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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
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Geneva, 21 May -1 June 2001
Item 5 of the provisional agenda

REVIEW OF PREPARATORY MEETINGS AND ACTIVITIES
AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Satellite meeting report*/ Report on the Expert Meeting convened by Minority Rights International on Strengthening the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and held in Geneva on 5 August 2000

This secretariat has received the following report which is circulated in conformity with the designation of this meeting as a satellite meeting by the Secretary-General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

[5 August 2000]

*/ This satellite meeting report is issued, unedited, as received from the submitting organization.



Acknowledgements

The Expert Satellite Meeting to the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance was organised by Minority Rights Group in cooperation with the UN Office of the High Commissioner for Human Rights.

The meeting was Chaired by Alan Phillips, Director of Minority Rights Group, and the Rapporteur was Margot Salomon, World Conference Against Racism Project Officer of Minority Rights Group. It was held in the Palais Wilson, Geneva, Switzerland on Saturday 5 August 2000.

MRG is grateful for the financial support of the British Government Foreign and Commonwealth Office.

Special thanks to the Office of the High Commissioner for Human Rights, and staff at the Palais Wilson, especially Jean-Paul Mbengue and Ivan Draganic.

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Objectives of the Meeting & Introductory Statements

Alan Phillips, the Director of Minority Rights Group and Chair of the meeting welcomed the distinguished group of experts to the joint seminar. Present were 10 expert members of the Committee on the Elimination of Racial Discrimination (CERD), 5 expert members of the Sub-Commission on the Promotion and Protection of Human Rights (Sub-Commission), representatives of 6 NGOs, as well as staff from the Office of the High Commissioner for Human Rights and Minority Rights Group.*

The Chair emphasised that the purpose of the Satellite Meeting was to suggest practical ways of strengthening the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as a specific contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) scheduled for 2001 in South Africa. It would also be part of a long-term programme to enable rights to be owned and enjoyed locally. Promoting good intercommunity relations that are effective in resisting the pressures of racial discrimination is a global challenge recognised by the UN and the 156 States** that have ratified this first UN human rights convention.

Bertie Ramcharan, the Deputy High Commissioner for Human Rights, was unambiguous in stating that the Convention and its processes were fundamentally sound. Article 14 (which allows for communications to be filed with CERD from individuals or groups of individuals, within the jurisdiction of a State party, who feel their rights under the Convention have been violated) is to enable voices of the victims to be heard. It is crucial therefore that both the letter and the spirit of ICERD should be promoted locally by governments, parliaments, national human rights institutions and NGOs within a supportive international environment. Activities must be based on the realities in any situation and interlinked with self-generating pervasive values. Participants were reminded that the important dimension of poverty and its impact on racism and racial discrimination should not be overlooked. Mr Ramcharan proposed that there should be country assessments of the ICERD process in every State party, and that there should be national and regional coalitions supported by high profile and eminent sponsors in every country, thereby strengthening mechanisms for reporting, early warning and communications. Undoubtedly, CERD is solid and remains the key to tackling racial discrimination in the future.

Michael Sherifis, Chair of CERD, welcomed this important meeting and encouraged a debate on specifics. The WCAR offers an opportunity to highlight the essential need to achieve universal ratification of ICERD. Although 156 States have ratified the Convention more than 40 therefore have not. Both the UN and NGOs could play dynamic roles in the achievement of this objective. Similarly it is of great importance that the number of States parties to make a declaration under article 14 is substantially increased from the current 30. A significant number of States have been late in reporting with three having received over 25 reminders each. Furthermore, there has been no direct correlation found between the lateness of reporting and the administrative resources available to the State. CERD has played a role

* See Annex I for a full list of participants.

** See Annex III for a full list of States parties and for those that have made a declaration under article 14.

with its early warning procedure of alerting the international community to potentially dangerous inter-ethnic tensions, but lacked the resources to maximise its contribution in this important area. There are serious and widespread problems of inadequate resources for the work undertaken by CERD thereby significantly limiting its work. It is important nonetheless to recognise the collaborative effort undertaken among CERD, the Secretariat and NGOs, not least of all the Anti-Racism Information Service (ARIS), and the importance of these mutually supportive exchanges.

General Discussion

A general discussion continued throughout the meeting, the major elements of which are reflected below though they do not necessarily represent a consensus. The sub-headings and content reflect the areas addressed and prioritised by participants.

