



**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 1730th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 20 February 2006, at 10 a.m.

Chairperson: Mr. YUTZIS  
later: Mr. de GOUTTES

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

OPENING OF THE SESSION

1. The TEMPORARY CHAIRPERSON (Mr. Yutzis) declared open the sixty-eighth session of the Committee on the Elimination of Racial Discrimination.

*Statement by the Chief of the Treaties and Commission Branch of the Office of the United Nations High Commissioner for Human Rights (OHCHR)*

2. Ms. IZE-CHARRIN (Office of the United Nations High Commissioner for Human Rights) welcomed the members of the Committee, particularly its new member Mr. Ewomsan, and congratulated the re-elected members of the Committee.

3. In discussing the events that had taken place since the closure of the Committee's last meeting, Ms. Ize-Charrin pointed out that the Office of the United Nations High Commissioner, in its plan of action, regarded addressing the problem of discrimination as one of its priorities for the next five years. In the fall of 2005, a special group was created for studying ways to enhance the effectiveness and improve the coordination of the work of the Office of the United Nations High Commissioner involving issues associated with all forms of discrimination, particularly racial discrimination.

4. Ms. Ize-Charrin expressed her gratitude to the Committee Chairperson for the fact that, in response to a letter sent by the High Commissioner in October 2005 regarding the reform of treaty bodies of the United Nations, he had sent the High Commissioner a letter that set forth the Committee's views on the question, which were concisely formulated in a report of the Committee to the General Assembly. She also thanked Mr. Sicilianos for the document he had submitted last fall.

5. In October 2005, the Office of the High Commissioner organized a brainstorming meeting to examine the possibility of creating a single standing body for monitoring the implementation of treaties and making better use of internal potential. Several such meetings were held, among them a meeting organized in October 2005 by the United Kingdom for members of the European Union and, later, a meeting organized by the University of Nottingham for academics and for representatives of NGOs and governments, as well as for members of treaty bodies who could discuss the issue. In February 2006, the Permanent Mission of Sweden to the United Nations Office also held such a meeting on that issue for mandate holders who are citizens of Scandinavian countries.

6. Ms. Ize-Charrin noted the interest evoked by the discussion organized on the website of the Office of the High Commissioner in November and December 2005 of the question of reforming the UN. That discussion, during which some 100 suggestions were received, addressed various issues, such as: the strengths and weaknesses of the existing system; the potential format, composition, and authority of a single standing treaty body; methods for protecting specific rights; methods that the new body that is slated to be created could use to promote respect for human rights on a national level; and the potential organizational-legal forms of that body. Ms. Ize-Charrin said that the principal document on the issue, which would take all the suggestions into account, would be drafted and then given to the treaty bodies and other interested parties in March 2006. A brainstorming meeting regarding that document would be set up for July 2006, and plans called for two-week-long intergovernmental consultations among States parties for examining the different

variations of reform. Ms. Ize-Charrin expressed the hope that the above suggestions and the unique experience garnered by the Committee would help to achieve the main goal of the reform underway: to provide more effective protection of rights holders.

7. Efforts to strengthen the reporting system under human rights treaties will accompany the discussions of the creation of a single standing treaty body. In fact, the submission of reports to each treaty body separately on issues that are often similar or that overlap one another are quite costly for many States. Because of that, the reports are submitted late, are often incomplete and repetitious and are reviewed too quickly. After the Secretary-General in 2002 recommended harmonizing reporting guidelines and broached the subject of the possibility of submitting a single report, treaty bodies set about compiling harmonized guidelines. The High Commissioner's plan of action emphasized the need to complete the work on those guidelines and begin implementing them so that the treaty bodies could begin functioning as a unified system.

8. In accordance with the recommendations adopted at the fourth inter-committee meeting and at the seventeenth meeting of the chairpersons of the human rights treaty bodies, two meetings of a technical working group whose membership consisted of one representative from each treaty body were held in December 2005 and last week for the purpose of completing the work on the draft of the harmonized guidelines to be submitted for subsequent adoption by each committee.

