



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
11 August 2011

Original: English

Committee on the Elimination of Racial Discrimination Seventy-ninth session

Summary record (partial)* of the 2089th meeting

Held at the Palais Wilson, Geneva, on Monday, 8 August 2011, at 10 a.m.

Chairperson: Mr. Kemal

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.15 a.m.

Opening of the session

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

Tribute to the memory of the victims of recent attacks in Norway

2. *At the invitation of the Chairperson, the Committee observed a minute of silence in memory of the victims of recent attacks in Norway.*

Statement by the United Nations High Commissioner for Human Rights

3. **Ms. Pillay** (United Nations High Commissioner for Human Rights) drew attention to general comment No. 34 adopted by the Human Rights Committee at its one hundred and second session, which took a new approach to freedom of expression. That comment deemed the prohibition of displays of lack of respect for other religions, including blasphemy laws, to be incompatible with the International Covenant on Civil and Political Rights, and was relevant to the Committee's work regarding the intersectionality of religion and racial discrimination. She also drew attention to Human Rights Council resolution 16/18 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief.

4. Two years previously she had called on different stakeholders to suggest ways to strengthen the treaty body system. A number of meetings had already taken place as part of that process and the last was due to be held in Dublin in November 2011. What had emerged was that civil society organizations and national human rights institutions were calling for treaty bodies to align their engagement procedures, while States were supporting an approach of self-discipline, particularly regarding "non-mandated activities" such as follow-up procedures and the development of general comments. There had also been recurring appeals for adequate resources to support the treaty body system and make it more effective.

5. The Inter-Committee Meeting of the Human Rights Treaty Bodies held from 27 to 29 June 2011 had looked into the question of the harmonization of working methods. Such harmonization could only be achieved through a shared vision. Addressing the Inter-Committee Meeting, she had noted that it was unacceptable that the treaty body system should function with a 30 per cent reporting compliance rate, and that a lack of resources should weaken States parties' accountability under international human rights law. It was the responsibility of States to supply resources.

6. The Meeting of Chairpersons of Human Rights Treaty Bodies held from 30 June to 1 July 2011 had made a number of interesting decisions including that of embarking on a process of drafting guidelines on the independence and expertise of treaty body members. The Chairpersons had also chosen to hold their next Meeting in Africa, in order to interact with regional mechanisms and other actors. The Meeting of Chairpersons had decided to suspend the Inter-Committee Meeting, due to its limited success rate and uncertainty over funding for the period 2012–2013, but had noted that if funding were to become available, the Office of the United Nations High Commissioner for Human Rights (OHCHR) could support a substantive meeting or working group if deemed necessary. Finally, the Chairpersons had recommended that they should be empowered to adopt shared measures on working methods and procedure. They would each then consult their respective committees which, if not in agreement, could disassociate themselves from those measures.

