



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

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111th session

Summary record of the 3020th meeting

Held at the Palais Wilson, Geneva, on Monday, 20 November 2023, at 10 a.m.

Chair: Ms. Shepherd

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The meeting was called to order at 10.05 a.m.

Opening of the session

1. **The Chair** declared open the 111th session of the Committee on the Elimination of Racial Discrimination.
2. **Mr. Boychenko** (Office of the United Nations High Commissioner for Human Rights) said that, 75 years previously, in the aftermath of the Second World War, the adoption of the Universal Declaration of Human Rights had put human dignity at the top of the international agenda. As beliefs related to racial superiority, the benefits of eugenics and a social order based on birth had been prevalent in many parts of the world at that time, it was remarkable that equality and non-discrimination had become generally accepted principles among nations.
3. The United Nations had been tackling racism since its inception. Nevertheless, millions of people still faced obstacles to the exercise of their rights owing to racism, racial discrimination and xenophobia. Systemic racism and structural racial discrimination persisted in particular against people of African descent, people of Asian descent and Indigenous Peoples. Migrants, refugees and asylum-seekers were subjected to the denial or restriction of their rights, including in respect of access to basic services. The criminalization of irregular migration had led to the detention of migrants, including women and children, with limited respect for the principle of non-refoulement and other safeguards. At the same time, States' failure to adopt and fully implement anti-racism legislation in accordance with international standards and to tackle organizations that promoted ideas of racial superiority had allowed casual racist hate speech and racist and xenophobic attitudes to prosper, especially online.
4. The seventy-fifth anniversary of the Universal Declaration of Human Rights offered an opportunity to reflect on new strategies to address challenges such as climate change, environmental pollution and biodiversity loss, which threatened the livelihoods of Indigenous Peoples and people of African descent. The Committee had taken up those challenges in its dialogues with States parties and under its early warning and urgent action procedure. It had also advocated concrete actions to repair violations and injustices rooted in the legacies of enslavement and colonialism, which continued to affect people of African descent and Indigenous Peoples.
5. The Office of the United Nations High Commissioner for Human Rights (OHCHR) systematically called upon States parties to provide holistic remedies to victims of racism and racial discrimination. To that end, it regularly invited them to recognize the Committee's competence to receive individual communications under article 14 of the Convention.
6. He encouraged the Committee to continue working with other United Nations anti-racism mechanisms, for which OHCHR provided ongoing support. Two of those mechanisms, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, were currently working on the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent. The Ad Hoc Committee was also holding consultations with Member States regarding a draft additional protocol to the Convention criminalizing acts of racist and xenophobic nature.
7. At the fifty-fourth session of the Human Rights Council, the United Nations High Commissioner for Human Rights had presented the second report on the promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality ([A/HRC/54/66](#)). The report, which focused on the right of people of African descent to participate in public affairs, called on States to show greater political will in that regard and to implement far-reaching legal, policy and institutional measures to dismantle systemic racism in all areas of life. A guidance note on how to effectively implement the right to participate in public affairs was included in an annex to the report.

8. OHCHR had recently held consultations with civil society activists of African descent from eight Central American countries to inform its work towards transformative change for racial justice and equality. Further consultations would be held in Asia in January 2024. Public events had been organized on the participation of people of African descent in public affairs and on disaggregated data for the advancement of their human rights. OHCHR had also provided training on international human rights standards to some 150 persons of African descent through its annual fellowship programme.

9. The Secretary-General had recently presented his annual report on the implementation of the International Decade for People of African Descent (A/78/317) to the General Assembly. It was hoped that the conclusions and recommendations set out in the report, which focused on reparatory justice, would help to advance the discussion on that topic.

10. The conclusions adopted by the Chairs of the human rights treaty bodies at their thirty-fifth annual meeting, which were based on the OHCHR working paper on options for the development of an implementation plan for the predictable review calendar, the harmonization of working methods and the digital uplift, had the potential to significantly improve the work of the Committee and the treaty body system as a whole. The Secretary-General, the High Commissioner and the Assistant Secretary-General for Human Rights had expressed their firm support for the treaty body strengthening process, including regarding its budgetary implications. The High Commissioner had consulted with Member States on that topic and would continue to do so. It was hoped that such efforts would lead to a consensus among Member States and would facilitate the adoption of the next General Assembly resolution on the human rights treaty body system, which should include a budget to implement the Chairs' conclusions. It was essential for stakeholders to join forces to raise Member States' awareness of the current limitations of the system.

11. **Mr. Amir** said that he felt compelled to take the floor in the light of recent events. It was astonishing that, 75 years after the adoption of the Universal Declaration of Human Rights, following a Holocaust in which 6 million Jews had been murdered in Europe, a new holocaust, that of the Palestinian people, was now taking place. The Palestinian people, including children, women and the elderly, were once again being expelled from their lands and murdered before the eyes of the international community. They were paying the price of the failure and inability of the United Nations to firmly condemn Israel, a State that did not recognize the jurisdiction of the International Criminal Court and which continuously violated international law.

12. As people took to the streets to protest against the massacre, it was incumbent upon the Committee to support them. He therefore appealed for the people of the United States of America to demand an end to the massacre. Indeed, he called upon all States parties to take action because, while the General Assembly and the Security Council had adopted resolutions calling for an end to the killing, those resolutions had not been effective. It was depressing to witness the powerlessness of the international community, as it seemed that no matter what words were written or resolutions adopted, they held no meaning for what was truly a terrorist State. The international community must find a way to put a stop to the unfolding tragedy.

13. **Ms. McDougall** said that she supported the position taken by Mr. Amir. The current session was taking place in a climate of grief and anger and amid serious questions over the lack of impact of the Committee's work. The Committee had responded appropriately to the situation in Gaza by issuing a statement under its early warning and urgent action procedure. In recent years, it had considered an inter-State communication from the State of Palestine and had established a Conciliation Commission with a view to resolving the dispute between the two States parties. However, that had not been possible because one of the States parties had refused to cooperate. The Committee needed to take stock of all the tools at its disposal and consider how it could join forces with other anti-racism mechanisms to speak out more powerfully against genocide. Such an effort was vital because the Committee's work was being seriously called into question.

14. **Mr. Boychenko** (Office of the United Nations High Commissioner for Human Rights) said that he personally shared the Committee members' sentiments and the feeling

of powerlessness. Several groups had been established within OHCHR to address the situation in Gaza and to provide support to the High Commissioner. In his personal view, the criteria set forth in the Convention on the Prevention and Punishment of the Crime of Genocide had been met and it was high time for the United Nations to address the situation from that angle. He agreed that all United Nations anti-racism mechanisms should discuss the situation. Indeed, more than 20 special procedure mandate holders had recently issued a very strong statement in that regard. However, words alone were not sufficient; strong and urgent action was needed.

15. **The Chair** said that the Committee and OHCHR shared a common concern for the creation of a world in which racial discrimination played no part. The Committee sought to protect the human rights and equal rights of all and had consistently raised the alarm regarding the persistence of systemic racism and structural racial discrimination, particularly against colonized peoples, who experienced marginalization and the restriction of their rights. The Committee called for ambitious and effective measures to end systemic racism and structural discrimination, especially through the implementation of its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials. Noting the deep concerns that members of the Committee had expressed regarding the human rights situation, she urged them to continue their efforts to influence decision-makers and to remember that worthwhile actions in the present could inspire the actions of others in the future.

Adoption of the agenda (CERD/C/111/1)

16. *The agenda was adopted.*

The meeting rose at 10.45 a.m.