9. Ms. Ize-Charrin said that the Office of the High Commissioner continued to call upon the committees to enhance the effectiveness of their working methods. She expressed satisfaction with the Committee's creation of a procedure for follow-up to the results of the consideration of the reports submitted. Moreover, this session, the Committee needed to appoint a rapporteur on the follow-up to the Committee comments adopted on the strength of Article 14 of the Convention.

10. Given that the Committee attached ever-increasing significance to States taking effective measures to implement its recommendations, Ms. Ize-Charrin directed the attention of the Committee members to recent activities in the context of technical cooperation with the Office of the High Commissioner that made it possible for the Office to work with the Division for the Advancement of Women within the framework of a sub-regional workshop on the follow-up to the concluding comments of the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women, which took place 19–22 December 2005, in Cairo. Highly placed officials and members of human-rights agencies and non-governmental organizations in Algeria, Egypt, Libyan Arab Jamahiriya, Mauritania, Morocco, and Tunisia took part in the workshop; the objective of the workshop was to enhance the application of the two conventions through more effective follow-up to and implementation of the concluding comments of the two committees. Ms. Ize-Charrin noted that the report on the results of that workshop would be available soon.

11. The speaker felt that the date for the workshop had been chosen particularly well, given the efforts that were currently being made by the Office of the High Commissioner to strengthen the human rights of women, specifically to create a women's rights division within the Office. She pointed out that the High Commissioner's plan of action contained the recommendation to include the Committee on the Elimination of Discrimination against Women in the orbit of the

Office of the High Commissioner so that women's rights would be given a central place in the human rights machinery of the United Nations and in order to prevent double discrimination, specifically for reasons of race and sex. Knowing that the question had been considered in the Committee's general recommendation XXV, Ms. Ize-Charrin called upon the Committee to redouble its efforts in the struggle against racial discrimination against women.

12. Ms. Ize-Charrin then directed the Committee's attention to the conclusions of the fourth session (January 2006) of the Intergovernmental Working Group on the follow-up to the implementation of the Durban Programme of Action, which placed a high value on the contribution of two members of the Committee—Mr. Pillai and Ms. January-Bardill—to the high-level work of the seminar on the matter of additional standards in the struggle against racism and racial discrimination.

13. Ms. Ize-Charrin added that the Intergovernmental Working Group, within the framework of its thematic discussion of the problems of globalization and racism, considered the question of migration and underscored the need for a global approach to that phenomenon based on respect for human rights. In September 2006, the General Assembly would be organizing a high-level dialogue on the problems of migration and development and, along with other measures, was planning to hold a round table on protecting the rights of migrants. In that connection, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recently held a general discussion on the protection of the rights of migrant workers as a tool to enhance development and would prepare a written report for the participants in the high-level dialogue. The Committee on the Elimination of Discrimination against Women made considerable progress in its work on the general recommendation on women migrants. The Office of the High Commissioner was planning on providing the participants in the high-level dialogue a compilation of the comments made on that question by treaty bodies and special-procedures mandate-holders with regard to the basic rights of migrants. Of great interest in that regard is general recommendation XXX of the Committee on discrimination against non-citizens.

14. Mr. LINDGREN ALVES asked Ms. Ize-Charrin to clarify whether other human rights treaty bodies had enunciated their views on the proposal of the High Commissioner for Human Rights regarding the creation of a single standing body. He also said he would like to receive information on the proposal that the President of the General Assembly was to present very soon regarding the reform of the Commission on Human Rights.

15. Mr. VALENCIA RODRIGUEZ was interested in knowing what stage the proposal regarding the submission of a common report to the treaty bodies was in.

