



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-seventh session

SUMMARY RECORD OF THE 1702nd MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 2 August 2005, at 10 a.m.

Chairman: Mr. YUTZIS

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The meeting was called to order at 10.20 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (A/59/2005/Add.3)

1. The CHAIRMAN welcomed Ms. Ize-Charrin, Officer-in-Charge of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and invited her to make an opening statement before engaging in a dialogue with the Committee.
2. Ms. IZE-CHARRIN (Officer-in-Charge, Office of the United Nations High Commissioner for Human Rights) said that, among recent developments in the work of the Committee, the development of the Committee's jurisprudence under article 14 of the Convention was particularly noteworthy. Enhancing the impact of the Committee's jurisprudence at the regional and local levels was crucial. OHCHR therefore welcomed the Committee's discussion on the possibility of establishing a follow-up procedure for suggestions and recommendations made under article 14 of the Convention and had prepared a background and options paper (CERD/C/67/FU/1) on that question.
3. The Committee's concluding observations on periodic reports submitted by States parties were an important element in enhancing the promotion and protection of human rights at the national level. They also assisted OHCHR in formulating and implementing strategic human rights country engagements. OHCHR conducted a number of training projects to further the implementation of treaty-body recommendations. In 2003, a European Commission-funded project had been launched with the aim of strengthening the capacity of national human rights institutions, inter alia, and hence increasing the enjoyment of human rights in States parties to international human rights instruments that regularly engaged in the reporting process. In cooperation with the United Nations Development Programme, OHCHR had organized a workshop in May 2005 in Santiago (Chile) for United Nations staff working in the field on the implementation of treaty-body recommendations and human rights-based programming. Sub-regional workshops on follow-up to concluding observations by specific treaty bodies were scheduled in Cairo and Buenos Aires before the end of the year.
4. OHCHR welcomed the development of the preliminary draft general recommendation on the prevention of racial discrimination in the administration and functioning of the system of justice (CERD/C/66/Misc.14), which would guide both States parties and United Nations agencies in their efforts to meet the human rights challenges posed by increasing xenophobia and intolerance.
5. The Committee played a crucial role in protection against discrimination and in promoting access to legal recourse against discrimination. In the light of past achievements, it was important to strengthen the United Nations human rights system as a whole and treaty-monitoring bodies in particular. In response to a request made by the Secretary-General in his report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005), the High Commissioner for Human Rights had formulated a plan of action on ways to strengthen the ability of OHCHR to discharge its mandate. The plan set out a strategy to deal with the key challenge of implementation, focusing on the two overarching goals of protecting human rights and empowering people to assert and claim their rights.

6. The human rights treaty system was the cornerstone of the United Nations human rights framework. Its current challenges ranged from delays in reporting or failure to report to backlogs in reports awaiting consideration. The plan of action contained proposals on ways to enhance the effectiveness of the treaty body system, which had been discussed at various levels. The High Commissioner welcomed the efforts made by treaty bodies to coordinate their working methods and activities, in particular through the development of guidelines for an expanded core document.

7. The plan of action also contained proposals on the establishment of a unified standing human rights treaty body, which would be discussed at an intergovernmental consultation of States parties to be convened in 2006. Given their long-standing experience, the existing treaty bodies played a pivotal role in both the development of those proposals and the drafting of a relevant concept paper; the High Commissioner had already held consultations with a number of treaty bodies on the matter. The possibility of convening future sessions of the Committee on the Elimination of Discrimination against Women in Geneva had also been discussed.

8. OHCHR had identified a number of areas that would require in-depth examination in the process of formulating the concept paper, including: legal and procedural questions relating to the establishment of a unified standing body; possible lessons to be drawn from other reporting systems; questions relating to the possible modalities of such a body; and the role of stakeholders. The Committee was encouraged to participate actively in that process. The concept paper would be circulated for further comment in early 2006.

9. Mr. ABOUL-NASR asked Ms. Ize-Charrin to comment on the possibility of holding Committee meetings at United Nations Headquarters in New York. He also wished to learn of progress made in establishing Arabic as one of the Committee's languages.

10. Mr. KJAERUM said that the preparation of a list of key problems affecting the existing United Nations human rights system would help to identify ways to strengthen the system and enhance its effectiveness. One of the current problems was the lack of knowledge on the ground of the work of treaty bodies, and the awareness activities conducted by OHCHR were commendably useful in that regard. The increasing engagement of NGOs and national human rights institutions with the Committee illustrated the effectiveness of that approach.