This report therefore provides a synopsis of the views, concerns and suggestions outlined by the participants of the Satellite Meeting. In having convened this meeting and in compiling their views, it is the intention of MRG to widely disseminate this final report feeding it into the WCAR process and wider UN debates on enhancing the Treaty and Charter-bodies. It is our hope that specific concerns and propositions outlined in this work will be addressed within the various relevant UN fora and will contribute to the strengthening of ICERD and its ownership by those affected by the scourge of racial discrimination in the new millennium.

Human Rights Principles

ICERD should be seen in the wider context of the promotion of all human rights and the full engagement of its beneficiaries. Principles need to be clear and it was noted that all states would be invited by Mary Robinson, the High Commissioner for Human Rights, to develop a vision statement for the World Conference against Racism. It is hoped that such a statement will project a unifying vision of their country and embrace the fundamental values that permeate throughout it.

The WCAR is about putting into place 'action-oriented' aims that will be followed through well after the Conference itself has drawn to a close and will lead to concrete reformation, modification and improvement of systems and processes – both internationally and nationally – that are meant to effectively address the debilitating forces of racial discrimination in our increasingly globalised world.

In order to move forward it is essential that everyone within a given State from every ethnic, religious, racial and other community or group feels they have a stake in the future of their country. This approach should be mainstreamed into all aspects of government, centrally and locally, and should be included in policy issues and development programmes.

ICERD - The Treaty

156 States have ratified ICERD, however there remain over 40 who have not. This is unacceptable in the struggle to combat racial discrimination and hence a central objective of the WCAR should be to promote universal ratification of the Convention.

ICERD provides a definition of racial discrimination in Article 1(1):

[T]he term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Both ICERD and this definition warrant wider publicity.

Victims of racial discrimination from among the 30 States parties who have accepted **article 14** have communicated **very few individual petitions to CERD**. It is evident that there is a clear and immediate need to **urge States parties to make a declaration under article 14** and for all engaged actors to work towards its promotion and facilitation at the national level, and access to CERD at the international level. It was recognised that **CERD could be more proactive** in asking States parties during sessions what factors inhibit their acceptance of article 14.

Articles 11 and 12 of the Convention have never been applied, the result of which is a weakening of the Convention's potential to address racial discrimination. Article 11 allows for inter-State complaints and article 12 allows for the creation, by the Chair of CERD, of a Conciliation Commission aimed at amicably resolving inter-State disputes 'on the basis of respect for this Convention'.

CERD - The Treaty-Body

A considerable number of **States are late in submitting their reports** as required under the Treaty. Some are extremely late and CERD has been known to remind them sometimes 10 and 20 times. The submission of late reports or neglecting to submit reports altogether is simply **inconsistent with the commitment to the vision and the underlying theme of the WCAR**. If limited resources are available to them, CERD can help States meet their reporting obligations through technical assistance. The inadequate time and resources allotted to allow members of the Bureau (consisting of a Chairperson, three vice-Chairs and a Rapporteur elected from among the 18 CERD members) to meet prior to sessions impacts on the calibre of their work. **Increasing the staff at the Secretariat** to cope with the shortest reporting cycle of all treaties (every 2 years) and the intended increase in both States parties and adherents to article 14 is essential. **Funds are required to reform the current procedure** thereby making possible the further use of article 14, which is a valuable mechanism for the protection of the rights enshrined in the Convention and provides CERD with essential insight and information as to realities at the grassroots level.

The suggestion was made that the **dialogue between CERD and States parties' delegations during the examination of a State report could be strengthened** and the line of questioning be more systematically applied. This is linked to the need for **more effective follow-up** from one examination to the next in order to target areas incompletely or inadequately covered

during prior exchanges. The **Country Rapporteur system could also be strengthened** empowering Country Rapporteurs to be more effective and allowing for a more in-depth look at what is occurring in a given State. It was suggested that this should include country visits.

Today CERD is receiving more alternative reports from NGOs, they are proving very useful and should be encouraged.

The point was raised that in the future **CERD membership** should consist not only of diplomats and academics, but aim to include a variety of professional cultures, including people coming from the grassroots milieu with practical experience in combating racial discrimination.

