



United Nations

Report of the Committee on the Elimination of Racial Discrimination

**101st session
(4–7 August 2020)**

**102nd session
(16–24 November 2020)**

**103rd session
(19–30 April 2021)**

**General Assembly
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Seventy-sixth Session
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Letter of transmittal

9 August 2021

Sir,

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 101st, 102nd and 103rd sessions of the Committee, held from 4 to 7 August 2020, 16 to 24 November 2020 and 19 to 30 April 2021, respectively.

Owing to the coronavirus disease (COVID-19) pandemic, the 101st, 102nd and 103rd sessions were conducted virtually. At the 103rd session, one country review took place.

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

During its 101st, 102nd and 103rd sessions, the Committee continued to deal with a significant workload including in terms of the examination of State party reports (see chap. III) and of communications under articles 11 and 14 (see chaps. V and VIII).

The Committee examined the situations of several States parties under its early warning and urgent action procedures (see chap. II). The Committee also examined information submitted by several States parties under its procedure for follow-up to the consideration of reports (see chap. IV). In addition, at its 102nd session it completed and adopted its general recommendation on preventing and combating racial profiling.

The COVID-19 pandemic continues to exacerbate the difficulties faced by persons who are already vulnerable to racial discrimination, and the Committee has been monitoring how the pandemic affected their enjoyment of basic human rights and freedoms. In this context, it has adopted a statement to recall States parties' obligations under the Convention, including with regard to providing equal access to and distribution of vaccines. 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) Yanduan **Li**
Chair

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 30 April 2021, by the closing date of the 103rd 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 its article 19.

2. By the closing date of the 103rd session, 59 of the 182 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-one 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 (see https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2-a&chapter=4&clang=_en).

B. Sessions and agendas

5. The Committee held three sessions during the period under review. The 101st session (2803rd–2805th meetings), the 102nd session (2806th–2812th meetings) and the 103rd session (2813th–2822nd) were conducted virtually from 4 to 7 August 2020, 16 to 24 November 2020 and 19 to 30 April 2021, respectively.

6. The provisional agendas of the 101st, 102nd and 103rd sessions ([CERD/C/101/1](#), [CERD/C/102/1](#) and [CERD/C/103/1](#)) were adopted by the Committee without revision.

C. Membership

7. The members of the Committee during the 101st, 102nd and 103rd sessions were as follows:

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Silvio José Albuquerque e Silva	Brazil	2022
Sheikha Abdula Ali al-Misnad	Qatar	2024
Noureddine Amir	Algeria	2022
Marc Bossuyt	Belgium	2022
Chinsung Chung	Republic of Korea	2022
Bakari Sidiki Diaby	Côte d'Ivoire	2022
Ibrahima Guisse	Senegal	2024
Rita Izsák-Ndiaye	Hungary	2022
Keiko Ko	Japan	2022
Gun Kut	Turkey	2022

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Yanduan Li	China	2024
Yemhelhe Mint Mohamed	Mauritania	2024
Mehrdad Payandeh	Germany	2024
Verene Albertha Shepherd	Jamaica	2024
Stamatia Stavrinaki	Greece	2024
Faith Dikeledi Pansy Tlakula	South Africa	2024
Eduardo Ernesto Vega Luna	Peru	2024
Yeung Kam John Yeung Sik Yuen	Mauritius	2022

8. On 11 December 2020, the Committee was informed of the passing of Ms. Mohamed. In a letter dated 19 February 2021, complemented by a letter dated 5 March 2021, the Government of Mauritania appointed Vadili Mohamed Rayess to serve the remainder of Ms. Mohamed's term of office, due to expire on 19 January 2024. Mr. Rayess made his solemn declaration at the 102nd session of the Committee.

9. On 24 June 2021, the twenty-ninth meeting of States parties elected nine members, to replace those whose terms of office were to expire on 19 January 2022.

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
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
Gun Kut	Turkey	2026
Gay McDougall	United States of America	2026
Mazalo Tebie	Togo	2026
Yeung Kam John Yeung Sik Yuen	Mauritius	2026

D. Officers of the Committee

10. During the 101st, 102nd and 103rd sessions, the Bureau of the Committee comprised the following Committee members, elected on 17 June 2020, to serve a two-year term (2020–2022):

<i>Chair:</i>	Yanduan Li
<i>Vice-Chairs:</i>	Marc Bossuyt Verene Albertha Shepherd Yeung Kam John Yeung Sik Yuen
<i>Rapporteur:</i>	Rita Izsák-Ndiaye

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

11. During the Committee's 103rd session, a report of the United Nations Children's Fund relating to the State party under review was made available to the members of the Committee, who took note of it with appreciation.

F. Other matters

12. During its 102nd session, on 16 November 2020, the Committee met with the Special Rapporteur on contemporary forms of racism, racism discrimination, xenophobia and related intolerance, to exchange views and information on matters of common interest, and to explore avenues for future cooperation.

13. During its 102nd session, on 19 November 2020, the United Nations High Commissioner for Human Rights addressed the Committee.

14. During its 102nd session, on 20 November 2020, the Committee met with the Special Rapporteur on trafficking in persons, especially women and children. Exchanges took place on matters of common interest, potential areas for cooperation and coordination.