11. The creation of a unified standing human rights treaty body would have both advantages and disadvantages. In the event of its establishment, such a body could be entrusted with the consideration of communications. It could function as a kind of human rights court and establish a set of specific procedures for the consideration of communications.

12. Mr. LINDGREN ALVES said that the current debate on reforming the United Nations threatened to bring the entire system to its knees. Treaty bodies were the core of the human rights system and must be preserved. As they had been established pursuant to international human rights treaties, and were thus not part of the United Nations itself, treaty bodies should not fall prey to the current reform efforts. The establishment of a single monitoring body was not feasible; treaty bodies played a vital role in the advancement of human rights and most States took concrete measures to implement the recommendations made by individual committees. While there might be advantages in holding meetings in New York, ideally all treaty body meetings should be held in Geneva under the auspices of OHCHR.

13. Mr. SHAHI said that he wished to learn of the reasoning behind the proposal to establish a unified standing human rights treaty body. Should such a body be entrusted with the consideration of communications, as suggested by Mr. Kjaerum, all members would need to be fully conversant with the provisions of all treaties and the rules of procedure of all treaty bodies. Neither the feasibility of such an undertaking, nor its contribution to enhancing the effectiveness of the human rights system, was guaranteed. It might be preferable to focus instead on enhancing States parties' capacity to engage in the reporting process, and explore ways of encouraging them to respond positively to their citizens' concerns.

14. Mr. TANG Chengyuan said that it was important to strengthen the relationship between OHCHR and the States parties to the human rights treaties. The Committee could enhance its effectiveness as a monitoring body by assuming a more conciliatory tone in its dialogue with States parties. Steps should be taken to ensure the implementation of the Committee's concluding observations. The specific characteristics of each of the seven treaty bodies should be taken into account in proposals to reform the treaty body system.

15. Mr. HERNDL said that the plan of action submitted by the High Commissioner for Human Rights rightly emphasized improving the implementation of human rights, but failed to discuss their possible redefinition. The human rights treaties and treaty bodies constituted the backbone of the United Nations system; however, the expansion in the number of other United Nations bodies involving special procedures had led to its fragmentation and overburdened it. He therefore questioned the wisdom of further expanding the treaty body system as part of the strategic vision for the future direction of OHCHR.

16. The issue of a unified standing human rights treaty body was extremely complex and should be considered very carefully. The treaty bodies were already overburdened; unifying them would create an excessively heavy workload that risked continually expanding to fill the available capacity. Rather, what was needed was to streamline the existing treaty body system and to take measures to enhance its effectiveness.

17. The CHAIRMAN suggested that the Committee should consider the current discussion to be a preliminary one; it would have an opportunity to consider the issues in greater detail later in the session.

18. Mr. de GOUTTES said that the treaty bodies' individual communications procedures and improving those procedures were important aspects of the plan of action. He hoped that the Committee would adopt its draft general recommendation on the prevention of racial discrimination in the administration and functioning of the system of justice in States parties to the Convention during the current session. That recommendation would be a useful tool for Governments, teachers of human rights and law enforcement officials.

19. The Committee should promote efforts to strengthen and enhance the effectiveness of the protection of human rights, even if that meant accepting the proposal of a unified standing treaty body. He wished to know whether the High Commissioner's proposals included amendment of the human rights treaties.

20. Mr. SICILIANOS said that the establishment of a unified standing treaty body should be considered in conjunction with the question of the submission by States parties of a single report. It was difficult to understand how a unified standing body could be established without amending the human rights treaties, which was not advisable since that would take years. A more detailed study of those issues needed to be undertaken and clear objectives needed to be set before it could be determined whether the proposed body constituted a step forward in the protection of human rights.

21. He commended the efforts made by OHCHR to strengthen the implementation by States parties of the treaty bodies' recommendations; its support in that area was crucial. He requested clarification of the way in which the peer-review system would affect the treaty bodies' activities.