Local Ownership

There must be greater visibility and awareness of CERD and ICERD at the local level. An improved focus on **capacity-building and training on international standards** and mechanisms are important in the ability to give ICERD effect at the grassroots. **NGOs have an important role to play** in increasing awareness locally, furthering the submission to CERD of high calibre alternative reports, as well as increasing public dialogue generally on State obligations. NGOs could also focus on encouraging **local discussion on the practical meaning of CERD's Concluding Observations and General Recommendations** - areas in need of being highlighted. It was noted that in addition to the Secretariat, ARIS works closely with CERD in channelling NGO information to them and can be a useful contact point for NGOs.

The importance of education in combating prejudice and in the protection of minority and indigenous rights cannot be overemphasised. To these ends, the importance of having State parties implement ICERD **article 7** was stressed. Article 7 obliges State parties to, *inter alia*, "adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination ...".***

NGOs should play an important role supporting victims of racial discrimination by assisting in the **exhaustion of domestic remedies** as well as by filing petitions with CERD.

CERD was called upon to mention groups of victims of racial discrimination by name when possible. For example, to refer specifically to Afro-Brazilians or Afro-Colombians, or Native Americans, or Dalits, Ozu and Burakumin when discussing discrimination based on descent. This has a trickle down effect and provides a tool of empowerment for victims negotiating their rights nationally. Without full and direct recognition there is room for authorities to disregard current realities and to refer to outdated manifestations of racial discrimination. It was suggested that civil society organisations could have more access to CERD in, for example, providing advice on General Recommendations, by partaking in formal and informal exchanges and by opening a wider dialogue on ways they might assist CERD in securing rights of non-discrimination.

*** See Annex II for the Convention.

The newly established thematic discussions that are taking place at CERD are a welcome development and have considerable potential in providing civil society with a voice and providing CERD with access to essential testimonial information and transnational data.

Participants of the meeting were reminded of the **350 million indigenous people worldwide** located in 77 different countries who are subjected to varied and systematic forms of racial discrimination. Minority and indigenous communities need to be made further aware of their rights, **CERD needs to be made fully aware of the depth of discrimination and the various ways in which it is manifested in different national contexts.** State delegations should be strenuously questioned by CERD on the measures that have been taken to combat racial discrimination and dialogues focused on assessing practical outputs should be encouraged.

Programming

The **poverty dimension** was recognised as an integral element of any discussion on racial discrimination, as are generally its links with economic and social issues. The need for **mainstreaming methods of addressing racial discrimination in development** was recognised as being of great importance.

National Institutions and Needs

Local use and ownership of rights requires a national infrastructure. Where they do not already exist, States parties should see to it that parliaments are encouraged to pass laws and enact statutes **entrenching the rights** outlined in the provisions of ICERD. **The judiciary** needs to be independent and aware of State obligations under international law. An **Ombudsperson** and related offices should be in place to facilitate the lodging of complaints and for victims to be assisted in their pursuit of justice. **Police and other public officials** require training on international standards and need to be sensitised to non-discrimination in the execution of their tasks (and any public authority found to have violated the right to non-discrimination is to be duly reprimanded). **Independent human rights institutions** can play an important role in promoting and protecting rights. **The media** should be aware of their impact on public opinion in the perpetuation of racist stereotypes and legislation is needed to ensure that the content and presentation of their coverage is non-discriminatory.

School curricula should also meet international standards, be void of discriminatory content and should actively encourage and teach principles of equality and the fundamental right to non-discrimination. **Human rights education** should be widespread and integral to all areas of education and training, and should provide a foundation as to the substance and procedures of international conventions including ICERD.

There was recognition of the **paucity of information in many countries as to CERD findings** and the lack of awareness regarding the fundamental rights protected under the Convention. It was suggested that **more public seminars at the national level** addressing

and highlighting ICERD and the views of CERD would increase the knowledge of the work of the Committee in countries where there is an enormous lack of relevant information being disseminated. **NGOs could play an important role** in developing such important initiatives.

Urgent Procedures

Early warning mechanisms for conflict could and should be improved upon and it was suggested that **indicators be created**. The assessment of crucial economic, social and political factors in a given country would be instrumental in informing CERD of the direction their dialogue with a given State should take and the focus they should apply in their assessment of State reports. To have impact with early warnings of conflict, **a more developed relationship between CERD and the Security Council** would be valuable. CERD has ideas to **improve early warning procedures** but desperately needs **resources** to execute anything effectively.

