



United Nations

Report of the Committee on the Elimination of Racial Discrimination

**107th session
(8–30 August 2022)**

**108th session
(14 November–2 December 2022)**

**109th session
(11–28 April 2023)**

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Note

Symbols of United Nations documents are composed of letters combined with figures.
Mention of such a symbol indicates a reference to a United Nations document.

[6 September 2023]

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Letter of transmittal

9 August 2023

Mr. Secretary-General,

It is with pleasure that I transmit the annual report of the Committee on the Elimination of Racial Discrimination.

The report contains information on the 107th, 108th and 109th sessions of the Committee, held from 8 to 30 August 2022, 14 November to 2 December 2022 and 11 to 28 April 2023, respectively.

Despite to the effects of the coronavirus disease (COVID-19) pandemic, the 107th, 108th and 109th sessions were conducted in-person. Only a few meetings were held in a hybrid format.

The International Convention on the Elimination of All Forms of Racial Discrimination, which has been ratified by 182 States, constitutes the normative basis upon which international efforts to eliminate racial discrimination should be built.

At its 107th, 108th and 109th sessions, the Committee continued to deal with a significant workload, including in terms of the examination of State party reports (see chap. III) and situations of several States parties under its early warning and urgent action procedures (see chap. II). It also examined information submitted by several States parties under its procedure for follow-up to the consideration of reports (see chap. IV).

Although the COVID-19 pandemic has diminished in its severity, its consequences still affect groups and persons who are already vulnerable to racial discrimination. The Committee has responded to the pandemic situation by reminding States about their obligations and has also called upon them to ensure effective and non-discriminatory access to COVID-19 vaccines, through cooperation and guided by the principle of international solidarity. In the same vein, the Committee has embarked in the elaboration of a general recommendation on racial discrimination in the enjoyment of the right to health, also building upon lessons learned from the COVID-19 pandemic.

The attention of the Committee was also focused on the situation of migrants fleeing their countries to seek refuge abroad. Their reception and living conditions are often inadequate or non-existent, they are often victims of appalling acts of racial discrimination, facing rejection, racist hate speech, including by politicians and the media, and subjected to racist violence leading to death in certain situations, xenophobia and abuse in many forms, including sexual exploitation. This situation is heightened for migrant women and young girls. Migrants have become scapegoats in far too many countries, where they are portrayed as threats to security and safety. In this regard, the Committee adopted three statements to warn States about such concerns.

The Committee adopted a decision on the human rights situation of Uyghur and other ethnic Muslim communities in the Xinjiang Uyghur Autonomous Region of China and called upon the State party, inter alia, to investigate all allegations of human rights violations in Xinjiang and to immediately release all individuals arbitrarily deprived of their liberty.

I have no doubt that the dedication and professionalism of the members of the Committee, as well as the pluralistic and multidisciplinary nature of their contributions, will ensure that the work of the Committee will continue to contribute significantly to the implementation of both the Convention and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the years ahead.

Please accept, Sir, the assurances of my highest consideration.

(Signed) Verene **Shepherd**
Chair of the Committee on the Elimination
of Racial Discrimination

His Excellency Mr. António Guterres
Secretary-General of the United Nations
New York

I. Organizational and related matters

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 28 April 2023, the closing date of the 109th session of the Committee on the Elimination of Racial Discrimination, there were 182 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in its resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of article 19 thereof.

2. As at the same date, 59 of the States parties to the Convention had made a declaration under article 14 (1) of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention.

3. Fifty-three States parties have accepted the amendment to article 8 (6) of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992, relating to the funding of the Committee's activities.

4. Lists of the States parties that have made the declaration under article 14 and of those that have accepted the amendment to article 8 (6) of the Convention can be found on the website of the United Nations Treaty Collection.¹

B. Sessions and agendas

5. The Committee held three sessions during the period under review. The 107th session (2892nd–2925th meetings), the 108th session (2926th–2955th meetings) and the 109th session (2956th–2981st meetings) were conducted from 8 to 30 August 2022, 14 November to 2 December 2022 and 11 to 28 April 2023, respectively.

6. The provisional agendas of the 107th, 108th and 109th sessions ([CERD/C/107/1](#), [CERD/C/108/1](#) and [CERD/C/109/1](#)) were adopted by the Committee.

C. Membership

7. The membership of the Committee at the 107th, 108th and 109th sessions were as follows:

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Sheikha Abdula Ali Al-Misnad	Qatar	2024
Nourredine Amir	Algeria	2026
Michal Balcerzak	Poland	2026
Chinsung Chung	Republic of Korea	2026
Bakari Sidiki Diaby	Côte d'Ivoire	2026
Régine Esseneme	Cameroon	2026
Ibrahima Guisé	Senegal	2024

¹ See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2-a&chapter=4&clang=_en.

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Gün Kut	Türkiye	2026
Li Yanduan	China	2024
Gay McDougall	United States of America	2026
Mehrdad Payandeh	Germany	2024
Vadili Mohamed Rayess	Mauritania	2024
Verene Shepherd	Jamaica	2024
Stamatia Stavrinaki	Greece	2024
Mazalo Tebie	Togo	2026
Faith Dikeledi Pansy Tlakula	South Africa	2024
Eduardo Ernesto Vega Luna	Peru	2024
Yeung Kam John Yeung Sik Yuen	Mauritius	2026

D. Officers of the Committee

8. At the 107th session, the Bureau of the Committee comprised the following Committee members elected to serve a two-year term (2022–2024):

Chair: Verene Shepherd

Vice-Chairs: Michal Balcerzak
Chinsung Chung
Stamatia Stavrinaki

Rapporteur: Nourredine Amir

9. From the 108th session, Mr. Guissé replaced Mr. Amir as rapporteur of the Committee.

E. Cooperation with the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the special procedures of the Human Rights Council and the regional human rights mechanisms

10. At the Committee's 107th session, reports from the International Labour Organization, the United Nations Children's Fund, the European Commission against Racism and Intolerance and the Agency for Fundamental Rights of the European Union relating to the States parties under review were made available to the members of the Committee. At its 108th and 109th sessions, the European Commission against Racism and Intolerance submitted reports to the Committee, which the Committee took note of with appreciation.