22. Mr. THORNBERRY asked what the reasoning was behind the proposal to establish a unified standing treaty body. That was a revolutionary proposal that overlooked the virtue of making incremental changes in the treaty body system and harmonizing its individual procedures. He wished to know why it had been proposed to make the unified treaty body a standing body. The notion that the unified treaty body would be a political body - as opposed to a juridical body - was one that required further reflection. The goal of the reformed human rights system should be to improve the promotion and protection of human rights in States parties to the treaties, assist victims of human rights violations and deter perpetrators. He hoped that the system that was eventually decided upon would not result in less attention to the issues involved in racial discrimination, which would become increasingly relevant in the decades to come.

23. Ms. IZE-CHARRIN (Officer-in-Charge, OHCHR) said that since there would be programme budget implications if the Committee decided to meet in New York or to add to its working languages, it was difficult to see how those changes could be made.

24. She trusted that the Committee would contribute to drawing up a list of key problems with the existing treaty body system. OHCHR recognized that there was a lack of knowledge on the ground about the treaty bodies' work, and had begun to address that issue by implementing measures such as a training programme for staff of United Nations agencies and departments in Santiago. That programme had demonstrated that the treaty bodies, in their discussions with States parties, had raised all the issues of concern to staff on the ground. Given that most of those who had taken part in the training had confessed to little or no prior knowledge of the work of treaty bodies, there was a clear need for further such initiatives.

25. Committee members were invited to consult the General Assembly's forthcoming draft outcome document on the replacement of the Commission on Human Rights by a human rights council. The document would be issued during the course of the Committee's current session.

26. The thinking behind a unified standing human rights body had been in line with many of the concerns voiced by the Committee, including the need to increase the impact of the treaty bodies' work at the domestic level, to raise awareness of that work on the ground, to encourage States parties to fulfil their reporting obligations, and to maximize effectiveness.

27. Given that there had been discussions at United Nations Headquarters on the possibility of creating a convention on the rights of disabled persons, with a relevant treaty body, and a convention on disappeared persons, the question of further expansion or streamlining of the treaty body system was a pertinent one.

28. It was necessary to improve the analysis and treatment of individual communications, and to prevent racial discrimination through criminal justice systems. It would be interesting to hear the Committee's suggestions on how to avoid the need to amend the existing treaties. In the context of the High Commissioner's plan of action, the word "standing" was synonymous with permanent.

29. Over recent months, the momentum for change within the United Nations had reached a level that suggested that the High Commissioner's plan of action could be implemented. It was imperative that that momentum was harnessed to ensure that changes were brought about at the national level, so as to improve the situation of human rights for all. She reiterated the will of OHCHR to incorporate the Committee's concerns into that process of change.

30. Mr. ABOUL-NASR asked why the General Assembly should be consulted about the financial implications of holding Committee sessions in New York, given that the Committee's finances depended on contributions from States parties. Since many developing countries did not have sufficient resources to maintain a permanent mission in Geneva as well as New York, dialogue with States parties would be strengthened if the Committee met in New York.

31. Ms. IZE-CHARRIN (Officer-in-Charge, OHCHR) said that while fewer States parties had permanent representation in Geneva than had previously been the case, it would be interesting to consider other options that would facilitate the presence of States parties in Geneva.

32. The CHAIRMAN thanked Ms. Ize-Charrin, and stressed that it was both an institutional necessity and a moral obligation for all treaty body members to ensure that the current reform process maximized the effectiveness of all treaties. The forthcoming meeting of chairpersons would work to define the basic requirements of that process.

#### ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CERD/C/501)

33. The agenda was adopted.

The meeting was suspended at noon and resumed at 12.55 p.m.

34. The CHAIRMAN proposed a number of amendments to the provisional programme of work (CERD/C/Misc.2/Rev.1), taking account of the request to postpone the discussion on multiculturalism and providing two opportunities for further discussion of the High Commissioner's plan of action.

35. Mr. ABOUL-NASR asked which article of the Convention provided for discussion of reform of the treaty body system.

36. Mr. VALENCIA RODRÍGUEZ suggested that, since such a reform was not provided for in the Convention, only States parties could implement a reform.

37. Mr. LINDGREN ALVES emphasized the need to consider streamlining the treaty bodies, as proposed in the High Commissioner's plan of action, as a separate issue from those tackled in the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all".

38. The CHAIRMAN said that reform of the treaty bodies was already under way. It was the Committee's responsibility to consider the implications of that process for the nature and scope of the Convention and the Committee.

The meeting rose at 1.05 p.m.