Thematic Sessions

The decision taken by CERD in March 2000 at its 56th session to hold a thematic session on Discrimination against Roma and the decision taken at its 57th session in August 2000 to invite national and international NGOs to address the Committee at the start of this inaugural session was widely welcomed. NGOs and **representatives of civil society could convey their views to CERD members** and in addition to providing oral accounts this development served to reaffirm the importance of NGOs in the work of the Committee.

Thematic discussions are important in addressing the discrimination faced by minority groups that have a presence in more than one country. It serves to highlight **cross boundary issues** that may not be addressed in individual State reports or CERD Concluding Observations. Given the crosscutting subject of caste and discrimination, a phenomenon that appears in a variety of countries and affects millions of people, it was suggested that there are strong reasons to have it selected as the subject of the next thematic session. The outcome of a thematic session can provide useful guidelines for all concerned States and operate as an essential tool in the aid of **comparative analysis**.

Cooperation between Treaty-bodies and Charter-Bodies

The decision by CERD taken at its 57th session to invite the Chairperson and two members of the Sub-Commission, the Chairperson of the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance to address the Committee during its first thematic session was seen as a welcome initiative. It was strongly felt that both **Treaty and Charter-bodies need to systematically exchange information** and maximise the ways in which they may co-operate. It was certainly recognised that there is much to learn from the work of other Treaty-bodies and that a **central database** would facilitate access to relevant information

being produced by these bodies. Increased internet usage and skill development in the area of information technology would also prove very useful to CERD.

Measures should be taken to mainstream considerations of ethnicity and racial discrimination in all UN work. This would include the work of all the agencies both centrally and in their field offices.

CERD requires more visibility in other organs and bodies of the UN. Just as the Chair of the Sub-Commission should be invited to CERD sessions so should the CERD Chairperson be invited to, for example, make a statement to open the discussion on relevant items in the Sub-Commission, for example, on the 'Comprehensive examination of thematic issues relating to the elimination of racial discrimination' (item 3). A similar arrangement should be made with the **Commission on Human Rights** and the **General Assembly**. Ways of being more proactive inside and outside the UN should be given serious consideration.

Developing Links with Regional Bodies

A participant requested that CERD be able to provide assistance to, for example, the European Court of Human Rights (ECtHR) in consideration of racial discrimination claims with the aim of developing greater recognition of discrimination as an important, albeit often disregarded, aspect of many cases under deliberation by the ECtHR. **CERD should consider issuing recommendations to regional human rights bodies and bodies within the UN** requesting that they consider the issue of racial discrimination even though other relevant human rights issues are being considered. This would do much to create awareness around the ways in which racial discrimination is manifested and to produce greater demand for its full consideration.

Generally it was felt that the quality of work could be improved by enhanced cooperation between Treaty-bodies and Charter-bodies. This could be supplemented by a more proactive approach by CERD in their exchanges with regional bodies outside of the UN. In the latter case particularly, this would serve to raise CERD's visibility and highlight issues of racial discrimination.

Improving CERD Procedures

Although dialogue with States parties are time consuming they are also very useful. In general though, CERD members do not have enough time to reflect on the abundance of information that requires consideration and equally they have inadequate time to prepare their reports. Recognition of this dilemma led one participant to ask, "**Who monitors CERD so that it too can be strengthened?**" The aim must be quality not quantity. One participant felt that this problem could go some way to being addressed if CERD were to indicate to States parties which specific areas they wanted to cover during a given report examination, focusing for the most part on critical areas and new developments.

There was some recognition of the need for **national country assessments** to be provided to CERD. All other Treaty-bodies currently receive country analysis as provided by the Secretariat. Developing a similar arrangement between CERD and the Secretariat could be considered.

A **database** is a necessary addition and although this topic was not elaborated the point was made that there is a **long list of technological needs** to be met that would provide essential support to CERD in the execution of their work. Given the degree to which NGOs make use of the internet and email it was suggested that they could be of assistance in **training CERD members in a variety of new technologies**.

Generally, if the infrastructure was in place to allow CERD to work more efficiently this could go a long way to facilitating the work of NGOs and allowing for their greater and more effective contribution to the work of the Committee in the furtherance of shared objectives. It was suggested that NGO representatives, together with ARIS, invite CERD members to a roundtable discussion aimed at **developing practical guidelines for and maximisation of efficient NGO participation**.

