



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

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**Committee on the Elimination of Racial Discrimination**  
**Seventy-fifth session**

**Summary record of the first part (public)\* of the 1933rd meeting**

Held at the Palais Wilson, Geneva, on Monday, 3 August 2009, at 10 a.m.

*Chairperson:* Ms. Dah

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\* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1933/Add.1.

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

**Opening of the session**

1. **The Chairperson** declared open the seventy-fifth session of the Committee on the Elimination of Racial Discrimination.

**Statement of the Chief of the Human Rights Treaties Branch of the Office of the United Nations High Commissioner for Human Rights**

2. **Mr. Salama** (Chief of the Human Rights Treaties Branch of the Office of the United Nations High Commissioner for Human Rights) welcomed the fact that the Durban Review Conference outcome document accorded a central role to the Committee on the Elimination of Racial Discrimination, which it described as “the principal international instrument to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance”. He was pleased that the signatory States appreciated the early warning and urgent action procedure, as well as the follow-up procedure established by the Committee on the Elimination of Racial Discrimination. Mr. Salama understood the disappointment felt by Committee members who had been hoping that their various contributions would be more comprehensively reflected in the outcome document. The Review Conference had just started its work and the Committee was certain to have an increasingly important role in the future.

3. Having examined the jurisprudence of the treaty bodies and of the Committee on the Elimination of Racial Discrimination, in particular, the Review Conference had concluded that the defamation of religions was a technical issue and should therefore be addressed from a far less political angle in future. A series of expert seminars on the issue of incitement to hatred was also planned. Those proceedings would be based on the relevant articles of the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The experts would focus on comparing not only the relevant laws of the different countries but also their jurisprudence and government policies.

4. **Mr. Salama** invited the Committee to take the seventy-fifth session as an opportunity to examine the various recommendations adopted at the ninth Inter-Committee Meeting of the human rights treaty bodies, which had taken place in June 2009, and to consider how they should be implemented.

5. Lastly, Mr. Salama encouraged the members of the Committee to look into how the work of the different committees could be harmonized. He informed them that no decision would be taken until the members of the different committees had expressed a view on the subject. He added that the High Commissioner planned to consult the various stakeholders, namely the members of the committees, non-governmental organizations and national human rights institutions and member States. The Office intended to consult each of them separately so that they could each set out their individual positions prior to the start of an informal debate in which all parties would air their views.

6. **Mr. Salama** drew attention to the review to be undertaken in 2010 of the Human Rights Council’s institutional structure, modus operandi and status within the United Nations system and encouraged the Committee to begin its consideration of the matter so that it would be in a position to express its views in a timely manner.

7. **Mr. Avtonomov** said that the task of harmonizing the work of the different committees was complex because the texts had been adopted at different times and in different contexts and because the terminology used varied from one treaty to another. He wanted to know whether any of the State parties had specifically proposed creating a

permanent body to oversee all human rights issues and whether any new legally binding international treaties were likely to be adopted.

8. In his view, it was preferable to broaden the mandate of the existing treaty bodies to ensure coverage of any new human rights issues, especially since a number of new instruments, such as the International Convention on the Rights of Persons with Disabilities, had entered into force recently.

9. **Mr. Sicilianos** stated that, given the juridical issues involved, the reform of the United Nations human rights protection system was doomed to fail, since it was highly unlikely that any protocol amending all international human rights conventions and treaties would be unanimously adopted by all member States.

10. **Mr. Sicilianos** expressed regret that the Office of the United Nations High Commissioner did not wish to grant the inter-committee meetings decision-making authority, especially as they were composed of members of different treaty bodies. He suggested that the Committee should adopt the recommendations issued at the meetings in order to give them weight and to ensure that they produced results.

11. **Mr. de Gouttes** drew attention to the contradiction existing between the tendency to create more and more specialized treaty bodies in response to emerging problems with discrimination and human rights violations throughout the world and the frequently expressed desire to bring the different treaty bodies together under a single human rights body. He favoured maintaining the separate mandates of the treaty bodies while working to harmonize their different working methods through inter-committee meetings and meetings of the chairpersons of the international human rights treaty bodies. Whatever decision was ultimately taken, it must reflect the points of view of the State parties.

12. **Mr. Thornberry** asked Mr. Salama about the progress of the Human Rights Council's Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination and whether a specific date had been set for completion of its work. He also wanted to know how closely the Committee would be involved in the process of amending the Convention and whether the proposals that the Committee had already formulated would be taken into consideration.

