the broad support of States and other stakeholders for predictable review cycles, which it believed would increase the predictability and transparency of reporting procedures and improve accessibility for civil society, providing it with greater opportunities to engage with the treaty bodies, including the Committee. His organization was encouraged by the Committee's statement on the pandemic and stood ready to support the Committee as it fully resumed its monitoring work in 2021.

8. **Ms. Agosti** (International Institute on Race, Equality and Human Rights) said that the pandemic had exacerbated inequality, discrimination and exclusion and had produced a disproportionate impact on the lives of women, lesbian, gay, bisexual, transgender and intersex persons and people of African descent. To counter those effects, it was of paramount importance to have an international perspective in order to understand how multiple grounds of discrimination intersected with and exacerbated racial discrimination. The United Nations High Commissioner for Human Rights, in referring to the devastating impact of COVID-19 on people of African descent, had stressed the need to focus not only on the current situation, but also on the root causes of violence, discrimination and stigma.

9. During the pandemic, the world had witnessed a huge transnational mobilization against systemic racism in law enforcement. It should not go unnoticed, during the International Decade for People of African Descent, that Afrodescendent people had been murdered, including at the hands of State actors such as the police, and that their deaths had been ignored because of the colour of their skin. The response to such acts must be guided by international human rights law, and she thus welcomed the efforts made by the Committee under its early warning and urgent action procedures. However, the fact that the Committee had been obliged to postpone its reviews of the reports of States parties was a point of concern. Her Institute was committed to working with the Committee to find creative solutions so that the postponed reviews could take place in 2021.

10. **Mr. Payot** (Minority Rights Group International) said that the challenging circumstances of the current times posed a particular risk to groups that the Convention was designed to protect and thus made the Committee's work even more crucial. His organization, too, was concerned about the Committee's postponement of the review of States parties' periodic reports and supported the call for the resumption of reviews, either in person or through virtual means, at the Committee's next sessions, in 2021. He welcomed the Committee's statement on the pandemic and its implications under the Convention. Minorities and indigenous communities were kept out of information loops and were overexposed to the worst of the pandemic, either due to their overrepresentation in frontline services or to the desperation of having to feed their families. Moreover, the use of hate speech had led to a sharp rise in xenophobia, further endangering lives and livelihoods. The outpouring of solidarity generated by the Black Lives Matter movement had created a historic opportunity for governments, non-governmental organizations and United Nations entities to rethink priorities. In that context, he urged the Committee to use its early warning and preventive mechanisms to ensure that minorities and indigenous peoples were given full access to vaccination when it became available. In the medium term, the Committee should emphasize the importance of the "leave no one behind" principle in relation to health and other development policies. The pandemic had clearly shown that societies could not become virus-free by leaving the virus to freely circulate. It had also demonstrated why access to health services must not be based on identity or nationality, but on the mere fact of residence within a State. In the long run, the Committee should continue to stress that the accrual of rights to every individual and community was the only way in which the inherent dignity and worth of every individual could be upheld. The pandemic had highlighted vulnerabilities that urgently needed to be addressed, but it had also provided an opportunity to address longstanding crises such as climate change and xenophobia.

11. **Ms. Abramenko** (Anti-discrimination Centre Memorial Brussels) said that in recent years, her organization had encountered many false concepts and double standards, and also the manipulation of terminology. Thus, those who fought for independence were branded

fascists, while indigenous communities that protested against the actions of industrial corporations were declared “obstacles to economic development”. Consequently, international experts and human rights defenders required greater clarity in terms of theories and concepts, as well as an understanding of the complexity of the processes taking place in societies. The discourse on racial discrimination was not static; there was space for the development of both theory and practice. In that sense, it would be advisable to apply concepts that had proven useful in other areas in working against racial discrimination. For example, a racially sensitive approach could be taken to discrimination in employment, recognizing that representatives of minorities were often employed only in low-paid or less responsible positions.

12. Hopefully, the current challenges would not weaken the international monitoring of respect for human rights. The pandemic had forced everyone to restructure the way they worked. Reforms within the treaty body system and the continuing United Nations liquidity crisis meant that stakeholders were looking for new ways to interact with the relevant committees and procedures. Civil society organizations did not wish to lose access to the expert opinions made available by bodies such as the Committee, which also provided victims of racial discrimination with a last opportunity to obtain justice.

13. **Ms. Ali** (Quaker United Nations Office) said that her organization took note of the Committee’s work in linking the historical legacies of slavery and colonialism to contemporary forms of racism, particularly the racism faced by migrants and people on the move. In many parts of the world, racist and xenophobic discourse on migrants had conferred legitimacy on actions that dehumanized them and led to appalling fatalities. Immigration laws and controls excluded people and created distinctions among them, while the continued securitization and racialization of borders highlighted the fact that migrants’ lives were seen as disposable. The situation of migrants had been exacerbated by the COVID-19 pandemic, which particularly affected those without a regular status and others in situations of vulnerability.

14. That notwithstanding, the Global Compact for Safe, Orderly and Regular Migration was creating renewed energy through its regional review process, the announcement of “champion countries” and the preparation of guidance for the implementation of its provisions. Considering that human rights, including the right to be protected against discrimination, were a guiding principle of the Compact, her organization would welcome the Committee’s involvement in the Compact’s implementation, for example through the provision of stronger and clearer analysis of the racial aspects of States’ migration governance. In its reviews of the periodic reports of States parties, the Committee could draw attention to the Compact, ask about the progress made by the States parties in giving effect to it and recommend the development of national implementation plans. The Committee might also submit its concluding observations on the reports of relevant States parties to inform the Compact’s regional review process. She too endorsed the call for the Committee to resume reviews of State party reports.

The public part of the meeting rose at 3.35 p.m.