16. Ms. IZE-CHARRIN said that all the treaty bodies had expressed concern over the proposal to create a single standing body, as well as fear that such a measure could have negative effects on the specific nature of each human rights treaty. The desire to continue the discussion of the question and to examine all possible variations was also expressed. As for the proposal regarding the question of the reform of the Commission on Human Rights that the President of the General Assembly was to present, the Higher Commissioner would inform the Committee members of any developments without fail. With regard to the project regarding the submission by States parties of a common report to treaty bodies, the speaker said that the final version of the harmonized guidelines for the submission of reports

would be published soon and that, during the session, the rapporteur for the Committee, Mr. Thornberry, would give a report on what had been done in that area.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE UNDER RULE 14 OF THE RULES OF PROCEDURE (item 1 of the provisional agenda)

17. Under Rule 14 of the Rules of Procedure, Messrs. ABOUL-NASR, AMIR, de GOUTTES, KJAERUM, LINDGREN ALVES, SHAHI, SICILIANOS, and THORNBERRY—the re-elected Committee members — and the new Committee member, Mr. Ewomsan, made the following declaration:

“I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously.”

ELECTION OF OFFICERS, ACCORDING TO RULE 15 OF THE RULES OF PROCEDURE (item 2 of the provisional agenda)

Election of the Chairperson

18. The TEMPORARY CHAIRPERSON called for the Committee members to nominate candidates for the post of Chairperson.

19. Mr. KJAERUM proposed the nomination of Mr. de GOUTTES.

20. Mr. ABOUL-NASR, who had the support of Mr. AMIR and Mr. TANG, requested a break in the meeting so that the Committee could hold unofficial consultations to certify that the candidature of Mr. de Gouttes was accepted by consensus.

*The meeting was suspended at 11.05 a.m. and resumed at 11.55 a.m.*

21. The TEMPORARY CHAIRPERSON said that Mr. Sicilianos was also a candidate for the post of Committee Chairperson. However, based on the results of the unofficial consultations, the majority of the Committee members supported the candidacy of Mr. de Gouttes.

22. Mr. SICILIANOS withdrew his candidacy for the post of Committee Chairperson. He congratulated Mr. de Gouttes and expressed his full support for him.

23. *Mr. de Gouttes was elected Chairperson by consensus.*

24. Mr. LINDGREN ALVES congratulated Mr. de Gouttes, who he said would undoubtedly be an excellent Chairperson. He thanked Mr. Sicilianos for having withdrawn his candidacy and expressed his gratefulness to Mr. Yutzis, the departing Chairperson, for having carried out his mandate with the highest level of excellence

25. Mr. BOYD stressed the exceptional qualities of the two candidates for the post of Chairperson. He congratulated Mr. de Gouttes on his having been elected and thanked Mr. Sicilianos, whom he regarded as an intelligent, moral, legal pillar of the Committee, given that, thanks to him, they were able to choose a Chairperson by consensus.

26. *Mr. de Gouttes took the Chair.*

27. The CHAIRPERSON thanked the Committee members for the confidence they had vested in him by electing him Chairperson, and he expressed his gratitude to Mr. Sicilianos, who had acted with dignity in withdrawing his candidacy.

28. The Chairperson also thanked Mr. Yutzis, who was leaving the post of Chairperson, for his productive work, the breadth of his views, his philosophical mind, his humanity, and his exceptional flexibility in managing dialogues.

29. The Chairperson also declared that he would strive to guide the work of the Committee on the basis of five extremely important principles, namely, neutrality, restraint, attentiveness, further improvement of the working methods of the Committee, and, last, a search for consensus. Above all, it was neutrality and impartiality that were extremely important values, given the diversity and pluralism of opinion that could be expressed in the Committee.

