



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-first session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)\*  
Of The 1845th MEETING

Held at the Palais Wilson, Geneva, on  
Friday, 17 August 2007, at 3 p.m.

Chairperson: Mr. De GOUTTES

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\* The summary record of the first part (closed) of the meeting appears as document CERD/C/SR.1845.

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Any corrections to the records of the public meeting of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

*The second part (public) of the meeting was called to order at 3.30 p.m.*

CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

1. Mr. PILLAI, speaking as Chair of the Working Group on implementation of article 15 of the Convention, said that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had sent to the Committee copies of working documents relating to the following Trust Territories and Non-Self-Governing Territories: Anguilla, Bermuda, Cayman Islands, Falkland Islands (Malvinas), Gibraltar, Guam, Montserrat, New Caledonia, Pitcairn Islands, 9Western Sahara, Saint Helena, American Samoa, Tokelau, Turks and Caicos Islands, American Virgin Islands and British Virgin Islands.
2. His reading of the documents had revealed no reference to any complaint of racial discrimination or any communication from inhabitants of Trust or Non-Self-Governing Territories. Nor did the working documents contain any up-to-date information or recent statistics on the human rights situation in general in those Territories, and racial discrimination in particular. He therefore proposed that the Committee should note in its report to the General Assembly that, despite repeated requests for additional information, it did not possess sufficient information to allow it to apply article 15 of the Convention to the Trust and Non-Self-Governing Territories concerned and urged the administrative powers to disseminate the provisions of the Convention.
3. The CHAIRPERSON said that since he saw no objection he considered Mr. Pillai's proposal to be approved.
4. *It was so decided.*

ORGANIZATIONAL AND OTHER MATTERS

Improvement of the working methods of the Committee

5. The CHAIRPERSON recalled that on Tuesday 14 August 2007 the Committee had held a meeting with the representatives of States parties, focusing on improving its working methods. On that occasion 12 representatives had specifically introduced the matter of the lists of issues and asked that the country rapporteurs should send them sufficiently in advance to allow them time to reply.
6. Bearing those observations in mind, the Bureau of the Committee had met and proposed adoption of the following working method: at the end of each session the Committee would designate rapporteurs to study States parties' periodic reports before their consideration at the next session; the secretariat would prepare for each periodic report a preliminary draft list of issues, which the rapporteur concerned could amend in the following two weeks. Ten weeks before the session at which the period reports were to be considered, the lists of issues approved by the country rapporteurs would be communicated to the States parties concerned, which would then have six weeks to prepare their replies. Those replies should be sent to the Committee four weeks before the start of each session so that the rapporteurs could

study them. The Bureau also proposed that the lists of issues should be limited to 20 questions and the States parties' replies to no more than 20 pages.

7. The proposal was merely an experiment designed to respond promptly to States parties' concerns and could of course be modified as it went along.

8. Mr. SICILIANOS, fully endorsing the Bureau's proposal, which he considered to be a step in the right direction, recommended that non-governmental organizations (NGOs) should be informed of the new working method so that they could be involved in the consideration of States parties' periodic reports.

9. Mr. AVTONOMOV, supported by Mr. AMIR, Mr. KJAERUM and Mr. YUTZIS, welcomed the proposal; the Committee could always modify the procedure at its next session, should the need arise.

10. Mr. LINDGREN ALVES said that, at the meeting with States parties, many countries, including the United States, had wondered whether the purpose of the lists of issues was to discourage States parties from submitting a periodic report or, rather, to encourage dialogue between countries' delegations and the Committee. The matter needed further consideration and the Committee needed to avoid hastily adopting a decision that would change the Committee's working methods. However, since the majority of Committee members seemed to be in favour of the Bureau's proposal, he was prepared to go along with it on the clear understanding that the new procedure would be adopted on an experimental basis and that its implementation would be evaluated at the next session.

11. The CHAIRPERSON said that lists of issues were intended to help States parties to prepare for their dialogue with Committee members and in no way to place restrictions on them.

12. Mr. PILLAI pointed out that the members of the Bureau had drafted its proposal as a means of responding effectively and promptly to the concerns raised by States parties regarding the working methods of the Committee, which could not say that it intended to take States parties' observations into account and at the same time refuse to change its procedure. The new working method was very similar to the current method and should not pose any major problem.

