



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-eighth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)\*  
OF THE 1738th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 24 February 2006, at 11.35 a.m.

Chairperson: Mr. de GOUTTES

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\* The summary record of the first (closed) part of the meeting appears as document CERD/C/SR.1738.

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*The public part of the meeting was called to order at 11.35 a.m.*

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY  
WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 5)

Situation of the Crimean Tatars

1. Ms. JANUARY-BARDILL noted that the Working Group on Early Warning Measures and Urgent Action Procedures, of which she was the chair, had considered two matters: one involved the situation of the Crimean Tatars in Ukraine, and the other, the situation of the Western Shoshone in the United States.

2. With regard to the situation of the Crimean Tatars, she noted that the Committee had received a communication from the Government of Ukraine dated 26 January 2006, and it gave a satisfactory explanation of the measures it had taken to establish the legal status of persons deported because of their nationality. Because Ukraine answered the Committee's questions, the Working Group recommended that the Committee return to consideration of that situation in the context of the submission of the next periodic report of Ukraine, which was slated for the next session in August 2006.

Situation of the Western Shoshone

3. On the other hand, the Committee had received a communication dated 15 February 2006 from the Permanent Mission of the United States to the European Office of the United Nations at Geneva in which the United States ambassador stated that his country essentially felt that the issue raised by the Western Shoshone did not apply to the Early Warning Measures and Urgent Action Procedures. Given that the United States had not made the declaration called for under article 14 of the Convention, the State party asked the Committee to not continue consideration of the petition that had been sent to it by the Shoshone on the basis of that article. Furthermore, since the United States intended to examine the question of the situation of the Shoshone in its next periodic report, it felt that there was no need to send its representative to the Committee for the current session. As a result of that, the Working Group recommended that the Committee postpone consideration of the petition presented by the Western Shoshone until the members of the Committee had heard the position of the representatives of that tribe in an unofficial meeting, which would take place later in that session. The Working Group would get together again after that meeting and submit new proposals to the Committee regarding further actions to be taken on the question.

4. Mr. PILLAI expressed surprise that the United States in its letter had established a link between early warning measures and urgent action procedures, on the one hand, and article 14 of the Convention, on the other. He was interested in learning whether the Western Shoshone matter had anything to do with that article.

5. Mr. THORNBERRY regarded the letter of the Permanent Mission of the United States to be ambiguous, because it seemed to question the legitimacy of early warning measures and urgent action procedures. He nonetheless thought it advisable to wait for the result of the meeting that was to take place later with the Western Shoshone representatives before taking a decision on what to do with their petition.

6. Mr. AVTONOMOV pointed out that there was no connection whatsoever between the urgent action procedure in question and the procedure that could be initiated under article 14 of the Convention. The Committee felt that the question

raised by the Shoshone community merited consideration within the framework of urgent action procedure because a nuclear facility was going to be built on the land where the people of that tribe lived.

7. The CHAIRPERSON confirmed that the early warning measures and urgent action procedures were entirely different from the procedure called for under article 14 of the Convention. He noted that the Committee would decide how to handle the question raised by the Western Shoshone after the meeting with the representatives of that tribe at one of the subsequent Committee meetings.

Situation caused by publication of cartoons of Muhammad

8. Mr. AMIR, with the support of Mr. ABOUL-NASR, Mr. TANG Chengyuan, Mr. SHAHI and Mr. SICILIANOS, expressed the wish that the situation created by the publication of the cartoons of Muhammad in the European press be considered within the framework of the early warning measures and urgent action procedures. He explained that this was an urgent matter because, besides giving rise to fundamental problems involving a conflict between freedom of expression and religious or racial discrimination, the publication the incriminating drawings had already had dramatic consequences across the globe and had resulted in the deaths of dozens of people. Mr. Amir stressed that he had put forward the proposal of the Working Group on Early Warning Measures and Urgent Action Procedures, of which he was a member.