G. Adoption of the report

15. At its 2823rd meeting (104th session), the Committee adopted its annual report to the General Assembly.

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

16. The Committee's work under its early warning and urgent action procedures is aimed at preventing and responding to serious violations of the Convention. This work is based on guidelines adopted by the Committee at its seventy-first session, in August 2007.¹

17. The Committee's working group on early warning and urgent action was established at the sixty-fifth session of the Committee, in August 2004. During the 101st, 102nd and 103rd sessions, the Working Group comprised the following members:

<i>Coordinator:</i>	Chinsung Chung
<i>Members:</i>	Bakari Sidiki Diaby
	Rita Izsák-Ndiaye
	Mehrdad Payandeh
	Eduardo Ernesto Vega Luna

A. Statements

18. The following statements were adopted by the Committee at its 101st session.

Statement 3 (2020) on the coronavirus disease (COVID-19) pandemic and its implications under the International Convention on the Elimination of All Forms of Racial Discrimination

I. Impact of the COVID-19 pandemic on the right to non-discrimination and to equality

The COVID-19 pandemic is having significant adverse impacts on the enjoyment of human rights, in particular on the right to non-discrimination and to equality, based on the grounds set forth in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Several months into the pandemic, evidence shows that the pandemic disproportionately affects individuals and groups who are marginalized and more vulnerable to racial discrimination, in particular persons belonging to national or ethnic, religious and linguistic minorities, as well as indigenous peoples, including those living in isolation, migrants, refugees and asylum seekers, Roma, non-citizens, people of African descent and other groups who face discrimination based on descent.

All around the world, persons belonging to minorities and marginalized groups are more vulnerable to the pandemic owing to a greater exposure to the virus because of: often inadequate or particular living conditions, for example, crowded urban settlements or remote communities; limited or no access to clean water and sanitation facilities; limited or no access to health care, medication, medical services, social security and social services, all of which can lead to higher rates of infection and mortality. Groups that are subject to racial discrimination are furthermore disproportionately affected by the overall negative impact of the COVID-19 pandemic on health services in general, with health issues not directly related to COVID-19 being left unattended.

The pandemic thereby exposes and further deepens structural inequalities affecting vulnerable groups protected under the Convention on the basis of entrenched structures and practices of discrimination and exclusion. It also has a significantly disparate socioeconomic impact on those groups and minorities, in particular with regard to housing, employment and education, and economic security in general.

In addition, the pandemic and the responses to it have exacerbated the specific vulnerability of women and girls, children and persons with disabilities, leading to multiple or intersecting forms of discrimination. An increase of domestic and other forms of sexual, psychological and physical violence against minority and indigenous women have been reported. Furthermore, the high number of minority and indigenous women in informal, low wage and

¹ See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 18 (A/62/18)*, annex III.

service industries, which were the industries hardest hit by the COVID-19 pandemic, and the existing gender digital divide also pushed many of them farther away from the labour market and work opportunities.

This higher vulnerability to the pandemic of persons belonging to marginalized groups is accompanied by a significant increase in stigmatization, labelling and scapegoating, which often results in discriminatory acts and even violence against groups and minorities protected under the Convention, in particular against people of Asian and African descent, migrants, members of the Roma community and those who are regarded as belonging to lower castes. Overall, there has been a general rise in xenophobia during the pandemic. Racist hate speech, in particular against Asian people and people of Asian descent, assimilating the spread of the virus to the behaviour of certain groups already subject to racial discrimination, and the use of derogatory language in the public sphere and in statements of State officials, disseminated through traditional and social media, have increased.

Moreover, reports indicate the existence of practices aimed at and incidents of racially discriminatory enforcement of restrictions on human rights and other measures, such as emergency laws, taken to address the COVID-19 pandemic. In addition, access to justice and national mechanisms combating racial discrimination have been further hindered as a result of the pandemic.

II. Obligations of States under the International Convention on the Elimination of All Forms of Racial Discrimination

States must respect, protect and fulfil their international human rights obligations, including in times of crisis. States may enact and enforce restrictions of human rights on public health grounds only if they are necessary, reasonable, proportionate and non-discriminatory. Both with regard to the impact of the COVID-19 pandemic in general and when addressing the pandemic, States need to respect human rights and to ensure that their measures are in accordance with their international obligations, including those arising from the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee reminds States parties of its general recommendations to ensure compliance of the measures they take to address the pandemic and its impact with the provisions of the Convention:

(a) Measures addressing the COVID-19 pandemic can be taken and enforced only in compliance with obligations under international human rights law. Measures including but not limited to the closing of borders, lockdowns, quarantines and enforcement measures must not be enacted or enforced in a manner that violates the prohibition of racial discrimination;

(b) The COVID-19 pandemic has made members of groups and minorities protected under the Convention particularly vulnerable to discrimination. Beyond the obligation to refrain from any discriminatory acts or practices themselves, States have an obligation to protect members of vulnerable groups against discrimination stemming from private actors. This obligation applies in particular to racist insults and hate speech, harassment, acts of violence, and exclusion or denial of goods and services contrary to the prohibition of racial discrimination;

(c) The COVID-19 pandemic has led to the increased use of racist stereotypes, associating the virus with specific regions, nationals or groups, or linking the disease and its outbreak to migration or foreigners in general. States are obliged to desist from, but also to condemn and combat, any action that could reinforce such stereotypes and lead to stigmatization, in particular with regard to any action that might incite acts of racial discrimination. States should counter existing stereotypes and prejudice through the dissemination of fact-based information and awareness campaigns;

(d) The disparate impact of the COVID-19 pandemic is particularly pertinent with regard to the enjoyment of economic, social and cultural rights. States must protect against and mitigate the impact of the pandemic on individuals and groups subject to structural discrimination and disadvantage on the basis of the grounds in the Convention, taking into account the gender-related dimensions of racial discrimination as follows:

(i) States have an obligation to ensure equal access to health-care services, including testing, medicine and medical procedures, and to eliminate discriminatory

practices against groups and minorities protected under the Convention, including migrants and undocumented persons, that might obstruct them from accessing health care;

