



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 100th session

Summary record of the first part (public)* of the 2801st meeting

Held at the Palais Wilson, Geneva, on Friday, 13 December 2019, at 10 a.m.

Chair: Mr. Amir

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.2801/Add.1.

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The meeting was called to order at 10.10 a.m.

Celebration of the 100th session of the Committee

1. **The Chair**, noting that the Committee was the first human rights treaty body to have been set up following the Second World War, said that the 100th session was a symbolic moment and a reminder of all that the Committee had accomplished since its founding.
2. **Mr. Ward** (Office of the United Nations High Commissioner for Human Rights) said that he welcomed the opportunity to acknowledge the work of the Committee and its efforts to combat racial discrimination. Its work remained as important as ever, since racial discrimination persisted in all parts of the world. As the oldest treaty body, the Committee had acted as a pioneer in many respects and had helped to shape the working methods of the other treaty bodies. It had contributed to the development of international human rights law, including through its 35 general recommendations, and it had guided States parties' efforts to bring their laws, institutions and practices into line with the Convention. It had considered numerous complaints under its communication procedure and had played an important preventive role through its early warning and urgent action procedure. In addition, it had received the first inter-State communications ever submitted to a human rights treaty body, which was undoubtedly a mark of the confidence placed in it by States parties.
3. The Committee continued to face many challenges, including the spread of racist hate speech and the resurgence of national populism. Despite those challenges, he was confident that the Committee would continue to serve as a unique and powerful voice for victims and would continue to assist States parties in their efforts to secure equal rights for all. Concerted action and the sharing of experiences and good practices among all relevant institutions within and outside the United Nations system were essential in order to achieve concrete results on the ground in the fight against racial discrimination. As the treaty body leading that fight, the Committee would continue to receive the full support of the Office of the United Nations High Commissioner for Human Rights.
4. **Ms. Shepherd** said that the Committee was one of the most important treaty bodies and should be proud of how it had helped to give courage and a voice to the marginalized. Racism was not a sociological construct, but a very real scourge that disfigured the global landscape. She encouraged her colleagues to stand strong in the face of sceptics.
5. **Mr. Yeung Sik Yuen** said that the strength of the Committee resided in the fact that its members came from many different backgrounds and were fully committed to serving the Committee to the best of their ability. Even though their work was not always appreciated, it was a privilege to be part of such an institution.
6. **Mr. Calí Tzay** said that he wished to highlight the contribution of former members, including Mr. Aboul-Nasr, Mr. Valencia Rodríguez and Mr. Shahi, and long-standing members such as the Chair, who had helped to preserve the Committee's collective memory. He also wished to pay tribute to the drafters of the Convention, who had produced a timeless instrument that had not lost any of its importance. The Committee's work remained crucial, for although progress had been made in combating racial discrimination, racism continued to spread and to be expressed in increasingly crude and shameless ways.
7. **Mr. Komatsu** (International Movement against All Forms of Discrimination and Racism), speaking also on behalf of the International Institute on Race, Equality and Human Rights and Minority Rights Group International, said that the Committee had done much to protect the rights of marginalized groups and to clarify States' obligations under the Convention by issuing its general recommendations, which had been drafted in consultation with civil society. He welcomed the Committee's work on draft general recommendation No. 36 on preventing and combating racial profiling. Through its early warning and urgent action procedure, the Committee had helped to prevent systematic oppression from escalating into conflict and from resulting in grave violations of human rights. The 100th session was an opportunity for the Committee to reaffirm its commitment to preventing mass human rights violations against groups protected by the Convention. He welcomed the Committee's efforts to cooperate more closely with civil society, including through informal meetings with non-governmental organizations prior to dialogues with States parties and through global consultations, such as those held in 2016. He encouraged the Committee to continue strengthening that cooperation in order to narrow the gap between the treaty body system and the organizations working on the ground.

8. There was still much to be done before the goal of eliminating all forms of racial discrimination could be realized. In countries around the world, persons of African descent, indigenous peoples and other vulnerable groups continued to be marginalized and excluded, to face discrimination and to encounter barriers that limited their access to education, work, health care and housing. The problems faced by those groups were exacerbated by factors such as increased migration flows and the adoption of counter-terrorism measures. The Committee was and should remain a pioneer, leading efforts to apply the Convention to present-day challenges.