7. With specific reference to the work of the Committee on the Elimination of Racial Discrimination, a Subregional Seminar on Follow-up to the Concluding Observations had been held in Pretoria from 22 to 24 June 2011. The five English-speaking southern African States parties which had taken part had discussed common issues raised by the Committee such as equal enjoyment of economic, social and cultural rights, rights of non-citizens and indigenous peoples, and access to justice. Mr. Peter, a member of the Committee, had ably facilitated the discussions and would doubtless inform the Committee of his experience.
8. On 22 September 2011 she would participate in a one-day high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action. The event would culminate in the adoption of a political declaration aimed at mobilizing political will to combat racial discrimination and she would urge Member States to adopt a flexible approach so as to arrive at an agreed text of the declaration as soon as possible.
9. In the light of the International Year for People of African Descent, she was looking forward to the Committee's forthcoming general recommendation regarding discrimination against such persons.
10. She noted that the United Nations, as part of its commitment to the environment, was seeking gradually to limit distribution of hard-copy documents and she expressed the hope that the Committee would participate in that initiative.
11. The Committee could count on the full support of OHCHR in what she hoped would be a very successful session.
12. **The Chairperson** thanked the High Commissioner for her efforts to strengthen the treaty body system and make it more efficient. To that end, OHCHR had co-sponsored meetings throughout the world which, though not yielding a breakthrough in the form of generally agreed conclusions, had shed light on the problems the treaty bodies faced, including the lack of adequate resources.
13. The Committee on the Elimination of Racial Discrimination had always sought to simplify the reporting process, without watering down its value, and had pioneered many features designed to improve the working methods of treaty bodies generally including, inter alia, concluding observations and the review procedure for non-reporting States. The Committee currently had a new procedure which involved sending a shortlist of themes to a State party. They required no written replies, thus alleviating the workload of the Conference Services Division and the Secretariat, while at the same time facilitating a more focused dialogue with States parties which, in turn, led to more focused concluding observations.
14. The seventy-ninth session would include an informal meeting with States parties on working methods. That would involve a video link with New York, so as to enable Permanent Missions without offices in Geneva to participate and contribute.
15. **Mr. Avtonomov** noted that Ms. Pillay's presence underlined the fact that the Committee was an important part of the general system for the protection of human rights. He supported efforts to ensure coherence in the working methods of the various human rights treaty bodies, because goals could only be achieved through joint efforts. Much progress had been made despite current financial constraints.
16. Members of the human rights treaty bodies should be informed beforehand of the issues to be discussed at the Meeting of Chairpersons. In that way each presiding officer would be aware of the position of his or her committee members and would be sure of reflecting their views. No committee could then refuse to support the decisions taken by the Chairpersons and the work of the treaty bodies would be expedited.

17. The human rights treaty bodies currently had very different working methods in their relations with non-governmental organizations (NGOs) and needed to coordinate their efforts in that area. It would be desirable to organize a meeting between the Chairpersons and representatives of major NGOs.

18. It was very important for the Committee to collaborate closely with the Rule of Law, Equality and Non-Discrimination Branch. Furthermore, it was a long time since the Committee had met with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the rights of indigenous peoples, and other relevant mandate holders.

19. It was important to establish a working method in respect of countries not represented in Geneva. The human rights treaty bodies did not have a common position and that hindered progress in achieving their shared goal of strengthening human rights.

20. **Mr. Lahiri** expressed support for Mr. Avtonomov's comments on the need to review the process of decision-making at the Meeting of Chairpersons, especially since the suspension of the Inter-Committee Meeting. He suggested that the Chairpersons should confer on a procedure for consulting members of the treaty bodies prior to the adoption of decisions.

21. Noting that, according to the High Commissioner, States supported a self-disciplinary approach, particularly in respect of "non-mandated activities" such as follow-up procedures and the development of general comments, he asked whether the implication was that less time should be spent on such activities, which were generally considered to be extremely important.

22. **Mr. de Gouttes** said that he was concerned about the reduction in the resources available to the treaty bodies. The Inter-Committee Meeting had been suspended and the distribution of hard-copy documents was being reduced. Electronic documents were not always easily accessible to experts, who were being compelled to print out more and more documents at their own expense in order to carry out their mandates. It followed that the reduction in the resources available to the treaty bodies might eventually have an adverse impact on their ability to monitor the implementation of human rights treaties.

23. **Mr. Thornberry** said that the elaboration of general comments or general recommendations was an important function of all the human rights treaty bodies. It was essential to take account of new geopolitical and other circumstances in order to demonstrate the continued relevance of the human rights treaties.

24. The Committee's general recommendation No. 15 concerning organized violence based on ethnic origin, which referred to the question of freedom of speech, had been adopted in 1993. It should, in his view, be updated in the light of general comment No. 34 of the Human Rights Committee. The question of discrimination on grounds of religion was a particularly sensitive issue for the Committee on the Elimination of Racial Discrimination and the notion of the intersectionality of religion and racial discrimination should certainly be addressed. However, if the Committee decided to draft an updated general recommendation, there were also many broader issues that should be analysed, such as hate speech, including on the Internet. He recommended, for instance, that the part played by discourse on the Internet in the terrible recent events in Norway should be discussed.