F. Other matters

11. At its 107th session, the Committee held a meeting with the United Nations High Commissioner for Human Rights, who presented to the Committee information on the global responses of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the protection of vulnerable persons and groups from racial discrimination and racism, including during the coronavirus disease (COVID-19) pandemic, and proposals for a

pivotal change to help States to overcome racial discrimination and systemic racism in a more sustainable way and to provide justice to victims.

12. Also at its 107th session, the Committee met with representatives of the United Nations Population Fund (UNFPA), who shared the findings contained in the report of UNFPA on challenges for the inclusion of people of African descent and the matrix of social inequality in Latin America. The Committee discussed the report and explored avenues for future cooperation with UNFPA on issues of common interest.

13. At the same session, the Committee met with members of the Working Group of Experts on People of African Descent to discuss the current state of affairs and developments regarding the situation of people of African descent in different regions and to explore avenues for future collaboration, including the possibility to issue joint statements when appropriate. The Committee met with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in this context who provided an update to the Committee on her mandate and activities, as well as on findings relating to the situation of vulnerable groups in the context of unilateral coercive measures. Moreover, the Committee held a meeting with the Vice-President of the Commission des droits de la personne et des droits de la jeunesse of Quebec, Canada, who presented the mandate, the activities and experiences of that institution in the context of racial discrimination and racism, including systemic racism, as related in particular to young people and members of minority groups. The Committee discussed avenues for cooperation.

14. At its 107th session, the Committee met with the Chief of the Universal Periodic Review Branch of OHCHR, who provided an update to the Committee on the functioning of and activities carried out under the auspices of the universal periodic review mechanism and its complementarity with the work of the treaty bodies.

15. At its 108th session, the Committee met with the newly appointed mandate holder of Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who provided a briefing to the Committee on the priorities of her work under the mandate, including with regard to caste-based discrimination, and explored avenues for an increased cooperation with the Committee.

16. At its 109th session, Judge Patrick Robinson of the International Court of Justice addressed the Committee on major developments in international law, including as related to human rights and in particular the International Convention on the Elimination of All Forms of Racial Discrimination.

G. Adoption of the annual report of the Committee

17. At its 2992nd and 2993rd meetings (110th session), the Committee adopted its annual report to the General Assembly.

II. Prevention of racial discrimination, including early warning and urgent action procedures

18. The Committee's work under its early warning and urgent action procedures is aimed at preventing and responding to serious violations of the Convention. The Committee's Working Group on Early Warning and Urgent Action Procedures was established at the sixty-fifth session of the Committee, in August 2004. The work of the Committee and the Working Group is undertaken on the basis of the guidelines adopted by the Committee at its seventy-first session, in August 2007 (A/62/18, annex III).

19. As from the Committee's 106th session, the Working Group comprises the following members, who serve for a two-year term (2022–2024):

Coordinator: Gay McDougall

Members: Michal Balcerzak
Ibrahima Guissé
Li Yanduan
Eduardo Ernesto Vega Luna

A. Statements

20. During the reporting period, the Committee adopted four statements, on the following matters: (a) the tragic events at the Morocco-Spain border; (b) hate speech against migrants from sub-Saharan Africa living in Tunisia; (c) the situation of migrants, asylum-seekers and refugees of Haitian origin in the Americas region; and (d) on early warning and urgent action procedure regarding racial profiling and excessive use of force by law enforcement officials in France. The statements are available on the web page of the Committee.²

B. Decision

21. During the reporting period, the Committee adopted a decision on the human rights situation in the Xinjiang Uyghur Autonomous Region of China, with four members of the Committee voting against the decision or abstaining. The decision is available on the web page of the Committee.³

C. Consideration of situations under the early warning and urgent action procedures

22. During the reporting period, the Committee considered a number of situations under its early warning and urgent action procedures, as described below.

23. The Committee sent a letter dated 29 August 2022 to the Government of Australia thanking the State party for providing further information by letter dated 3 December 2021, on the impact of the Western Australian Aboriginal Cultural Heritage Act of 2021 on Indigenous peoples. The Committee expressed its concern in particular over the discretionary power attributed to the Minister of Aboriginal Affairs under the Act, the absence of legal redress for Indigenous peoples to challenge the decisions of the minister and the absence of a requirement of free, prior and informed consent of Indigenous peoples.

24. The Committee sent a letter dated 29 August 2022 to the Government of Brazil thanking the State party for providing additional information on the impact of infrastructure projects on the Xavante Indigenous peoples in the State of Mato Grosso. The Committee requested further information in response to allegations that the projects would affect the

² See www.ohchr.org/en/treaty-bodies/cerd/decisions-statements-and-letters.

³ See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FEWU%2FCHN%2F9624&Lang=en.

Xavante peoples' traditional way of life and ability to perform traditional practices and that not all Indigenous communities that could be affected had been consulted.

25. The Committee sent a letter dated 29 August 2022 to the Government of Canada thanking the State party for providing further information on the situation of the Mi'kmaw Indigenous peoples in Nova Scotia. The Committee noted that its final consideration was in line with the recommendations made by the Standing Senate Committee on Fisheries and Oceans in the decision of the Supreme Court of Canada in its decision in *R. v. Marshall*, which included measures to amend relevant laws in line with the United Nations Declaration on the Rights of Indigenous Peoples, to guarantee the participation of the Mi'kmaw and other First Nations in decision-making and to adopt legislation to combat institutional and systemic racism.

26. The Committee sent a letter dated 29 August 2022 to the Government of Colombia concerning the failure of the State party to comply with decision T-530 of September 2016 of the Constitutional Court of Colombia, which ordered the titling of the collective territories and the suspension of mining activity authorizations in the Cañamomo Lomapieta Indigenous Reservation. In addition, the Committee expressed concern about the continual acts of violence, threats, intimidation and reprisals against human rights defenders and leaders of Indigenous peoples.