(ii) States have an obligation to take appropriate measures to address the disparate effects of the COVID-19 pandemic on groups and minorities protected under the Convention with regard to adequate housing and to homelessness, for example, through financial assistance or regulatory measures on rent and mortgage payments, as well as eviction moratoriums;

(iii) States must take appropriate measures to address the disparate effects of the COVID-19 pandemic on groups and minorities protected under the Convention with regard to employment and employment conditions, in particular with regard to the higher risk and impact of unemployment. Workers in occupations with a high risk of contamination should be provided with protective equipment and clothes, without discrimination;

(iv) States have an obligation to take appropriate measures to address the disparate effects of the COVID-19 pandemic on groups and minorities protected under the Convention with regard to access to education, for example by taking the needs of these groups into specific consideration when making decisions about the reopening of schools, advancing alternative learning solutions and enacting measures to bridge the digital divide;

(v) States must guarantee that all persons and groups have access to financial aid and other economic support measures taken in the context of the COVID-19 pandemic without discrimination. In light of the disparate impact of the pandemic on groups and minorities protected under the Convention, States should consider the adoption of special measures in order to secure the full and equal enjoyment of human rights and fundamental freedoms of disadvantaged groups;

(vi) Indigenous peoples, specifically those living in remote areas and in isolation, are particularly vulnerable to the COVID-19 pandemic. States have an obligation to ensure, through positive measures if needed, that the rights of indigenous communities living on their territory are protected;

(e) States must ensure, in their own actions as well as through international cooperation, that the development of vaccines and access to an eventual vaccine against COVID-19 occur in a non-discriminatory manner, taking into account the situation and needs of groups that are marginalized and subjected to discrimination;

(f) States must combat the COVID-19 pandemic guided by the principle of international solidarity through international assistance and cooperation. States must also cooperate in order to mitigate the disparate impact of the pandemic and its socioeconomic consequences, in particular for groups and minorities protected under the Convention;

(g) States should adopt a consultative approach to their response to COVID-19, in particular by guaranteeing the participation of all groups and minorities protected under the Convention in the design and implementation of emergency measures.

III. Role of the Committee on the Elimination of Racial Discrimination and its recommendations

The Committee on the Elimination of Racial Discrimination closely monitors the impact of the COVID-19 pandemic and of State responses to the pandemic on the prohibition of racial discrimination. The Committee will avail itself of all its procedures as appropriate, in particular its reporting and early warning and urgent action procedures.

The Committee encourages all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to specifically address the following issues in their next reports under article 9 of the Convention:

(a) The impact of the COVID-19 pandemic on groups and minorities protected under the Convention within their territory and under their jurisdiction;

(b) Measures taken to ensure the participation of all groups and minorities, in particular women, children and persons with disabilities, in the design and implementation of their response to the COVID-19 pandemic;

(c) Measures taken to protect people belonging to groups and minorities protected under the Convention from the impact of the COVID-19 pandemic;

(d) Measures taken to protect members of vulnerable groups against discriminatory acts and to counter hate speech and stigmatization in connection with the COVID-19 pandemic;

(e) Measures taken to mitigate the socioeconomic impact of the COVID-19 pandemic on members of marginalized and vulnerable groups in accordance with their obligation to respect, protect and fulfil economic, social and cultural rights.

The Committee is committed to cooperating with all other United Nations agencies and calls upon these agencies to provide, within their mandate, assistance to Member States in implementing the recommendations of the Committee and all other recommendations issued within the United Nations system that relate to the COVID-19 pandemic.

The Committee calls upon civil society to submit all information relevant to the mandate of the Committee with regard to racial discrimination in the context of the COVID-19 pandemic. The Committee is committed to maintaining the dialogue with civil society and to ensuring the participation of civil society in its work.

Statement 2 (2020) on Peru

The Committee on the Elimination of Racial Discrimination,

Acting under its early warning and urgent action procedures,

Alarmed by the increasing spread of the coronavirus disease (COVID-19) among the indigenous peoples living in the Amazon region of the State party, with an estimate of several thousand contaminations, affecting a higher number of women than men, and an estimate of hundreds of deaths,

Deeply alarmed by the threat posed by the COVID-19 pandemic to the physical and cultural survival of indigenous peoples living in the Amazon region, in particular of those in voluntary isolation or in initial contact, in particular owing to their high vulnerability to external diseases,

Concerned by the disproportionate and adverse socioeconomic impact of the COVID-19 pandemic on indigenous peoples, in particular in the Amazon region, caused by the persistent racial structural discrimination, hampering access to quality health services and to economic aid related to the pandemic,

Concerned also that the absence of an effective mechanism for the protection of indigenous peoples' rights to lands, territories and resources further puts the cultural and physical survival of indigenous peoples in the Amazon region at risk,

Highly concerned by the continuity of extractive activities in the Amazon region, which directly contributes to the spread of COVID-19 in the Amazon region, including in the most remote areas,

Disturbed by the absence of specific measures for indigenous peoples in the early response to the COVID-19 pandemic that was launched in March 2020, and the significantly delayed adoption of such specific measures,

Noting that Legislative Decree No. 1489, which was adopted as a specific response to the situation of indigenous peoples in the context of the COVID-19 pandemic, was not adopted until 10 May 2020 and has been poorly implemented owing to the lack of necessary funding and to the limited technical capacities of regional governments,

Noting also the plan of intervention for indigenous and rural communities in the Amazon region that was adopted on 30 May 2020 by the Ministry of Health,