9. After an exchange of opinions in which Mr. LINDGREN ALVES, Ms. JANUARY-BARDILL, Mr. YUTZIS, Mr. SHAHI, Mr. AVTONOMOV, Mr. ABOUL-NASR, Mr. SICILIANOS, Mr. KJAERUM and Ms. DAH took part, the Chairperson announced that the fundamental problem caused by the publication of the cartoons of Muhammad in the press would be considered during the general debate, which would take place Wednesday, 1 March 2006, at 3 p.m., on the topic of double discrimination — religious and racial.

FOLLOW-UP PROCEDURE (agenda item 9)

10. The CHAIRPERSON invited Mr. Kjaerum to speak about the work involving the follow-up procedure.

11. Mr. KJAERUM (Follow-Up Coordinator) said that the follow-up procedure was now entering a new phase in which the Committee would begin to receive the responses of States parties to its recommendations regarding a given priority issue. The Follow-Up Procedure Working Group had drawn up a list of countries to which the Committee in its sixty-sixth session had sent a request for additional information on given issues. None of the countries — Australia, Azerbaijan, Bahrain, France, and Laos — had yet submitted a response. In accordance with the mandate of the Follow-Up Coordinator, those countries would be sent a reminder of the request for information at the end of the Committee's sixty-eighth session along with an invitation to provide a response within one month. The responses would be evaluated jointly by the Coordinator and the Country Rapporteur, and, if necessary, additional information would be requested of the State party. On the basis of the information received, or if information were not submitted, recommendations on the follow-up on this question would be presented to the Committee members in the sixty-ninth session.

12. In addressing follow-up measures pertaining to Ireland, he noted that, beginning with the sixty-sixth session of the Committee, a constant dialogue had been under way with the Government of Ireland, the Irish Human Rights Commission, and an entire array of NGOs. In that connection, the Secretary of the Committee had recently been in Ireland to prepare for the visit that the Coordinator was to make to Ireland in early spring 2006.

13. Ms. PROUVEZ (Secretary of the Committee) reported that she had traveled to Ireland at the invitation of the Irish Human Rights Commission and the National Consultative Committee on Racism and Interculturalism to participate in a meeting set for 10 February to prepare for the visit of the Follow-Up Coordinator. The purpose of the meeting was to explain the effect of the follow-up procedure for civil society organizations and to bring into focus the involvement of Ireland, which had been selected as a unique pilot country in the new mechanism for its contribution to the implementation of the follow-up procedure. During that meeting, after hearing substantive addresses of two NGO representatives who had taken part in the consideration of the initial and second periodic reports of Ireland in the sixty-sixth session, during which the representatives had stressed the positive aspects of their interaction with the Committee, the Secretary of the Committee spoke briefly about the follow-up procedure and its development to date. A Ministry of Justice representative reported on the actions that the Ministry was calling for with regard to the forthcoming stage of the procedure begun by the State party with the Committee. Judging from that address, the State party was working resolutely to see to it that the follow-up procedure proceeded suitably and effectively. The second part of the morning of that meeting was devoted to general discussions with approximately 40 participants who were, for the most part, NGO representatives who asked questions about how NGOs would take part in that procedure. The Secretary of the Committee, like the Ministry of Justice representatives, assured them that, during the Coordinator's visit, he would have ample opportunity to meet with the NGOs. Then the participants heard the report of the Chair of the Group for the Strategic Follow-up to the National Action Plan against Racism. The Committee Secretary noted that an official of the Ministry of Justice assured her of its relationship with the Committee and that an official invitation would soon be sent to the Follow-Up Coordinator along with suggestions for the dates of the visit. Attached to it would be a brief report on the measures taken by Ireland to implement the concluding observations of the Committee, which would facilitate the preparations for the visit in question.

14. The CHAIRPERSON declared that, given the lack of time at this meeting, the reports on follow-up work would be continued at one of the subsequent meetings.

*The meeting rose at 1 p.m.*