27. The Committee sent a letter dated 2 December 2022 to the Government of Canada concerning the lack of consultation with First Nations regarding the allocation of COVID-19 relief funds in the provinces of Alberta and Saskatchewan and the initiative to develop distinctions-based Indigenous health legislation. The Committee requested information on measures taken to ensure meaningful consultations with First Nations on the relevant health issues, in accordance with the obligation to obtain the free, prior and informed consent of Indigenous peoples before the adoption or implementation of decisions that may affect them.

28. The Committee sent a letter dated 2 December 2022 to the Government of Colombia thanking the State party for its reply dated 25 October 2022, in which it provided further information on the situation of the Cañamomo Lomapieta Indigenous Reservation. The Committee reiterated its concern over the delay in the implementation of the ruling of the Constitutional Court of 2016, in particular with regard to the delimitation of the lands, which had had the effect of prolonging the land tenure insecurity and the conflict related to that situation.

29. The Committee sent a letter dated 2 December 2022 to the Government of Guatemala concerning the significant increase in forced and violent evictions of the Q'eqch'i and Poqomochí Indigenous communities. The Committee expressed particular concern over the allegations of an increase in criminal proceedings against Indigenous peoples defending their lands, resources and rights and an increase in defamation and hate speech by private actors, including private property associations and farmers' associations, against the Indigenous communities and their members. The Committee requested information on measures taken to promote solutions, through dialogue, to the land conflicts and to prevent evictions, violence and violations of the rights of the members of Indigenous communities and on measures to investigate and bring to justice those responsible for attacks against members of Indigenous communities.

30. The Committee sent a letter dated 28 April 2023 to the Government of Chile concerning the commercial development of companies belonging to the Eltit group holding in the sacred and ceremonial sites of the Marta Cayulef Mapuche community in the commune of Pucón. The Committee referred to allegations of infringements of the rights of members of Marta Cayulef community, including damage to their natural resources and sacred cemeteries, and excessive use of force against members carrying out protests against the development. Reiterating its views on the situation, as set out in its concluding observations on the periodic report of the State party, the Committee expressed its regret over the continued allegations of desecration of sacred cemeteries and ancestral objects, the lack of effective measures taken to protect the sites and the lack of consultations with the affected communities with a view to obtaining their free, prior and informed consent. It called upon the State party to take immediate steps to address those concerns.

31. The Committee sent a letter dated 28 April 2023 to the Government of Chile regarding the measures adopted by the State party to protect the El Olivar settlement, at which the human remains of the ancestors and the cultural property of the Diaguita people had been found. The Committee requested further information on the request submitted by members of the Diaguita people to the Council of National Monuments to grant the settlement historical monument status in order to protect it against planned construction and future development.

32. The Committee sent a letter dated 28 April 2023 to the Government of Costa Rica concerning the lack of sufficiently effective measures adopted to protect the Teribe (Brörán) Indigenous peoples from illegal occupations, violence, killings and racist hate speech directed towards them and their leaders. The Committee also addressed the failure of the State party's authorities to effectively investigate and punish those responsible for violence, threats and hate speech, while also noting the obstacles to access to justice that victims continued to face. Recalling the joint communication signed by several special procedure mandate holders and the Committee's previous letter and views on the situation, as set out in its concluding observations on the periodic report of the State party, the Committee expressed its regret over the continued allegations and lack of effective judicial action against those responsible for the illegal occupation.

33. The Committee sent a letter dated 28 April 2023 to the Government of Peru regarding the situation of the Kichwa Indigenous peoples affected by the Cordillera Azul National Park and the project to reduce emissions from deforestation and forest degradation through carbon offset on their territories and referring to allegations of a failure to undertake prior consultations of the affected communities, with a view to obtaining their free, prior and informed consent, and the slow recognition of the Indigenous communities as "native communities", which has inhibited the adequate and timely protection of their territories and natural resources. The Committee requested further information on measures undertaken to assess the social and environmental impact of the projects on the communities, measures to protect the physical and cultural survival of the Kakataibo people in voluntary isolation, mechanisms to ensure consultations with communities, with a view to obtaining their free, prior and informed consent, and measures to prevent and investigate acts of harassment, intimidation, reprisal and violence against leaders and defenders of the rights of the Kichwa Indigenous peoples.

34. The Committee sent a letter dated 28 April 2023 to the Government of the United Republic of Tanzania regarding the situation of Maasai Indigenous peoples in the Ngorongoro and Loliondo areas. The Committee outlined its concern that the Maasai were facing alleged forced evictions, excessive use of force, intimidation and arbitrary arrests as a result of the State party's plans to expand safari tourism and game reserves in those areas. The Committee requested the immediate halt of plans for relocation and forced eviction, that consultations be undertaken with the affected communities and that the State part adopt measures to prevent intimidation, arbitrary arrests, excessive use of force, discrimination and racist hate speech.

III. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

35. At its 107th session, the Committee adopted concluding observations on the reports of Azerbaijan (CERD/C/AZE/CO/10-12), Benin (CERD/C/BEN/CO/1-9), Nicaragua (CERD/C/NIC/CO/15-21), Slovakia (CERD/C/SVK/CO/13), Suriname (CERD/C/SUR/CO/16-18), the United States of America (CERD/C/USA/CO/10-12) and Zimbabwe (CERD/C/ZWE/CO/5-11). At its 108th session, the Committee adopted concluding observations on the periodic reports of Bahrain (CERD/C/BHR/CO/8-14), Botswana (CERD/C/BWA/CO/17-22), Brazil (CERD/C/BRA/CO/18-20), France (CERD/C/FRA/CO/22-23), Georgia (CERD/C/GEO/CO/9-10) and Jamaica (CERD/C/JAM/CO/21-24). At its 109th session, the Committee adopted concluding observations on the periodic reports of Argentina (CERD/C/ARG/CO/24-26), the Niger (CERD/C/NER/CO/22-25), the Philippines (CERD/C/PHL/CO/21-25), Portugal (CERD/C/PRT/CO/18-19), the Russian Federation (CERD/C/RUS/CO/25-26) and Tajikistan (CERD/C/TJK/CO/12-13).