9. **Ms. Agosti** (International Institute on Race, Equality and Human Rights) said that she was grateful to the Committee for its strong commitment to cooperating with civil society. That day's meeting was an opportunity to reflect on past achievements and the challenges that lay ahead. The Committee had always shown sensitivity towards marginalized communities of African descent in Latin America. It considered alternative reports carefully and issued recommendations that drew attention to the intersectional discrimination faced by certain groups. By requiring that States parties provide disaggregated data, the Committee helped civil society to hold them accountable for ensuring the social, cultural and economic rights of vulnerable groups. It also raised awareness of the need to protect the environment from the impact of economic activities and the importance of seeking the free, prior and informed consent of communities likely to be affected by development projects. Overall, the Committee served as a very important mechanism for communities of African descent in Latin America.

10. As far as challenges were concerned, the Committee should step up its efforts to counter the spread of racist hate speech and continue doing all that it could to prevent and deal with reprisals against human rights defenders who had cooperated with United Nations bodies. It should find creative ways to engage with States parties that had fallen behind in their reporting due to a lack of political will, and it should continue to encourage national authorities to deepen their understanding of racism. Lastly, it should try to increase its visibility at the regional level as a key partner in the fight against racial discrimination. It could count on the support of her organization in addressing those challenges.

11. **Mr. De Castillo** (Indigenous People's Centre for Documentation, Research and Information) said that the Committee's 100th session was not merely a numerical milestone. One hundred sessions translated into 1,500 days of work and more than 12,000 hours of meetings involving 128 experts of 62 nationalities. Seventeen of the experts – or 13 per cent – had been women and one, Mr. Calí Tzay, was an indigenous person. He also wished to pay homage to the representatives of indigenous peoples who had appeared before the Committee, many of whom had undertaken long and arduous journeys from remote regions of the world in the hope that their voices would be heard and that their people would not be condemned to oblivion. The Convention was alive only when it was implemented. The Committee worked to ensure that implementation, thereby acting as a brake on the meaningless injustice that robbed indigenous peoples of their humanity.

12. In fact, the anniversary would mean nothing to indigenous peoples without the body of recommendations the Committee had made to 76 of the 90 States in the world that were home to them. Many of those recommendations enjoined States to recognize the existence of indigenous peoples on their territory, which some States continued to deny. The Committee had been the first treaty body to adopt a specific recommendation on the rights of indigenous peoples and, as of the present, 9 of its numerous general recommendations contained references to indigenous peoples. Moreover, 170 of the 189 instances in which the Committee had used its early warning and urgent action procedures had addressed the situations of indigenous peoples.

13. The Committee had systematically interpreted human rights in a way that was appropriate and relevant to the rights of indigenous peoples. Ever since 1976, it had made it clear that discrimination against indigenous peoples amounted to racial discrimination, even though the Convention did not explicitly mention indigeness or autochthony as grounds for discrimination.

14. **The Chair** said that it was important to remember the historical context out of which the Convention and subsequently the Committee had been born. During the twentieth century, the First and Second World Wars had brought untold suffering to countless persons in Europe and Asia. Six million men, women and children had been killed in the Holocaust

for no other reason than because of their Jewish origin. Subsequently, men and women who had lived through those experiences courageously undertook to enshrine human rights and freedoms, first in the Universal Declaration of Human Rights and subsequently in other international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee was heir to that history of sacrifice. It existed to monitor the implementation of the Convention and to ensure that racism and racial discrimination could never again be used as a tool and pretext for war.

15. The Committee could take satisfaction in the fact that so many States had acceded to the Convention and that others were still requesting to do so. It could take satisfaction in the work it had done over 100 sessions and in its production of 35 general recommendations and its hundreds of concluding observations. It could take satisfaction in the evidence that showed that many States did indeed implement and follow up on the recommendations it made and that the Convention was thereby becoming increasingly effective. Despite its limited resources and the constraints it was facing, the Committee would continue to work to bring hope to peoples who were still awaiting justice and to ensure that the world would never again experience the racism that had rent the fabric of humankind.

The public part of the meeting rose at 11 a.m.