13. **Mr. Amir** expressed regret that the Committee had never been informed about how other United Nations bodies viewed the recommendations that it drew up for State parties after considering their reports. He would welcome comments from the Third Committee of the General Assembly on the work of the Committee on the Elimination of Racial Discrimination following the publication of its annual report.

14. Having noted that discrimination was increasingly prevalent in all continents despite the efforts of the treaty bodies, Mr. Amir asked whether the Committee was doing enough to raise awareness of its work and whether it should try to achieve better media coverage and better representation at all major national and international conferences dealing with racial discrimination.

15. **Mr. Kemal** said that the document published after the Review Conference, to which he had contributed as a Committee member, highlighted the Committee's key role in combating racism and racial discrimination. He appreciated the fact that the Committee had an additional week for its seventy-fifth session, since it was by intensifying its efforts that it would make the most effective contribution to achievement of the objectives of the World Conference against Racism, held in Durban in 2001. Mr. Kemal stressed the importance of cooperation between State parties and the Committee and said that it was essential for the Committee to assume the role of facilitator rather than critic. With regard to improving the Committee's working methods, he suggested that duplication of effort could be avoided if

the secretariat provided the Committee with a list of the most important issues raised by the other treaty bodies before it began considering a State party's report. Lastly, he noted that the increase in the treaty bodies' financial and human resources should enable them to operate more effectively.

16. **Mr. Salama** (Chief of the Human Rights Treaties Branch of the Office of the United Nations High Commissioner for Human Rights) said that time constraints prevented him from responding to all the experts' questions but that he undertook to continue the dialogue with the Committee. He acknowledged that an increase in resources was essential. The competent bodies were well aware of the fact that the treaty bodies did an exceptional job given their limited resources. At the start of 2009, the High Commissioner had instructed the Office of Internal Oversight Services to look into ways of reducing the treaty bodies' workload. Its initial findings were ready and the Committee experts would be informed of them in due course.

17. With regard to the Review Conference, although a number of points remained sources of contention, the fact remained that the outcome document recognized the Committee's strategic role as an impartial, collegial body.

18. He emphasized that the reform of the United Nations human rights protection mechanisms continued to spark debate among member States even though slow progress in the harmonization process and a lack of concrete solutions were generating a certain fatigue among some. Nonetheless, all member States recognized that the treaty bodies were the most appropriate bodies to address human rights issues. The harmonization of the treaty bodies' working methods needed to be accelerated, and merging the different bodies was not a desirable solution, since it was essential to preserve the separate nature of each. To consolidate their authority, the treaty bodies should also strive to overcome their internal divisions, to speak with one voice and to adopt common positions on certain issues, particularly on the indivisibility of human rights. At a time when intergovernmental debate and mechanisms were increasingly politicized, it was more important than ever for treaty bodies to make their independent voice heard. It was in the Committee's interest, from a constructive standpoint, to embrace the decisions adopted by the ninth Inter-Committee Meeting.

19. **Mr. de Gouttes** drew attention to the very useful and less politicized substantive exchanges that had taken place at side events during the Review Conference and said that he wanted to know whether the High Commissioner planned to report on them.

20. **Mr. Sicilianos** asked whether, in connection with reform of the Human Rights Council, the Office of the High Commissioner had studied the extent to which the Human Rights Council took the recommendations and concluding observations of the treaty bodies into account in the universal periodic review.

21. **Mr. Salama** (Chief of the Human Rights Treaties Branch of the Office of the United Nations High Commissioner for Human Rights) said he agreed with Mr. de Gouttes that the discussion which had taken place at side events during the Review Conference had been extremely valuable, especially because civil society had been involved. There was no documentary record of the proceedings as yet, although the matter was under consideration. Replying to Mr. Sicilianos' question, he explained that the Office had not yet decided what part it would play in the reform of the Council and observed that the universal periodic review was first and foremost an intergovernmental exercise. Noting that member States led the universal periodic review process, he wondered whether the treaty bodies should not have more influence. His comments were purely personal, and he deferred to the wisdom of the experts.

22. **The Chairperson** thanked the Chief of the Human Rights Treaties Branch for the very interesting reflections that he had shared with the Committee.

**Adoption of the agenda** (item 1 of the provisional agenda) (CERD/C/75/1)

23. The provisional agenda was adopted.

*The first part (public) of the meeting rose at 11.35 a.m.*