36. At its 107th, 108th and 109th sessions, the country rapporteurs and those assisting them were as follows: Azerbaijan (Ms. Chung, assisted by Ms. Stavrinaki); Benin (Mr. Diaby, assisted by Ms. Tebie); Nicaragua (Mr. Vega Luna); Slovakia (Ms. Ali Al-Misnad, assisted by Ms. Stavrinaki); Suriname (Mr. Balcerzak); United States of America (Ms. Tlakula, assisted by Mr. Guissé and Mr. Payandeh); Zimbabwe (Ms. McDougall, assisted by Mr. Diaby); Bahrain (Ms. Li, assisted by Mr. Guissé); Botswana (Ms. Esseneme, assisted by Ms. Tebie); Brazil (Ms. McDougall, assisted by Mr. Payandeh and Mr. Vega Luna); France (Mr. Amir, assisted by Mr. Diaby and Mr. Rayess); Georgia (Mr. Balcerzak, assisted by Mr. Guissé); Jamaica (Ms. Tlakula, assisted by Ms. Ali Al-Misnad); Argentina (Mr. Vega Luna, assisted by Mr. Diaby and Mr. Yeung Sik Yuen); Niger (Ms. Tebie, assisted by Mr. Yeung Sik Yuen); Philippines (Mr. Balcerzak, assisted by Ms. Tlakula); Portugal (Ms. Chung, assisted by Mr. Guissé); Russian Federation (Mr. Payandeh, assisted by Mr. Guissé and Ms. Stavrinaki); Tajikistan (Ms. Ali Al-Misnad, assisted by Ms. Li).

37. The concluding observations adopted by the Committee at the 107th, 108th and 109th sessions are available from the OHCHR website (ohchr.org) and the Official Documents System of the United Nations (<http://documents.un.org>) under the symbols indicated above.

IV. Follow-up to the consideration of reports submitted by States parties under article 9 of the Convention

38. During the period under review, Mr. Kut served as Rapporteur for follow-up to the consideration of reports submitted by States parties.

39. At its sixty-sixth and sixty-eighth sessions, the Committee adopted terms of reference for the work of the Rapporteur for follow-up⁴ and the guidelines on follow-up⁵ to be sent to each State party together with concluding observations.

40. At the 107th session (2922nd meeting), 108th session (2953rd meeting) and 109th session (2980th meeting), Mr. Kut presented reports to the Committee on his activities as Rapporteur.

41. During the period under review, the Committee considered the follow-up reports of Belgium ([CERD/C/BEL/FCO/20-22](#)), Kingdom of the Netherlands ([CERD/C/NLD/FCO/22-24](#)), Slovakia ([CERD/C/SVK/FCO/11-12](#)), Chile ([CERD/C/CHL/FCO/22-23](#)), Singapore ([CERD/C/SGP/FCO/1](#)), Switzerland ([CERD/C/CHE/FCO/10-12](#)) and Thailand ([CERD/C/THA/FCO/4-8](#)).

42. The Committee continued the constructive dialogue with those States parties by transmitting comments and requesting further information. The Committee also transmitted reminder letters to States parties with overdue follow-up reports.

⁴ [A/60/18](#), annex IV.

⁵ [A/61/18](#), annex VI.

V. Consideration of communications received under article 11 of the Convention

43. Under article 11 of the Convention, if a State party considers that another State party is not giving effect to the provisions of the Convention, it may bring the matter to the attention of the Committee by submitting a communication. In 2018, the Committee received the first three such inter-State communications. It was agreed that the Committee's working group on communications would also deal with inter-State communications.

44. At the Committee's 107th, 108th and 109th sessions, the working group on communications comprised the following members:

Coordinator: Mehrdad Payandeh

Members: Sheikha Abdulla Ali Al-Misnad
Michal Balcerzak
Bakari Sidiki Diaby
Vadili Mohamed Rayess

45. During the period under review, the activities of the Committee with regard to inter-State communications received under article 11 of the Convention were undertaken by the three ad hoc conciliation commissions.⁶ The work of the commissions concerned the communications submitted by Qatar against Saudi Arabia, by Qatar against the United Arab Emirates and by the State of Palestine against Israel.

46. In January 2022, the ad hoc conciliation commission established to resolve the inter-State complaint lodged by Qatar against Saudi Arabia decided to terminate its work, following the agreement reached between the States parties concerned. On 26 January 2023, the ad hoc conciliation commission working on the case brought by Qatar against the United Arab Emirates decided to terminate the proceedings, as requested by both States parties concerned. Initially, only the United Arab Emirates was in favour of such termination. This is the second inter-State communication proceedings that were terminated under article 11 of the Convention.

47. Concerning the communication submitted by the State of Palestine against Israel, the ad hoc conciliation commission continued its efforts, by making its good offices available to the States parties concerned, with a view to reaching an amicable resolution of the matter. The commission held three sessions, immediately following the Committee's 107th, 108th and 109th sessions, from 31 August to 1 September 2022, on 5 and 6 December 2022 and on 1 and 2 May 2023, respectively. During the sessions, the commission discussed, inter alia, administrative matters, strategies of conciliation, information-gathering and the process for and drafting of its report. On 1 September 2022, the commission held a second meeting with representatives of the State of Palestine. Israel once again did not reply to the commission's invitation. The commission will continue its work pursuant to articles 12 and 13 of the Convention.

⁶ See rule 6 (5) of the Committee's rules of procedure specific to the hearings held pursuant to article 11 of the Convention (A/74/18); see also A/76/18, chap. V; and A/77/18, chap. V.

VI. Methods of work and rules of procedure

48. At its 107th session, the Committee formally adopted the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines),⁷ endorsed by the chairs of the human rights treaty bodies at their thirty-fourth meeting. At the same session, on behalf of the task force established to review the Committee's rules of procedure and improve its methods of work,⁸ Ms. Stavrinaki provided an update on the methodology that the task force planned to follow and the next steps in the revision of the rules of procedure.