A system should be in place allowing for the **induction of new CERD members**. This could include a "buddy" system consisting of teaming up an experienced member with a newcomer in order to help understand the practicalities of the post and be initiated into the system. This was a recognised need for both new CERD members and Sub-Commission members.

Suggestions for NGOs from CERD

There was a recognised need to ensure that ICERD was used and owned in each country. NGOs could **provide country assessments** on the degree to which obligations under ICERD are being upheld. NGOs could make a concerted effort at **greater awareness raising**, for example, by holding more public debates on **CERD's Concluding Observations and General Recommendations**, by having such information more widely disseminated and by organising analytical seminars such as this one. It was suggested that the work of NGOs could be more systematic in order to better inform public opinion and **press States parties to fulfil their obligations under the Convention**. Additionally, **CERD could be more proactive in requesting information from NGOs**. This could be facilitated by the Secretariat.

The fact that the work of NGOs is contingent upon available resources was widely recognised.

The World Conference against Racism

The WCAR presents an opportunity to focus on CERD and ways and means of improving its work. The impact of the work around the WCAR could provide a beneficial legacy long after the Conference in South Africa.

The WCAR Declaration and Programme of Action should address the need for effective action by the international community when ethnic discrimination and ethnic tensions may be exploited and create threats of violent conflict. To these ends the communication between Treaty-bodies and Charter-bodies must be developed and the Security Council is encouraged to take action where CERD provides early warning and requests urgent action.

Governments are encouraged to acknowledge that racial discrimination exists in virtually all countries and to give full recognition to the definition of racial discrimination as provided in article 1(1) of ICERD. In order that the diverse voices of civil society are heard and that the victims of racism and racial discrimination are able to successfully contribute to the WCAR, **governments are strongly requested to encourage the effective participation of NGOs in the World Conference.**

The WCAR should address the need for effective domestic remedies. It was also suggested that the WCAR and CERD should draw attention to the equally debilitating and often neglected **problem of same race discrimination.**

Just as the World Conference Against Racism provides a crucial process by which strengthening the implementation of the International Convention on the Elimination of All Forms of Racism Discrimination can be addressed, **CERD should have an equally important role to play in implementing the recommendations of the WCAR.** It was agreed that **this Satellite Meeting and its proposals should provide a contribution to the practical success of the WCAR and the action-oriented plans it produces.**

Annex I: List of Participants

Members of the Committee on the Elimination of Racial Discrimination

Michael Sherifis, *Chairman*
Marc Bossuyt
Régis de Gouttes
Patricia Nozipho January-Bardill
Gay McDougall
Abdul Nasr
Peter Nobel
Luis Valencia Rodriguez
Agha Shahi
Deci Zou

Members of the Sub-Commission on the Promotion and Protection of Human Rights

Erica-Irene Daes
Françoise Hampson (assisted by Chris Decker)
Deepika Udagama
David Weissbrodt
Yeung Kam Yeung Sik Yuen

Office of the High Commissioner for Human Rights

Bertie Ramcharan, *Deputy High Commissioner for Human Rights*
Fiona Blythe-Kubota, *Human Rights Officer, Secretariat of the Working Group on Minorities*
Soussan Raadi-Azarakchi, *Coordinator, Conventions Team*
Carmen Rueda, *Secretariat of the Committee on the Elimination of Racial Discrimination*
Teferra Shiwul, *Senior Public Information Office, World Conference against Racism*
Laurie Wiseberg, *NGO Liaison, World Conference against Racism*

Non-Governmental Organisations

Alan Phillips, *Director, Minority Rights Group (MRG)*
Antonella Attardo, *Head of Communications, MRG*
Margot Salomon, *World Conference against Racism Project Officer, MRG*
Margaret Firth, *Co-Director, Anti-Racism Information Service*
Anki Flores, *Co-Director, Anti-Racism Information Service*
Paul Divakar, *Secretary for Advocacy and Lobbying, National Campaign on Dalit Human Rights*
Vincent Moncharan, *State Convenor, National Campaign on Dalit Human Rights*
Peter Prove, *Assistant to the General-Secretary for International Affairs and Human Rights, Lutheran World Federation*
Atsuko Tanaka, *Representative to the UN, International Movement Against All Forms of Discrimination and Racism*
Keetha Thanabalasingham, *Monitoring Team Coordinator, International Service for Human Rights*