25. **Ms. Pillay** (United Nations High Commissioner for Human Rights) said that she had been interested to hear about the Committee's practice of sending a shortlist of themes to States parties.

26. She was committed to ensuring that the treaty bodies continued to play a central role in monitoring compliance with the international human rights treaties and to preventing

their marginalization. However, as High Commissioner she had a responsibility to bring the comments and recommendations of States parties to the attention of the treaty bodies.

27. She agreed that the Committee should have regular meetings with representatives of the Rule of Law, Equality and Non-Discrimination Branch and with all relevant Special Rapporteurs. It was deeply reassuring that the general comments and recommendations of the treaty bodies were gaining the respect that they deserved from the Universal Periodic Review mechanism, Special Rapporteurs and national human rights institutions.

28. She was sure that the Chairpersons would agree to inform the treaty bodies in advance about the issues they intended to place on the agenda of their Meeting. Members of the treaty bodies might also wish to propose issues for discussion.

29. The States parties would clearly prefer the treaty bodies to practise “self-discipline” and limit their work. As High Commissioner, she upheld the independence of the treaty bodies, which could freely determine the manner in which they carried out their mandate. Moreover, non-mandated activities such as general comments and follow-up activities were warmly welcomed by civil society organizations.

30. She had complained publicly to the Human Rights Council and the media about the failure to increase the human rights budget in recent years. She had specifically addressed the question of resources for treaty bodies and the 30 per cent reporting compliance rate and would raise those issues again when she addressed the General Assembly in October 2011.

31. With regard to the adverse impact on the treaty bodies’ work of the lack of hard-copy documents, she would welcome suggestions as to how the problem might best be addressed. If the United Nations insisted on moving towards paperless meetings, treaty body members could perhaps request to be provided with a laptop computer.

32. She looked forward to hearing the Committee’s response to general comment No. 34 of the Human Rights Committee, especially with regard to the intersectionality of religion and racial discrimination.

33. **Mr. Murillo Martínez** suggested that the High Commissioner should highlight the achievements of the International Year for People of African Descent at the high-level meeting of the General Assembly to mark the tenth anniversary of the Durban Declaration and Programme of Action.

34. **Ms. Crickley** said that the high-level meeting of the General Assembly would be a very important event. She looked forward to a discussion at the current session of the Committee’s prospective contribution to its success.

35. She welcomed the action taken by OHCHR in coordinating and strengthening the treaty body system. The difficulties involved in securing resources under the current circumstances must be acknowledged. It would be helpful if laptops were made available to Committee members but they could not be used to replace hard-copy documents in parts of the world without broadband or Internet access.

36. She welcomed the recent focus on environmental racism and hate speech. The Committee’s general recommendations were a very important source of advice and assistance, not only for responding to individual issues but also for analysing the interrelationship between the different treaty bodies. She looked forward to a discussion in the Committee on the implications of the Human Rights Committee’s general comment No. 34 for the implementation of the Convention.

37. **Ms. Pillay** (United Nations High Commissioner for Human Rights) said that she had appreciated the Committee’s support when serving as Secretary-General of the Durban Review Conference in 2009. She appealed for its support again for the forthcoming commemorative event, since she was concerned about the fact that some States had already

announced their non-attendance and that mass demonstrations were likely to take place. It would be a great pity if a meeting about racism and racial discrimination were to be undermined by events that had occurred 10 years previously. OHCHR was developing a communications strategy that would focus on the global issues to be addressed at the meeting.

38. It was understandable that States with limited resources complained of being unable to cope with their reporting obligations. The Committee's shortlist of themes was a helpful initiative and the treaty bodies could perhaps agree to prioritize reports, allowing States parties to submit more urgent reports first. She was convinced that some harmonization of working methods was possible without compromising treaty body principles.

Adoption of the agenda (CCPR/C/79/1)

39. *The agenda was adopted.*

The discussion covered in the summary record ended at 11.20 a.m.