49. At its 108th session, the Committee commenced the review of its rules of procedure and approved the proposed rules submitted by the task force for further consideration.

50. At its 109th session, the Committee further reviewed of the rules of procedure proposed at its previous session, and approved some additional proposed rules submitted by the task force. At the same session, the Committee revised its guidelines on cooperation with national human rights institutions to allow all national human rights institutions accredited by the Global Alliance of National Human Rights Institutions to deliver a statement on the first day of the review of the periodic reports of the respective States parties. The revised guidelines are available on the webpage of the Committee.⁹

51. Also at its 109th session, the Committee adopted the following decision on the translation of documents relating to its work:

The Committee on the Elimination of Racial Discrimination decides that any draft document relating to the Committee's activities under the Convention and requiring discussion and adoption by the Committee, including any document relating to the reporting procedure, individual and inter-State communications, general recommendations and other matters under consideration, must be translated into the working languages of the Committee, namely, English, French and Spanish.

⁷ [A/67/222](#), annex I.

⁸ Comprising Ms. Chung, Mr. Balcerzak and Ms. Stavrinaki.

⁹ See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2556&Lang=en.

VII. States parties whose reports are seriously overdue

A. Reports overdue by at least 10 years

52. As at 8 August 2023, the reports of the following States parties were at least 10 years overdue:

Sierra Leone	Fourth periodic report, overdue since 1976
Liberia	Initial report, overdue since 1977
Gambia	Second report, overdue since 1982
Somalia	Fifth periodic report, overdue since 1984
Papua New Guinea	Second periodic report, overdue since 1985
Solomon Islands	Second periodic report, overdue since 1985
Central African Republic	Eighth periodic report, overdue since 1986
Seychelles	Sixth periodic report, overdue since 1989
Saint Lucia	Initial report, overdue since 1991
Malawi	Initial report, overdue since 1997
Burundi	Eleventh periodic report, overdue since 1998
Eswatini	Fifteenth periodic report, overdue since 1998
Gabon	Tenth periodic report, overdue since 1999
Guinea	Twelfth periodic report, overdue since 2000
Haiti	Fourteenth periodic report, overdue since 2000
Lesotho	Fifteenth periodic report, overdue since 2000
Syrian Arab Republic	Sixteenth periodic report, overdue since 2000
Tonga	Fifteenth periodic report, overdue since 2001
Bangladesh	Twelfth periodic report, overdue since 2002
Belize	Initial report, overdue since 2002
Eritrea	Initial report, overdue since 2002
Equatorial Guinea	Initial report, overdue since 2003
Timor-Leste	Initial report, overdue since 2004
Trinidad and Tobago	Combined fifteenth and sixteenth periodic reports, overdue since 2004
Comoros	Initial report, overdue since 2005
Mali	Combined fifteenth and sixteenth periodic reports, overdue since 2005
Uganda	Combined eleventh to thirteenth periodic reports, overdue since 2005
Bahamas	Combined fifteenth and sixteenth periodic reports, overdue since 2006
Cabo Verde	Combined thirteenth and fourteenth periodic reports, overdue since 2006
Côte d'Ivoire	Combined fifteenth to seventeenth periodic reports, overdue since 2006

Ghana	Combined eighteenth and nineteenth periodic reports, overdue since 2006
Libya	Combined eighteenth and nineteenth periodic reports, overdue since 2006
Saint Vincent and the Grenadines	Combined eleventh to thirteenth periodic reports, overdue since 2006
Barbados	Combined seventeenth and eighteenth periodic reports, overdue since 2007
Saint Kitts and Nevis	Initial report, overdue since 2007
United Republic of Tanzania	Combined seventeenth and eighteenth periodic reports, overdue since 2007
Guyana	Combined fifteenth and sixteenth periodic reports, overdue since 2008
Madagascar	Combined nineteenth and twentieth periodic reports, overdue since 2008
Nigeria	Combined nineteenth and twentieth periodic reports, overdue since 2008
Antigua and Barbuda	Combined tenth and eleventh periodic reports, overdue since 2009
Indonesia	Combined fourth to sixth periodic reports, overdue since 2010
Mozambique	Combined thirteenth to seventeenth periodic reports, overdue since 2010
Democratic Republic of the Congo	Combined sixteenth to eighteenth periodic reports, overdue since 2011
Guinea-Bissau	Initial report, overdue since 2011
Congo	Combined tenth and eleventh periodic reports, overdue since 2012
Panama	Combined twenty-first to twenty-third periodic reports, overdue since 2013
Ethiopia	Combined seventeenth to eighteenth periodic reports, overdue since 2013

B. Reports overdue by at least five years

53. As at 8 August 2023, the reports of the following States parties were at least five years overdue:

Yemen	Combined nineteenth and twentieth periodic reports, overdue since 2013
Grenada	Initial report, overdue since 2014
Malta	Combined twenty-first and twenty-second periodic reports, overdue since 2014
Austria	Combined twenty-first and twenty-second periodic reports, overdue since 2015
Lao People's Democratic Republic	Combined nineteenth to twenty-first periodic reports, overdue since 2015

Chad	Combined nineteenth and twentieth periodic reports, overdue since 2016
Dominican Republic	Combined fifteenth to seventeenth periodic reports, overdue since 2016
Fiji	Combined twenty-first and twenty-second periodic reports, overdue since 2016
Liechtenstein	Combined seventh and eighth periodic reports, overdue since 2016
Burkina Faso	Combined twentieth to twenty-second periodic reports, overdue since 2017
Costa Rica	Combined twenty-third and twenty-fourth periodic reports, overdue since 2018
Egypt	Combined twenty-third to twenty-fifth periodic reports, overdue since 2018
Holy See	Combined twenty-fourth and twenty-fifth period reports, overdue since 2018
Sao Tome and Principe	Initial report, overdue since 2018

C. Action taken by the Committee to ensure the submission of reports by States parties

54. Following the decision taken at its eighty-fifth session to adopt the simplified reporting procedure,¹⁰ the Committee sent a note verbale on 21 January 2015 to States parties whose periodic reports were overdue by more than 10 years, offering them the option to report under the new procedure. In a note verbale dated 30 June 2017, the Committee extended the simplified reporting procedure to all States whose periodic reports were overdue by more than five years. Through a note verbale dated 9 October 2020, 58 States parties received a reminder of the availability of the simplified reporting procedure. A total of 13 States parties had opted in, as at the time of reporting. During the reporting period, India and San Marino submitted their periodic reports under the simplified reporting procedure. At its 109th session, the Committee considered the reports submitted by Bahrain and Botswana under the procedure.