Annex II: Text of the International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965

Entry into force 4 January 1969, in accordance with Article 19

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.
3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.
4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:
 - (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
 - (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
 - (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
 - (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
 - (e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.
2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles

embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
 - (i) The right to freedom of movement and residence within the border of the State;
 - (ii) The right to leave any country, including one's own, and to return to one's country;
 - (iii) The right to nationality;
 - (iv) The right to marriage and choice of spouse;
 - (v) The right to own property alone as well as in association with others;
 - (vi) The right to inherit;
 - (vii) The right to freedom of thought, conscience and religion;
 - (viii) The right to freedom of opinion and expression;
 - (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities;
 - (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5.

(a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee;

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties. (amendment (see General Assembly resolution 47/111 of 16 December 1992);

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention:

(a) within one year after the entry into force of the Convention for the State concerned; and

(b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with

the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention;

(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall

not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications;

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph I of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies;

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.
2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

- (a) Signatures, ratifications and accessions under articles 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14, 20 and 23;

(d) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

Annex III: Status of Ratifications of the International Convention on the Elimination of All Forms of Racial Discrimination

Status: Signatories* 77; Parties 156 (as at August 2000)

**Those states that have signed but not yet acceded to the Convention are indicated with (s).*

Afghanistan	Ecuador	Luxembourg
Albania	Egypt	Madagascar
Algeria	El Salvador	Malawi
Antigua and Barbuda	Estonia	Maldives
Argentina	Ethiopia	Mali
Armenia	Fiji	Malta
Australia	Finland	Mauritania
Austria	France	Mauritius
Azerbaijan	Gabon	Mexico
Bahamas	Gambia	Monaco
Bahrain	Georgia	Mongolia
Bangladesh	Germany	Morocco
Barbados	Ghana	Mozambique
Belarus	Greece	Namibia
Belgium	Grenada (s)	Nepal
Benin (s)	Guatemala	Netherlands
Bhutan (s)	Guinea	New Zealand
Bolivia	Guyana	Nicaragua
Bosnia Herzegovina	Haiti	Niger
Botswana	Holy See	Nigeria
Brazil	Hungary	Norway
Bulgaria	Iceland	Pakistan
Burkina Faso	India	Panama
Burundi	Indonesia	Papua New Guinea
Cambodia	Iran (Islamic Republic of)	Peru
Cameroon	Iraq	Philippines
Canada	Ireland (s)	Poland
Cape Verde	Israel	Portugal
Central African Republic	Italy	Qatar
Chad	Jamaica	Republic of Korea
Chile	Japan	Republic of Moldova
China	Jordan	Romania
Colombia	Kazakhstan	Russian Federation
Congo	Kuwait	Rwanda
Costa Rica	Kyrgyzstan	Saint Lucia
Côte d'Ivoire	Lao People's Democratic Republic	Saint Vincent and the Grenadines
Croatia	Latvia	Saudi Arabia
Cuba	Lebanon	Senegal
Cyprus	Lesotho	Seychelles
Czech Republic	Liberia	Sierra Leone
Democratic Republic of the Congo	Libyan Arab Jamahiriya	Slovakia
Denmark	Liechtenstein	Slovenia
Dominican Republic	Lithuania	Solomon Islands

Somalia	The former Yugoslav	United Kingdom
South Africa	Republic of Macedonia	United Republic of Tanzania
Spain	Togo	United States of America
Sri Lanka	Tonga	Uruguay
Sudan	Trinidad and Tobago	Uzbekistan
Suriname	Tunisia	Venezuela
Swaziland	Turkey (s)	Viet Nam
Sweden	Turkmenistan	Yemen
Switzerland	Uganda	Yugoslavia
Syrian Arab Republic	Ukraine	Zambia
Tajikistan	United Arab Emirates	Zimbabwe

State parties that have made the declaration under article 14 (as at August 2000)

Algeria	Iceland	Senegal
Australia	Italy	Slovakia
Bulgaria	Luxembourg	South Africa
Chile	Malta	Spain
Costa Rica	Netherlands	Sweden
Cyprus	Norway	The former Yugoslav Republic of Macedonia
Denmark	Peru	Ukraine
Ecuador	Poland	Uruguay
Finland	Portugal	
France	Republic of Korea	
Hungary	Russian Federation	