Noting further the measures taken by the State party to mitigate any adverse impact of private companies operating in indigenous territories and lands, including Legislative Decree No. 1500,

Recalling its previous concluding observations of 23 May 2018 (CERD/C/PER/CO/22-23) and 25 September 2014 (CERD/C/PER/CO/18-21) on Peru and its general recommendations No. 23 (1997) on the rights of indigenous peoples and No. 32 (2009) on the meaning and scope of special measures in the Convention,

1. *Calls upon* the State party to ensure the participation of indigenous peoples as key partners in addressing the COVID-19 pandemic and in decision-making processes, including in the design and implementation of measures taken to prevent and contain the disease, and in relation to recovery plans;

2. *Urges* the State party to immediately adopt protection measures for indigenous peoples in voluntarily isolation or in initial contact and to prevent the entry of unwanted outsiders into their territories, in particular through the strict implementation of sanitary areas and expedited legislation establishing the protection and intangibility of areas where indigenous peoples live;

3. *Also urges* the State party to give priority to and provide the necessary resources for the adequate and fully funded implementation of Legislative Decree No. 1489, as well as of Supreme Decrees 004-2020-MC, 008-2020-MC and 010-2020-MC, which were adopted by the Ministry of Culture, to ensure culturally appropriate health goods and services to indigenous peoples and delivery of humanitarian aid by public authorities, and to consider the adoption and effective implementation of further measures to address the negative impact of the pandemic on indigenous peoples;

4. *Further urges* the State party, including local authorities, to ensure the urgent and full respect of indigenous territories by strictly enforcing controls on the entry of any unwanted person into indigenous territories, in agreement and close collaboration with indigenous peoples, including by requiring compulsory testing for COVID-19 and a medical evaluation for individuals wishing to enter these territories;

5. *Urges* the State party to adopt special measures to mitigate the socioeconomic and cultural impact of the COVID-19 pandemic on indigenous peoples, and to ensure access of indigenous peoples to economic aid without discrimination;

6. *Also urges* the State party to ensure the right to free, prior and informed consent regarding the extractive activities and other development projects in indigenous people's territories that might further contribute to the spread of COVID-19;

7. *Calls upon* the State party to cooperate internationally to seek support for its response to the COVID-19 pandemic with regard to indigenous peoples, in particular those living in the Amazon region, and for developing responses to the pandemic for communities bordering Brazil and Colombia.

19. The following statement was adopted by the Committee at its 103rd session.

Statement 1 (2021) on the rise of racial discrimination against Asians and people of Asian descent, in particular racist hate crimes and hate speech

The Committee on the Elimination of Racial Discrimination,

Acting under its early warning and urgent action procedures,

Concerned about reports of the increase of acts of racial discrimination, in particular hate speech and hate crimes against Asians and people of Asian descent occurring in many parts of the world,

Alarmed in particular that in the context of the coronavirus disease (COVID-19) pandemic, Asians and people of Asian descent have been victims of stigmatization, labelling, scapegoating and blaming for the spread of the virus responsible for COVID-19, and recently have been subject to a wave of racist violence, threats of violence, physical harassment and bullying of children in schools,

Alarmed also by the appearance on social media and other media platforms of racist hate speech, including by political and public figures, inciting people to violence, racism and xenophobia against Asians and people of Asian descent,

Deeply concerned that Asian women and girls, and women and girls of Asian descent have been specifically subject to violence and other acts of racial discrimination including in the workplace, in connection with the COVID-19 pandemic,

Reaffirming that States are not only obliged to desist from, but also to condemn and combat, any action that could reinforce racist stereotypes, associating the virus with specific regions, nationals or groups, in particular with regard to any action that might incite acts of racial discrimination, including when expressed by political and public figures,

Reaffirming also that, beyond their obligation to refrain from any discriminatory acts or practices themselves, States have the obligation to protect members of vulnerable groups against discrimination stemming from private actors, in particular against racist insults and hate speech, harassment, acts of violence, and exclusion or denial of goods and services contrary to the prohibition of racial discrimination,

Recalling its general recommendation No. 35 (2013) on combating racist hate speech,

Recalling also its statement of 7 August 2020 on the COVID-19 pandemic and its implications under the International Convention on the Elimination of All Forms of Racial Discrimination,

1. *Calls upon* States parties to unequivocally, unconditionally and publicly reject and condemn racially motivated violence of all forms against Asians and persons of Asian descent as it occurs in the context of the coronavirus disease (COVID-19) pandemic, take necessary measures to investigate any act of such violence, punish those responsible with appropriate penalties, and provide effective and adequate reparation to victims;

2. *Also calls upon* States parties to condemn all expressions of racist hate speech and discriminatory language, in particular by State officials and other public figures, and take necessary legislative and administrative measures to protect Asians and people of Asian descent from racist hate speech, incitement to hatred and other acts of racial discrimination and stigmatization related to the COVID-19 pandemic;

3. *Further calls upon* States parties to ensure that Asians and people of Asian descent, including women and girls, are not discriminated against in any areas of life, including in the workplace, or in relation to health care or education, in the context of the COVID-19 pandemic and in the post-pandemic context;

4. *Urges* States parties to adopt measures to prevent racial discrimination against Asians or people of Asian descent by promoting tolerance and mutual understanding among different groups living in their territories, in particular through education programmes and awareness-raising campaigns.

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

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

21. On 30 December 2019, the Committee received a letter from the Government of Belarus in response to the Committee's letter dated 13 December 2019, in which it had expressed concerns about allegations of procedural abuses and irregularities committed by internal affairs officers during the investigation of the murder of a police officer in Mogilev province. While noting the information provided by the State party, the Committee, in its letter dated 7 August 2020, reiterated its concerns and requested additional information on the measures taken to address its concerns.