30. Second, it was important that the discussions be restrained in nature, since they were sometimes devoted to acute problems, occasionally took place in a tense atmosphere, and were emotional in political and cultural contexts. By dint of its mandate, the Committee for the Elimination of Racial Discrimination was at the very center of ethnic, racial, cultural, political, and even religious tension currently observed throughout the world, which could be characterized as “turbulent.” For that reason, the Chairperson felt that it was extraordinarily important not to forget that the international community at present was following the activities of the Committee closely and that its members must do the work of the Committee with the very highest standards. Over the entire 15 years the Chairperson had been a member of the Committee, at least not since the struggle against apartheid in South Africa, he had never felt so keenly the urgency, legitimacy, or vital need of the mission charged to the Committee under the difficult conditions that all societies today were faced with.

31. Third, the Chairperson also regarded it as necessary to be attentive and exacting with regard to States parties in terms of the application of the International Convention on the Elimination of All Forms of Racial Discrimination, the observance of human rights, the adherence to the guarantees of rights, and the eradication of all forms of discrimination based on race or ethnic origin.

32. Fourth, the Chairman said he would like to continue to improve the Committee’s working methods, whether they pertained to procedures involving urgent action or harmonized guidelines, follow-up, consideration of individual communications, or the project for the reform of treaty bodies.

33. And finally, the Chairperson would make every effort to achieve a consensus and promote a spirit of cooperation not only in dialogue with States parties and their delegations, but also in discussions within the Committee. Such an endeavor, however, had its limits: the Committee had to adhere strictly to the spirit of the Convention, respect for human rights, and the obligation to always fight against discrimination based on race or ethnic origin. That was consonant with the goals referred to in the preamble of the Convention, namely, to promote support of friendly and peaceful relations among nations (paragraph seven) and to strive against racial prejudice and promote understanding between the races (paragraph ten), including intercultural and religious understanding throughout the world.

34. The Chairperson emphasized that the Committee for the Elimination of Racial Discrimination was a forum with two logical paths that come into dialectical

conflict with each other: on the one hand, a path that was intrinsic to any committee performing the functions of monitoring and that reflected the development of the human rights situation, that of conducting investigations; and, on the other hand, the path of governments striving to explain and justify their policy, a path that reflected the development of the situation in State sovereignty. There was constant dialectical interaction, which, more often than not, was expressed in cooperation, but could sometimes result in situations that were tense and more complicated. The Chairperson said that, with this understanding, he was setting out to carry out his own new mandate with great humility, but also with the certainty that all his colleagues were willing to show good will for purposes of facilitating the work of the Committee.

#### Election of the Vice-Chairperson

35. The CHAIRPERSON called for the Committee members to nominate three candidates for Committee vice-chairpersons. He suggested a break in the meeting for unofficial consultations.

*The meeting was suspended at 12.15 p.m. and resumed at 12.55 p.m.*

36. After consulting with the other Committee members, the CHAIRPERSON called for the election of Ms. Dah (Africa), Mr. Pillai (Asia), and Mr. Yutzis (America) as vice-chairpersons in keeping with the principle of equitable geographic distribution.

37. *Ms. Dah, Mr. Pillai, and Mr. Yutzis were elected as vice-chairpersons.*

#### Election of the Rapporteur

38. The Chairperson suggested that Mr. Thornberry be re-elected as the Rapporteur of the Committee.

39. *Mr. Thornberry was re-elected as Rapporteur.*

40. The CHAIRPERSON felt that officers could and should be allowed to be present at meetings as observers of Committee members, specifically as chairs of working groups. In that connection, the Chairperson clarified that he could no longer lead the working group on individual communications; the chair in that group was assigned to Mr. Sicilianos, who would also be involved in treaty body reform. Ms. January-Bardill would remain as chair of the working group on urgent action procedures, and Mr. Kjaerum, with Mr. Amir as the vice-chairperson, would continue to chair the working group on follow-up procedures.

#### ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (CERD/C/68/1)

41. The CHAIRPERSON noted that a number of amendments had been made to the agenda in connection with the fact that two States parties (Israel and South Africa) had requested that the Committee postpone consideration of their periodic reports until the following session, and the request was honoured.

42. *The agenda was adopted.*

*The meeting rose at 1 p.m.*