13. The CHAIRPERSON said he took it that Committee members were prepared to adopt the new working method proposed by the Bureau on an experimental basis.

14. *It was so decided.*

Participation of the Committee in the Intergovernmental Working Group on Effective Implementation of the Durban Declaration and Programme of Action

15. The CHAIRPERSON recalled that the Intergovernmental Working Group on Effective Implementation of the Durban Declaration and Programme of Action would be meeting in Geneva from 3 to 7 September 2007. Two members of the Committee would attend on 4 September: Mr. Avtonomov and Ms. January-Bardill. Should the latter be unable to attend, Mr. Yutzis would replace her.

16. *It was so decided.*

Contribution to the work of the Preparatory Committee for the Durban Review Conference

17. The CHAIRPERSON said that the Committee had received a note verbale from the Office of the United Nations High Commissioner for Human Rights, dated 23 July 2007, in which it had asked the treaty bodies for inputs for the preparations for the Durban Review Conference on implementation of the Durban Declaration and Programme of Action, scheduled for 2009, in the form of written recommendations to be considered at the organizational session of the Preparatory Committee for the Conference, to be held in Geneva from 27 to 31 August 2007. He suggested replying to the note verbale with a short letter expressing the Committee's interest in the organizational session of the Preparatory Committee for the Durban Review Conference and recalling its proposal to organize monitoring or evaluation visits to States parties in order to strengthen implementation of the Convention, an initiative that would at the same time permit monitoring of the effective implementation of the Durban Declaration and Programme of Action. In the letter the Committee might also mention that it had suggested that States parties to the Convention should appoint national bodies to liaise with the Committee. The letter could also mention that the Committee was endeavouring to compile a list of groups of persons that were particular victims of racial or ethnic discrimination throughout the world. Lastly, the Office of the High Commissioner would be told that the Committee was continuing its work on the issue and that it would be apprised of its more in-depth findings in due course.

18. Since he heard no objection he took it that the members of the Committee wished to adopt the draft letter he had proposed.

19. *It was so decided.*

Drafting of a general recommendation and organization of a thematic discussion

20. The CHAIRPERSON said that the Bureau proposed that the Committee should consider adopting in 2008 a new general recommendation on the concept of "special measures" mentioned in article 2, paragraph 2, of the Convention and begin work on it in February 2008. The Bureau also proposed that the Committee should organize a thematic discussion on the links between racism and religion in August 2008.

21. He took it that the members of the Committee approved those two proposals and wished to adopt them.

22. *It was so decided.*

23. Mr. KJAERUM, supported by Mr. LINDGREN ALVES and Mr. THORNBERRY, said that it would also be interesting to consider the possibility of drafting a joint recommendation with other United Nations treaty bodies on the links between private enterprises and discrimination.

24. Mr. SICILIANOS supported the idea of preparing a joint general recommendation on special measures and proposed that some members of the Committee should contact the Committee for the Elimination of Discrimination against Women, since the Convention on the Elimination of All Forms of Discrimination against Women also contained provisions on special temporary measures that States parties could adopt in order to give effect to that Convention. Preparation of a joint recommendation would be a first in the history of the United Nations.

25. The CHAIRPERSON said that informal talks could be held with the Committee for the Elimination of Discrimination against Women with a view to the joint drafting of a general recommendation. However, in 2004 that Committee had adopted a general recommendation on special temporary measures. Committee members might wish to study that text before further consideration of the matter.

26. In accordance with one of the recommendations drafted for the sixth inter-committee meeting, all treaty bodies were encouraged to appoint a rapporteur or focal point to liaise with the specialized agencies. He invited Committee members to inform Mr. Thornberry if they were prepared to perform that task.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY AT ITS SIXTY-SECOND SESSION (CERD/C/71/CRP.1 and Add. 1-9 and CERD/C/71/CRP.2/Add.1 to 6, revised documents distributed in the meeting room in English only)

27. The CHAIRPERSON invited Committee members to examine the draft annual report of the Committee to the General Assembly.

28. Mr. THORNBERRY (Rapporteur of the draft report of the Committee to the General Assembly at its sixty-second session) said that the draft report under consideration had not yet been finalized since certain end-of-session documents approved by the Committee had not been incorporated in time. Consequently, new headings, particularly those referring to treaty-body reform and working methods and a new appendix containing guidelines on the early-warning measures and the urgent-action procedure would need to be added subsequently. He proposed that Committee members should examine the draft chapter by chapter.