22. On 7 August 2020, the Committee sent a letter to the Government of Brazil expressing concerns, in particular about the situation of indigenous peoples, Afro-Brazilians and quilombolas, in the context of the COVID-19 pandemic in Brazil, and about the negative

impact of structural discrimination, which has intensified the discrimination that already affects these communities, especially women. It requested information on the issues mentioned above and the concrete measures adopted to address them.

23. On 7 August 2020, the Committee sent a letter to the Government of Kazakhstan, expressing concerns, in particular about the ethnic-based violence in the country against the Dungan minority by non-Dungan persons in the villages of Masanchi, Sortobe, Bular-Batyr, and Aukhatty in the Korday district of Jambyl province on 7 and 8 February 2020. The Committee requested that the State party provide information on the issues mentioned above and on the measures taken to address them.

24. On 7 August 2020, the Committee sent a letter to the Government of the Russian Federation about the situation of the Roma as raised in the Committee's letter dated 13 December 2019, in which it had raised concerns that an inter-ethnic confrontation between Roma and non-Roma, which had taken place in the village of Chemodanovka in Penza province in June 2019, had led to 900 Roma fleeing and being subjected to arbitrary detention and inhuman treatment by law enforcement officers. In its letter dated 7 August 2020, the Committee reiterated its request for a response to its previous letter.

25. On 7 August 2020, the Committee sent a letter to the Government of the United States expressing concerns, in particular about the negative impact that the planned oil and gas development in the coastal plain of the Arctic National Wildlife Refuge in Alaska could have on the Gwich'in indigenous peoples, and also expressing concerns that the development of the project had allegedly been conducted without the free, prior and informed consent of and adequate consultation with these peoples. The Committee requested that the State party provide information on the status of the proposal to develop oil and gas in the coastal plain and on the measures adopted to address the issues mentioned above.

26. On 7 July 2020, the Committee received a letter from the Government of Canada in response to the Committee's decision dated 13 December 2019, in which it had expressed concerns, in particular about the absence of free, prior and informed consent of the Secwepemc and Wet'suwet'en communities in relation to the development of the Site C dam project, the approval of the Trans Mountain pipeline expansion project in British Columbia and the Coastal GasLink Pipeline. In its letter dated 24 November 2020, the Committee noted the information provided by the State party in that regard and requested that updated information be provided on the issues expressed in its decision dated 13 December 2019.

27. On 24 November 2020, the Committee sent a letter to the Government of Panama relating to the situation of the Ngäbe indigenous people affected by the Changuinola hydroelectric plant in Panama. In its letter, the Committee took note of the information provided by the State party and requested further information on the situation and measures taken to address it.

28. On 22 November 2019, the Committee received a letter from the Government of Thailand in response to the Committee's previous letter, in which it had expressed concerns regarding, in particular, allegations of attacks and continuing harassment against Karen indigenous people in Kaeng Krachan National Park, the failure to ensure accountability for violations, and the reactivation of the nomination of the national park for designation as a world heritage site by the United Nations Educational, Scientific and Cultural Organization in 2019 without adequate consultation with the affected indigenous peoples and a lack of measures to seek their free, prior and informed consent. In its letter dated 24 November 2020, the Committee requested detailed information on issues outlined in the State party's letter.

29. On 24 November 2020, the Committee sent a letter to the Government of the Russian Federation regarding allegations of judicial harassment of a non-governmental organization working on the promotion and protection of the rights of indigenous peoples. In particular, the Committee expressed concerns about information on the request introduced by the Minister of Justice of the Russian Federation accusing the non-governmental organization of violating the "Foreign Agent Law", which resulted in the termination of its activities, as upheld by the First Appellate Court on 3 March 2020. The Committee requested that the State party submit information on the issues outlined above.

30. On 24 November 2020, the Committee sent a letter to the Government of the United States expressing concerns, in particular that the State party's decision of 17 August 2020 on the release of the record of the coastal plain oil and gas leasing programme would constitute

the final administrative step required to proceed with the lease sale to oil and gas companies, which, once initiated, would be nearly impossible to cancel. Allegedly, the drilling option selected could have a destructive impact on the coastal plain and cause irreparable harm to the Gwich'in peoples. The Committee requested that the State party provide a response to issues mentioned in its letters dated 7 August 2020 and 24 November 2020.

31. On 30 April 2021, the Committee sent a letter to the Government of Brazil concerning the building of highways and railroads in the State of Mato Grosso, and its impact on the rights of Xavante and other indigenous peoples. While noting the information provided by the State party, the Committee nevertheless expressed concerns about the alleged adverse impact of the above-mentioned projects on Xavante, in particular with regard to the lack of inclusive consultation of indigenous peoples in all these projects, and about the alleged failure to seek to obtain the free, prior and informed consent of all those impacted. It requested that the State party provide information on the above-mentioned concerns.

32. On 30 April 2021, the Committee sent a letter to the Government of Canada referring to allegations of acts of racist violence against Mi'kmaw indigenous peoples in Nova Scotia. Among others, the Committee raised concerns that Mi'kmaw peoples had been subject to escalating hate speech, violence, intimidation, and the burning and destruction of their property by non-indigenous fishers. It requested that the State party submit information on the issues mentioned above and on any action taken to address them.

33. On 30 April 2021, the Committee sent a letter in response to the follow-up communication by the Government of Indonesia to the virtual meeting between the representatives of the Government and the Committee. While noting the information provided, the Committee raised additional concerns about the alleged lack of official recognition of indigenous peoples and the negative effects of the omnibus law on their livelihood and their rights, including with regard to their lands and territories and the right to be consulted. The Committee requested that the State party provide information on issues outlined in its letter.