55. At its 109th session, the Committee discussed challenges faced by several States parties in meeting their reporting obligations under the Convention and ways to assist them in fulfilling those obligations, including through the provision of capacity-building services by OHCHR. It agreed to engage with those States parties whose initial or periodic reports were more than five years late at a meeting to be held at the Committee's 110th session, from 7 to 31 August 2023. The Committee also discussed the possibility of opening the simplified reporting procedure to all States parties and tasked Mr. Balcerzak with the mandate to submit proposals in that regard to the Committee for consideration at its 110th session.

¹⁰ A/70/18, para. 56.

VIII. Consideration of communications under article 14 of the Convention

56. Under article 14 of the Convention, individuals or groups of individuals who claim that any of their rights under the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee for consideration. A total of 59 States parties have recognized the competence of the Committee to consider such communications.¹¹

57. Consideration of communications under article 14 of the Convention takes place in closed meetings, in line with rule 88 of the Committee's rules of procedure. All documents pertaining to the work of the Committee under article 14 are confidential.

58. From 1984 to the time of preparation of the present report, the Committee had registered 81 complaints, concerning 21 States parties. Of those, 3 communications were declared admissible, 19 were declared inadmissible and the Committee discontinued its consideration of 2. The Committee had adopted final decisions on the merits of 43 complaints and declared and found violations of the Convention in 26 of them. Eighteen communications were pending consideration.

59. At its 107th session, the Committee considered the communication *Breuler v. France*,¹² referring to alleged racial discrimination in relation to the petitioner's career progression, compared with that of other employees with a similar professional profile. The Committee took note of the petitioner's allegations that the company (Renault) had discriminated against certain categories of employees, who were therefore unable to enjoy equitable career advancement on account of their ethnic origin, and that the discrimination had been recognized by the Versailles Court of Appeal in its decision of 2 April 2008, in which the Court had ordered Renault to pay damages and legal costs and to reclassify the petitioner for the period 1984–2004. The Committee declared the communication admissible regarding the claims made under article 6 of the Convention.

60. Regarding the merits of the case, the Committee noted the similarity between the communication presented by the author and that of the petitioner in *Kotor v. France*, in respect of which the Committee had issued an opinion on 25 November 2021, at its 105th session.¹³ The Committee considered that, in both cases, the petitioners had received similar treatment from their employers. The Committee noted that, in the French justice system, their cases had been decided by the same courts, on the same date and using the same reasoning. The Committee also noted that both petitioners had been represented by the same counsel and that both cases had raised the same issues under the Convention. Against that backdrop, the Committee considered, with a separate opinion appended by Ms. Esseneme, that, for the same reasons as those set out in its opinion in the case of *Kotor v. France*,¹⁴ the State party had violated article 6 of the Convention.

61. The Committee recommended that the State party ensure that victims of racial discrimination could receive full reparation, including through access to available domestic remedies and the examination of all claims involving the determination of what reparation victims were entitled to receive. The Committee also recommended that the reclassification of employees who were victims of racial discrimination be explicitly considered in the assessment of awards of damages.

62. At its 108th session, the Committee considered the case of *Jallow v. Denmark*,¹⁵ referring to the alleged lack of effective investigations of instances of hate speech in the context of several pictures exhibited at the Danish Parliament Building under the auspices of the Danish People's Party and in a private art gallery. The State party held that its authorities had assessed that the pictures did not amount to any crime under Danish criminal law. The Committee noted, however, that the controversial pictures, exposed under the auspices of the

¹¹ Information on the declarations may be found at <https://treaties.un.org/>.

¹² CERD/C/107/D/66/2018.

¹³ *Kotor v. France* (CERD/C/105/D/65/2018).

¹⁴ *Ibid.*, paras. 7.2–8.

¹⁵ CERD/C/108/D/62/2018.

Danish Parliament, prima facie could be understood as expressions of racial superiority or hatred and as incitement to violence against groups or members of groups protected under the Convention. The Committee found that the communication was admissible in respect of the claims made under articles 4 (a), read in conjunction with article 6, and 4 (c) of the Convention.

63. Regarding the merits of the case, the Committee noted that the pictures in question contained derogatory language, as well as negative depictions of black people, thereby affecting persons and groups on the grounds of race and colour. The Committee also noted that one picture negatively addressed members of the Roma community, thereby affecting persons based on ethnic origin. While highlighting the significance of the right to freedom of expression, the Committee recalled that that right carried special duties and responsibilities, in particular the obligation not to disseminate racist ideas, and could be subject to certain restrictions. The Committee further noted that racist hate speech had a profound negative impact on targeted communities and that it sent a message of hostility and intolerance to anyone who shared the identity or characteristic of the person targeted. The Committee acknowledged that, in the light of the right to freedom of expression, pictures which were displayed in an exhibition could not easily be qualified as racist hate speech, even when they depicted racist content or reproduced racist stereotypes. However, it noted that some of the pictures in question displayed specific individual persons referring to their anti-discrimination action and that the pictures were humiliating towards those persons and thereby touched upon the dignity of the persons displayed, which could lead to further acts of discrimination.

64. The Committee indicated that the State party was obliged to respond and to take effective measures against that kind of acts of speech and that the mere conduct of an investigation did not suffice. It therefore concluded that the State party had violated article 4 (a), read in conjunction with article 6, of the Convention. In the light of the above findings, the Committee did not consider it necessary to examine the author's allegations of a possible violation of article 4 (c) of the Convention. The Committee recommended that the State party grant the author an apology and full reparation. In addition, it requested that the State party develop guidelines on responses to racist hate speech and establish training programmes addressed to police officers, prosecutors and judges on the prevention of racial hatred and discrimination.