Chapter I. Organizational and related matters (CERD/C/71/CRP.1/Add.1)

29. Mr. THORNBERRY said that section F of the chapter I, entitled “Other matters”, should be supplemented in order to take into account the statements by the representative of the International Labour Organization, Mr. Martin Oelz; the Coordinator of the National Institutions Unit of the Office of the High Commissioner for Human Rights, Mr. Gianni Magazzeni; and the representative of the Office of the United Nations High Commissioner for Refugees, Ms. Karolina Lindholm-Billing, who had come to discuss with the Committee matters within their fields of competence. He also proposed moving paragraph 15 to the chapter that would be devoted to treaty-body reform and harmonization of working methods.

30. Mr. SICILIANOS asked whether reservations to the Convention would be dealt with in chapter I under consideration,

31. Mr. THORNBERRY said that in principle the matter should be addressed in the chapter to be devoted to treaty-body reform and harmonization of working methods.

32. Mr. SICILIANOS, supported by Mr. AMIR, said that reservations to the Convention had nothing to do with reform of the Committee’s working methods. He therefore proposed the creation of a new chapter devoted specifically to that subject.

33. Mr. THORNBERRY, accepting that proposal, asked Mr. Sicilianos to state later what the new chapter should contain and between which chapters of the report it should be inserted.

34. *The whole of chapter I of the draft report of the Committee, as amended, was adopted.*

Chapter II. Prevention of racial discrimination, including early warning and urgent procedures (CERD/C/71/CRP.1/Add.2)

35. Mr. THORNBERRY said that he intended to fill out chapter II with a brief description of the activities of the Working Group on the early-warning measures and the urgent-action procedure, which had been introduced at the current session by the Coordinator of the Group, Mr. Avtonomov. He also proposed mentioning the letter that the Committee had decided to send to the Brazilian Government and to include a reference to the new annex containing the text of the new guidelines recently adopted by the Committee on the early-warning measures and the urgent action procedure. (CERD/C/71/Misc.10).

36. *The whole of chapter II of the draft report of the Committee, as amended, was adopted.*

Chapter IV. Follow-up to the consideration of reports submitted by States parties under article 9 of the Convention (CERD/C/71/CRP.1/Add.3)

37. Mr. THORNBERRY said that additional paragraphs should be inserted in chapter IV in order to incorporate a summary of the statements by the Coordinator responsible for follow-up concerning, respectively, Guyana, and relations with China and the Hong Kong Special Administrative Region. Lastly, in paragraph 3 the date of the presentation by the Coordinator responsible for follow-up needed to be corrected, it having been made on 16 August. A synopsis of its content would be included in chapter IV.

38. *The whole of chapter IV of the draft report of the Committee, as amended, was adopted.*

Chapter V. Review of the implementation of the Convention in States parties the reports of which are seriously overdue (CERD/C/71/CRP.1/Add.4)

39. Mr. THORNBERRY said that a summary of the discussions between the Committee and the Ambassador of Ethiopia and of the recommendations the Committee had made for that State party would be incorporated in chapter V. Also, Malawi and Namibia needed to be removed from the list of countries in paragraph 5.

40. *The whole of chapter V of the draft report of the Committee, as amended, was adopted.*

Chapter VI. Consideration of communications under article 14 of the Convention (CERD/C/67/CRP.1/Add.5, revised document distributed in the meeting room in English only)

41. Mr. THORNBERRY said that he had prepared a revised version of chapter VI of the draft to be incorporated in a synopsis of the decisions taken by the Committee at its current session, which dealt respectively with communications No. 36/2006 (*Nicolajsen v. Denmark*), No. 37/2006 (*Pedersen v. Denmark*) and No. 40/2007 (*Murat Er v. Denmark*).