34. On 30 April 2021, the Committee sent a letter to the Government of Kazakhstan regarding the situation of the Dungan minority. In particular, it raised concerns about the fact that court proceedings against members of the Dungan minority by non-Dungan persons in Korday district, relating to the violent events of 7 and 8 February 2020, were being held in the city of Taraz, which was located 300 km from the place where the events in question occurred, thereby making court attendance difficult for the victims and other relevant parties. The Committee requested that the State party provide additional information on the above-mentioned issues.

35. On 30 April 2021, the Committee sent a letter to the Government of Peru regarding the situation of the Santa Clara de Uchunya indigenous community, in reference to the State party's responses to the Committee letter dated 29 August 2019. The Committee took note of the information received from the State party, but it reiterated the concerns expressed in its letter dated 29 August 2019 and requested that the State party provide additional information on the issues outlined therein.

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

36. At its 101st and 102nd sessions, no country reviews were conducted.
37. At its 103rd session, which was held remotely, the Committee adopted concluding observations on Belgium ([CERD/C/BEL/CO/20-22](#)).
38. The country rapporteur for Belgium was Mr. Diaby.
39. The concluding observations adopted by the Committee at the 103rd session are available from the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR) ([www.ohchr.org](#)) and the Official Documents System of the United Nations ([http://documents.un.org](#)) under the symbol indicated above.

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

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

41. At its sixty-sixth and sixty-eighth sessions, the Committee adopted terms of reference for the work of the Rapporteur for follow-up² and the guidelines on follow-up³ to be sent to each State party together with the concluding observations.

42. At the 2805th meeting (101st session), 2812th meeting (102nd session) and 2820th meeting (103rd session), Mr. Kut presented a report to the Committee on his activities as Rapporteur.

43. At its 101st, 102nd and 103rd sessions, the Committee considered the follow-up reports of Bosnia and Herzegovina ([CERD/C/BIH/FCO/12-13](#)), China ([CERD/C/CHN/FCO/14-17](#)), Cuba ([CERD/C/CUB/FCO/19-21](#)), Guatemala ([CERD/C/GTM/FCO/16-17](#)), Honduras ([CERD/C/HND/FCO/6-8](#)), Iceland ([CERD/C/ISL/FCO/21-23](#)), Japan ([CERD/C/JPN/CO/10-11/Add.1](#)), Jordan ([CERD/C/JOR/FCO/18-20](#)), Kyrgyzstan ([CERD/C/KGZ/FCO/8-10](#)), Latvia ([CERD/C/LVA/CO/6-12/Add.1](#)), Mauritania ([CERD/C/MRT/CO/8-14/Add.1](#)), Mauritius ([CERD/C/MUS/FCO/20-23](#)), Mexico ([CERD/C/MEX/FCO/18-21](#)), Montenegro ([CERD/C/MNE/FCO/4-6](#)), Norway ([CERD/C/NOR/FCO/23-24](#)), Poland ([CERD/C/POL/FCO/22-24](#)), Qatar ([CERD/C/QAT/FCO/17-21](#)), the Republic of Korea ([CERD/C/KOR/FCO/17-19](#)), Saudi Arabia ([CERD/C/SAU/FCO/4-9](#)) and the State of Palestine ([CERD/C/PSE/FCO/1-2](#)).

44. 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.

² For the terms of reference, see *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* ([A/60/18](#)), annex IV.

³ For the text of the guidelines, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 18* ([A/61/18](#)), annex VI.

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

44. 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 individual communications would also deal with inter-State communications.⁴

45. During the 101st, 102nd and 103rd sessions of the Committee, the Working Group on communications comprised the following members:

Coordinator: Yeung Kam John Yeung Sik Yuen

Members: Silvio José Albuquerque e Silva
Rita Izsák-Ndiaye
Keiko Ko
Stamatia Stavrinaki

46. During the period between the 101st and 102nd sessions of the Committee, the activities of the ad hoc conciliation commissions⁵ established under article 11 of the Convention concerning the inter-State communications submitted by Qatar against Saudi Arabia and the United Arab Emirates were delayed owing to the COVID-19 pandemic, which led to the suspension of all meetings of United Nations bodies. In addition, the completion of the ad hoc conciliation commission on the communication submitted by Qatar against Saudi Arabia was delayed following the resignation of Fatsah Ouguergouz on 3 March 2020 for personal reasons. As per rule 76 of the Committee's rules of procedure, the Chair filled the vacancy after new consultations with the States parties concerned in accordance with procedures laid down in rules 72 to 74. In addition, the composition of the ad hoc conciliation commission on the communication submitted by Qatar against Saudi Arabia was not completed until 16 June 2020.

47. On 11 January 2021, following the adoption of the Al-Ula Declaration⁶ between Qatar and other Arab States, including Saudi Arabia and the United Arab Emirates, Qatar submitted two requests for suspension in relation to the inter-State communications it had submitted on 8 March 2021. On 21 January 2021, pursuant to the Bureau decision, the Secretariat transmitted for comments the requests of Qatar for suspension to both respondent States. On 27 January 2021 and 2 February 2021, respectively, the United Arab Emirates and Saudi Arabia expressed their agreement with Qatar concerning the suspension of both proceedings in accordance with section 2 of the Al-Ula Declaration. At the Chair's invitation, on 26 February 2021, members of the two ad hoc commissions held an online meeting, during which they made the solemn declaration prescribed by rule 75 of the Committee's rules of procedure. Through another joint online meeting held on 5 March 2021, each ad hoc conciliation commission elected its Chair. Mr. Bossuyt was elected by consensus as Chair of the commission for the case *Qatar v. Saudi Arabia*, and Mr. Yeung Sik Yuen was elected by consensus as Chair of the commission for the case *Qatar v. United Arab Emirates*. During the same meeting, both ad hoc commissions decided to take note of the requests of Qatar for suspension and the respondents' consent to the suspension of the proceedings, and suspended the inter-State communications submitted by Qatar. The commissions also invited each of the States parties concerned to inform them within one year of the adoption of the Al-Ula Declaration whether it wished to resume the consideration of the matter, and decided to remain seized of the matter.