65. At its 109th session, the Committee considered the case of *Hussain v. Norway*,¹⁶ referring to a Norwegian citizen of Pakistani origin who had been convicted, inter alia, of trafficking people from Pakistan into Norway. In one of the monthly reviews of his pretrial detention, an appellate court indicated that his Pakistani background would contribute to making his abscondment possible. The author considered that such a statement amounted to racial discrimination on the basis of his ethnicity. He appealed the review of the appellate Court to the Supreme Court. He considered that the court had given disproportionate weight to his ethnicity when it had concluded that there was a considerable flight risk, which was why he had been unfairly kept in custody. With regard to admissibility, the Committee considered that the State party had failed to submit sufficient arguments or evidence regarding the effectiveness of the domestic remedies in respect of the author's allegations. In addition, the State party had failed to explain the scope of the alleged remedies, in particular by not providing any details as to the nature, procedure or effects of a declaration of the existence of discrimination, including whether such a declaration could be issued with respect to a judicial decision. The Committee therefore found that, for the purposes of admissibility, the petitioner had exhausted all available remedies with regard to the violation of articles 2 (1) (a), 5 (a) and 6 of the Convention.

66. Regarding the merits of the case, the Committee reviewed the Court of Appeal's assessments of the author's flight risk, according to which specific and objective grounds existed for believing that, if released, the author would abscond. The Committee concluded that the information provided by the parties did not demonstrate that the Court of Appeal's reference to the author's "Pakistani background" had been based solely on his national or ethnic origin, but that it rather suggested that such reference was linked to information

¹⁶ CERD/C/109/D/63/2018.

contained in the criminal file which showed that the author had family and financial connections to Pakistan. It therefore concluded that the facts submitted by the author did not demonstrate a violation of the Convention. The Committee reminded the State party, however, that risk of flight assessments must be based on objective facts as to the likelihood of abscondment and should not be based on the national or ethnic origin of a person alone. The Committee also expressed concern that the focus of courts on the national or ethnic origin of a person when assessing the risk of evasion may indicate racial bias and amount to racial discrimination.

IX. Follow-up to individual communications

67. At its sixty-seventh session, the Committee decided to establish a procedure to follow up on its opinions and recommendations adopted following the examination of communications under article 14 of the Convention.¹⁷

68. At the same session, the Committee decided to add two paragraphs to its rules of procedure, setting out details of the procedure.¹⁸ The Rapporteur for follow-up to opinions regularly presents a report to the Committee with recommendations on further action to be taken.

69. The table below provides an overview of follow-up replies received from States parties. Wherever possible, it indicates whether follow-up replies are or have been considered satisfactory or unsatisfactory or whether the dialogue between the State party and the Rapporteur for follow-up is ongoing. In general, replies may be considered satisfactory if they reveal a willingness by the State party to implement the Committee's recommendations or to offer an appropriate remedy to the complainant. Replies that do not address the Committee's recommendations or relate only to certain aspects of the recommendations are considered unsatisfactory.

70. At the time of adoption of the present report, the Committee had adopted final opinions on the merits with respect to 43 complaints and found violations of the Convention in 26 cases. In 10 cases, the Committee provided suggestions or recommendations, although it did not establish a violation of the Convention.

Follow-up information received to date for cases of violations of the Convention in which the Committee provided suggestions or recommendations

<i>State party and number of cases with violation</i>	<i>Communication number and author</i>	<i>Follow-up response received from State party</i>	<i>Satisfactory response</i>	<i>Unsatisfactory or incomplete response</i>	<i>No follow-up response received</i>	<i>Follow-up dialogue ongoing</i>
Denmark (7)	10/1997, Ziad Ben Ahmed Habassi	X (A/61/18)	X			
	16/1999, Kashif Ahmad	X (A/61/18)	X			
	34/2004, Hassan Gelle	X (A/62/18)	X			
	40/2007, Murat Er	X (A/63/18)		X incomplete		
	43/2008, Saada Mohamad Adan	X (A/66/18) 6 December 2010 28 June 2011	X partly satisfactory			
	46/2009, Mahali Dawas and Yousef Shava	X (A/69/18) 18 June 2012 29 August 2012 20 December 2013 19 December 2014	X partly satisfactory			X
	58/2016, S.A.	X (A/74/18) 5 April 2019	X partly satisfactory			X
Ecuador (1)	61/2017, Yaku Pérez Guartambel	Due July 2022				X
Finland (1)	59/2016, Anne Nuourgam et al.	Due July 2022				X
France (1)	52/2012, Laurent Gabre Gabaroum	X (A/72/18) 23 November 2016		X unsatisfactory	X ^a	X

¹⁷ See A/60/18, annex IV, sect. I.

¹⁸ *Ibid.*, annex IV, sect. II.

<i>State party and number of cases with violation</i>	<i>Communication number and author</i>	<i>Follow-up response received from State party</i>	<i>Satisfactory response</i>	<i>Unsatisfactory or incomplete response</i>	<i>No follow-up response received</i>	<i>Follow-up dialogue ongoing</i>
Germany (1)	48/2010, TBB-Turkish Union Berlin/Brandenburg	X (A/70/18) 1 July 2013 29 August 2013 17 September 2014 3 February 2015				X
Kingdom of the Netherlands (2)	1/1984, A. Yilmaz-Dogan 4/1991, L.K.				X X	
Norway (1)	30/2003, The Jewish Community of Oslo	X (A/62/18)			X	
Republic of Korea (1)	51/2012, L.G.	X (A/71/18) 9 December 2016		X partly satisfactory		X
Republic of Moldova (2)	57/2015, Salifou Belemvire 60/2016, Grigore Zapescu	X (A/73/18) 27 March 2018 X (A/76/18) 3 September 2021		X partly satisfactory X unsatisfactory		X X
Serbia and Montenegro (1)	29/2003, Dragan Durmic	X (A/62/18)				X
Slovakia (3)	13/1998, Anna Koptova 31/2003, L.R. et al. 56/2014, V.S.	X (A/61/18, A/62/18) X (A/61/18, A/62/18) X (A/71/18) 9 March 2016				X X X
Sweden (1)	54/2013, Lars-Anders Ågren et al.	X 23 February 2021		X unsatisfactory		X

^a As at the close of the period under review, the State party had not replied in relation to the submissions made by the author after the State party's reply of 23 November 2016.

X. Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference and promotion activities related to the Convention

71. The Committee considered the question of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference at its 107th, 108th and 109th sessions.

72. Mr. Balcerzak delivered a training course to officials in the Lao People's Democratic Republic on reporting to the Committee. Ms. Esseneme provided a training course to the Government of Burundi with a view to helping them to prepare their periodic report to the Committee. Ms. McDougall met with the members of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement in order to seek further avenues for its cooperation with the Committee. Mr. Payandeh spoke at two universities on the Committee's approach about structural discrimination and on the practice of the Committee in general. He also engaged with the national human rights institution of Germany and other stakeholders on the reform process of the treaty bodies.

73. Ms. Shepherd delivered a public lecture on the UNESCO International Day for People of African Descent in honour of the Haitian Revolution, at the invitation of the Mayor of London, and participated in the debate on the theme "Colonialism: its legacies and impact" organized by the Human Rights Council. Ms. Stavrinaki was the main speaker at the annual conference on the International Day Against Racism organized by the Commission des droits de la personne et des droits de la jeunesse of Quebec. Ms. Tebie, as a new member of the Committee met with representatives of the International Organization for Migration and UNHCR in her country and discussed the mandate of the Committee, which included the particular targets of the work of these organizations. Ms. Tlakula participated in an event at which she spoke on the perspectives of the Committee with regard to progress made towards the implementation of the Durban Declaration and Programme of Action on the elimination of racism, racial discrimination, xenophobia and related intolerance in South Africa in the context of the twenty-fifth anniversary of the Constitution. Mr. Yeung Sik Yuen delivered a presentation on the Convention and the procedures thereunder and on how stakeholders could engage with the Committee.

XI. General recommendation on racial discrimination and the right to health

74. At the 107th session, under the leadership of the Chair of the Committee and the guidance of the rapporteur for the general recommendation, Ms. Stavrinaki, the Committee held a day of general discussion as a first step towards the elaboration of its general recommendation on racial discrimination and the right to health, with the participation of many stakeholders, including States and civil society organizations. The day was organized around three panel discussions on the following themes: “Racial discrimination in health as experienced by individuals and groups”; “Legal obligations regarding the prohibition of racial discrimination and the right to health under international human rights law”; and “Monitoring, accountability and redress for racial discrimination in the right to health”. Stakeholders and panellists shared their thoughts on the topics and shed some light on the various aspects at the intersection of racial discrimination and health issues. The Committee will pursue its work on the general recommendation and other avenues for consultation.

75. At its 109th session, the Committee adopted the first draft of the general recommendation on racial discrimination and the right to health, as prepared by the rapporteur for the general recommendation, and decided to call for submissions from stakeholders. The Committee decided to hold regional consultations to collect information from stakeholders from different regions.

XII. 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

76. Article 15 of the Convention empowers the Committee to consider 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, as transmitted to it by the competent bodies of the United Nations, and to submit to the General Assembly its expressions of opinion and recommendations in this regard. Accordingly, at the request of the Committee, the Chair examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work undertaken in 2021¹⁹ and copies of the working papers on the 17 Territories²⁰ prepared by the Secretariat for the Special Committee²¹ and presented her report to the Committee at its 107th session, in August 2022.

77. The Committee thanked the Special Committee for transmitting its report to the Committee. Nevertheless, the Committee noted that international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, were only sporadically applied in the Non-Self-Governing Territories, as they could not themselves adhere to them, which rendered it difficult for the Committee to monitor the implementation of the Convention in the Non-Self-Governing Territories. The Committee took note of the internal matters in the Non-Self-Governing Territories, including as presented by petitioners, which hindered the full enjoyment of all rights under the Convention, especially in the administrative, legislative, judicial and socioeconomic spheres, and would raise such issues with States parties administering these Territories during its consideration of their reports submitted under the Convention. The Committee expressed its appreciation that most Administering Powers had committed to ensuring the human rights of the populations within their jurisdictions, especially their right to self-determination, and would urge them to give urgent attention to where those rights were infringed. The Committee reiterates that States parties have the duty to ensure that the provisions of the Convention are effectively implemented in all territories for which they are Administering Powers.

78. The Committee calls for more consistency in the extension of human rights protection to, and the application of the Convention in, the Non-Self-Governing Territories and urges the Administering Powers to investigate and address complaints of racial discrimination in the relationship between them and the Non-Self-Governing Territories. The Committee reiterates that the right to self-determination is an inalienable right of the people in Non-Self-Governing Territories, and it remains the fundamental principle with regard to decolonization and a fundamental human right under the relevant human rights conventions.

¹⁹ [A/76/23](#); and [A/77/23](#).

²⁰ American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas), French Polynesia, Gibraltar, Guam, Montserrat, New Caledonia, Pitcairn, Saint Helena, Tokelau, Turks and Caicos Islands, United States Virgin Islands and Western Sahara.

²¹ See [CERD/C/106/3](#).

XIII. Reprisals

79. At its 108th session, the Committee received allegations of intimidation and threats of reprisals against a person who had participated in the meeting with civil society organizations and provided information to the Committee in the context of its consideration, in November 2022, of the combined twenty-second and twenty-third periodic reports of France.²² The Committee's focal point on reprisals, Mr. Vega Luna, together with the Chair of the Committee, sent a letter to the State party seeking information on the allegations. On 12 January 2023, the Committee received a reply from the State party.

²² [CERD/C/FRA/22-23](#).