42. *The whole of chapter VI of the draft report of the Committee, as amended, was adopted.*

Chapter VII. Follow-up to individual communications (CERD/C/71/CRP.1/Add.6, revised document distributed in the meeting room in English only)

43. *All of chapter VII of the draft report of the Committee was adopted, with minor drafting changes.*

Chapter VIII. Consideration of copies of petitions, copies of reports, and other information relating to Trust and Non-Self-Governing Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention (CERD/C/71/CRP.1/Add.7)

44. *The whole of Chapter VIII of the draft report of the Committee was adopted.*

Chapter IX. Action taken by the General Assembly at its fifty-ninth session (CERD/C/71/CRP.1/Add.8)

45. *The whole of Chapter IX of the draft report of the Committee was adopted.*

Chapter X. Follow-up to the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance (CERD/C/71/CRP.1/Add.9)

46. The CHAIRPERSON said that the Rapporteur, Mr. Yutzis, would be willing to replace Ms. January-Bardill at the fifth session of the Intergovernmental Working Group should she be unable to attend.

47. Mr. THORNBERRY said he would insert that fact in the chapter and that he intended to add new paragraphs stating that the Chairperson of the Committee had attended the meeting of the Working Group of Experts on People of African Descent and that a letter on the Committee's contribution to the work of the Preparatory Committee for the Durban Review Conference had been adopted at the current session.

48. *The whole of Chapter X of the draft report of the Committee, as amended, was adopted.*

49. Mr. THORNBERRY proposed the inclusion in the draft report of several new chapters devoted to the following matters: the theme of the next general discussion and the subject of the Committee's next general recommendation, namely special measures and the links between human rights and multinational corporations; reform of the treaty body system; harmonization of working methods; and reservations.

50. Mr. SICILIANOS proposed bringing treaty-body reform and harmonization of working methods together in a single chapter.

51. The CHAIRPERSON said he took it that the Committee approved those proposals. He therefore entrusted the Rapporteur with the task of drafting the new chapters after the session, in collaboration with the secretariat.

Annexes [I-III]: Status of the Convention; Agendas of the seventieth and seventy-first sessions; Documents received by the Committee at its seventieth and seventy-first sessions in conformity with article 15 of the Convention (CERD/C/71/CRP.2/Add.1 to 3)

52. *Annexes [I-III] contained in documents CERD/C/71/CRP.2/Add.1 to 3 of the draft report of the Committee were adopted.*

Annexes [IV and V]: Country Rapporteurs for States parties the reports or situation of which were considered by the Committee and for States parties considered under the review procedure at the seventieth and seventy-first sessions; Lists of documents issued for the seventieth and seventy-first sessions of the Committee (CERD/C/71/CRP.2/Add. 4 and 5)

53. Mr. AMIR said that the Committee had not been able to consider the report of Moldova at the current session because the State party had not sent a delegation to Geneva to present it. Therefore all references to documents concerning that country needed to be deleted from the annexes under consideration.

54. *Annexes [IV and V] contained in documents CERD/C/71/CRP.2/Add. 4 and 5 of the draft report of the Committee, as amended, were adopted.*

Annex [VI]: Communications for which the Committee has adopted recommendations, and information on their follow-up (CERD/C/71/CRP.2/Add.6, revised document distributed in the meeting room in English only)

55. Mr. THORNBERRY, calling Committee members' attention to the revised document containing the latest version of annex VI, said that an amendment had been made to the decision concerning communication No. 34/2004 (*Mohammed Hassan Gelle v. Denmark*), which would now read: "The Committee considers that the State party has provided a satisfactory response, including by explicitly acknowledging that the petitioner does not support female genital mutilation. Furthermore, the Committee notes that the petitioner has been provided with adequate compensation in having been paid his legal costs."

56. *Annex [VI] contained in document CERD/C/71/CRP.2/Add.6 of the draft report of the Committee, as amended, was adopted.*

57. Mr. THORNBERRY said that he intended to make additions to the drafts of other annexes, which would include, inter alia, the comments the Indian Government had sent to the Committee concerning the concluding observations on the fifteenth and sixteenth periodic reports of India; the new guidelines concerning the submission of reports; the new amendment to the rules of procedure adopted at the current session; the summary prepared by the Coordinator in charge of follow-up, Mr. Kjaerum; and the new guidelines on the early-warning measures and the urgent-action procedure.

58. *The whole of the draft report of the Committee to the General Assembly at its sixty-second session, as orally amended, was adopted, subject to subsequent amendments as announced.*

#### CLOSURE OF THE SESSION

59. Following an exchange of courtesies, the CHAIRPERSON declared the seventy-first session of the Committee closed.

*The meeting rose at 6.10 p.m.*