⁴ A/74/18, para. 49.

⁵ The commission for the case *Qatar v. Saudi Arabia* is composed of Marc Bossuyt (Belgium), Chinsung Chung (Republic of Korea), Makane Moise Mbengue (Senegal), Monica Pinto (Argentina) and Verene Albertha Shepherd (Jamaica). The commission for the case *Qatar v. United Arab Emirates* is composed of Sarah Cleveland (United States), Chiara Georgetti (Italy), Bernardo Sepulveda-Amor (Mexico), Maya Shali-Fadel (Algeria) and Yeung Kam John Yeung Sik Yuen (Mauritius).

⁶ Section 2 of the Al-Ula Declaration, signed on 5 January 2021, provides that all lawsuits, complaints, measures, protests, objections and disputes are to automatically terminate on the first anniversary of the signing of the Declaration, provided that they are to be suspended or stayed.

48. During its 100th session, the Committee decided that it had jurisdiction over the communication submitted by the State of Palestine against Israel. The decision on the admissibility of the communication was due to be taken at a later stage. However, owing to the COVID-19 pandemic and its subsequent effect on the Committee's sessions in 2020, the matter was brought before the plenary during its 103rd session.

49. During its 103rd session, the Committee decided by consensus that the communication was admissible after having received written submissions⁷ and the oral statement of the representative of the State of Palestine, as per article 11 (5) of the Convention. Israel declined to make an oral statement. Mr. Bossuyt, Ms. Izsák-Ndiaye, Ms. Ko and Ms. Li, who expressed a dissenting opinion to the decision on jurisdiction adopted on 12 December 2019 during the 100th session, did not participate in the drafting and adoption of the admissibility decision. Four members were absent. Through the decision, the Committee also requested its Chair to appoint, in accordance with article 12 (1) of the Convention, the members of an ad hoc conciliation commission, which was to make its good offices available to the States concerned with a view to an amicable solution to the matter.⁸ Through a note verbale dated 20 May 2021, the Secretariat transmitted to both parties the decision adopted by the Committee on the admissibility of the communication. Through that note verbale, the Secretariat also informed the States parties that it would transmit to them a list of experts with the view to establishing the ad hoc conciliation commission, pursuant to article 12 (1) (a) of the Convention. The consultations on the selection of the commissioners are ongoing. The list of proposed experts is to be submitted to the States parties concerned for consultations, which will take place within three months of the notification of the States parties of the information collated by the Committee, pursuant to rule 72 of the rules of procedure and to article 12 (1) (a) of the Convention.

⁷ Since both parties provided arguments on both jurisdiction and admissibility, the arguments already submitted have been used in the decision on admissibility.

⁸ CERD/C/99/6, para. 23.

VI. Methods of work

50. During its 101st session, the Committee adopted amendments to rules 5 and 50 of its rules of procedure, allowing the Committee to hold sessions remotely under exceptional circumstances and for members to cast their vote during remote sessions as for in-person sessions.

51. During its 103rd session, further to a presentation by Ms. Stavrinaki, the Committee decided to work towards the elaboration of a general recommendation on racial discrimination and the right to health at its future sessions. At the same session, the Committee also decided to elaborate (a) guidelines on cooperation with national human rights institutions, (b) guidelines on cooperation with non-governmental organizations, and (c) internal guidelines on the elaboration of its general recommendations. It appointed Ms. Tlakula, Mr. Guisse and Ms. Stavrinaki, respectively, to prepare drafts for adoption by the Committee at its future sessions.

VII. States parties whose reports are seriously overdue

A. Reports overdue by at least 10 years

52. As at 30 April 2021, the following States parties were at least 10 years late in the submission of their reports:

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
Benin	Initial report overdue since 2002
Eritrea	Initial report overdue since 2002
Equatorial Guinea	Initial report overdue since 2003
San Marino	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
Brazil	Combined eighteenth to twentieth periodic reports overdue since 2008
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
India	Combined twentieth and twenty-first periodic reports overdue since 2010
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

B. Reports overdue by at least five years

53. As at 30 April 2021, the following States parties were at least five years late in the submission of their reports:

Congo	Combined tenth and eleventh periodic reports overdue since 2012
Monaco	Combined seventh to ninth periodic reports overdue since 2012
Philippines	Combined twenty-first and twenty-second periodic reports overdue since 2012
Tunisia	Combined twentieth to twenty-second periodic reports overdue since 2012
Ethiopia	Combined seventeenth to eighteenth periodic reports overdue since 2013
Iran (Islamic Republic of)	Combined twentieth to twenty-second periodic reports overdue since 2013

Panama	Combined twenty-first to twenty-third periodic reports overdue since 2013
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
Maldives	Combined thirteenth to fifteenth periodic reports overdue since 2015
Fiji	Combined twenty-first and twenty-second periodic reports overdue since 2016
Liechtenstein	Combined seventh and eighth periodic reports overdue since 2016
Venezuela (Bolivarian Republic of)	Combined twenty-first to twenty-fourth periodic reports overdue since 2016

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

54. Following the decision taken at its eighty-fifth session to adopt the simplified reporting procedure, 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, a total of 58 States parties received a reminder on the availability of the simplified reporting procedure.

55. During the 102nd and 103rd sessions, under the simplified reporting procedure, the Committee adopted lists of issues prior to reporting concerning Gabon, Guyana, Lesotho, Maldives, Monaco and Tunisia and sent them to the States parties concerned.

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.⁹

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 adoption of the present report, the Committee had registered 71 complaints concerning 17 States parties. Of those, 3 communications were declared admissible, 19 were declared inadmissible and 2 communications were discontinued. The Committee adopted final decisions on the merits of 37 complaints, and declared and found violations of the Convention in 21 of them. Twelve communications were pending consideration.

59. At its 102nd session, the Committee considered communication No. 54/2013 (*Lars-Anders Agren et al. v. Sweden*), which was submitted by 15 members of the indigenous Sami people in 2013. The Committee found there to be a violation of the petitioners' rights under article 5 (d) (v) and 6 of the Convention. The Committee recommended that the State party provide an effective remedy to the Vapsten Sami Reindeer Herding Community by revising effectively the mining concessions after an adequate process of free, prior and informed consent. The Committee also recommended that the State party amend its legislation in order to reflect the status of the Sami indigenous people in national legislation regarding lands and resources and to enshrine the international standards of free, prior and informed consent.

60. At its 103rd session, the Committee considered communication No. 60/2016 (*Grigore Zapescu v. Republic of Moldova*). Mr. Zapescu claimed to be a victim of a violation of articles 1 (1), 5 (e) (i), 6 and 7 read in conjunction with article 2 (1) (d) of the Convention.¹⁰ He alleged that the authorities had violated his rights under those articles when his job application was rejected after he declared his Roma origin. The issues raised in the complaint were whether the Republic of Moldova had violated its obligation to protect the petitioner from discrimination on the grounds of ethnic origin under article 5 (e) (i) of the Convention and whether the review by the tribunals amounted to a violation of article 6 of the Convention.

61. After having declared that the communication was admissible, the Committee found a violation of article 6 considering that the petitioner had presented an arguable case before national courts and that he had nonetheless been left with a disproportionate burden to prove the respondent company's discriminatory intent. The Committee considered that even though the national legislation provided for the procedure of shifted burden of proof, the State party's response to the claims of racial discrimination was so ineffective that it had failed to ensure appropriate protection and remedies, including appropriate satisfaction and reparation for the damage suffered, pursuant to its own laws and article 6 of the Convention.

62. The Committee recommended that the State party convey an apology to the petitioner and grant him adequate compensation for the damage caused by the above-mentioned violation of the Convention. The Committee also recommended that the State party fully enforce its anti-discrimination laws: (a) through the training of judges in anti-discrimination legislation with a view to ensuring, inter alia, that the principle of shifting burden of proof was fully observed; (b) through the provision of clear information about available domestic remedies in cases of racial discrimination; and (c) through strengthening of the monitoring of anti-discrimination labour standards.

⁹ Information on the declarations can be found at <https://treaties.un.org/>.

¹⁰ The Republic of Moldova ratified the Convention on 26 January 1993. The State party made the declaration under article 14 of the Convention on 8 May 2013.

IX. Follow-up to individual communications

63. 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.¹¹

64. At the same session, the Committee decided to add two paragraphs to its rules of procedure, setting out details of the procedure.¹² The Rapporteur for follow-up to opinions regularly presents a report to the Committee with recommendations on further action to be taken.

65. 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 continues. 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.

66. At the time of adoption of the present report, the Committee had adopted final opinions on the merits with respect to 37 complaints and found violations of the Convention in 21 cases. In 10 cases, the Committee provided suggestions or recommendations although it did not establish a violation of the Convention.

¹¹ See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18 (A/60/18)*, annex IV, sect. I.

¹² *Ibid.*, annex IV, sect. II.

**Follow-up information received to date for all 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	X partly unsatisfactory		
	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
France (1)	52/2012, Laurent Gabre Gabaroum	X (A/72/18) 23 November 2016		X partly satisfactory		X
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
Netherlands (2)	1/1984, A. Yilmaz-Dogan				X	
	4/1991, L.K.				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		
Republic of Moldova (1)	57/2015, Salifou Belemvire	X (A/73/18) 27 March 2018		X partly satisfactory		X
Serbia and Montenegro (1)	29/2003, Dragan Durmic	X (A/62/18)				X
Slovakia (3)	13/1998, Anna Koptova	X (A/61/18, A/62/18)				X
	31/2003, L.R. et al.	X (A/61/18, A/62/18)				X
	56/2014, V.S.	X (A/71/18) 9 March 2016		X unsatisfactory		X

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

67. 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 101st, 102nd and 103rd sessions.

68. Ms. Shepherd, in her capacity as a member of the Committee, participated in the twenty-seventh and twenty-eighth sessions of the Working Group of Experts on People of African Descent and made presentations. Ms. Stavrinaki participated at the consultation event organized by OHCHR, with a view to implementing Human Rights Council resolution 43/1; at an OHCHR event on contemporary slavery and racial discrimination; and at an event on the Sustainable Development Goals and the International Convention on the Elimination of All Forms of Racial Discrimination, organized by the Women's Major Group.

XI. General recommendation on preventing and combating racial profiling by law enforcement officials

69. At its 102nd session, the Committee completed its work on the elaboration of a general recommendation on preventing and combating racial profiling by law enforcement officials¹³ under the guidance of Ms. Shepherd, Rapporteur, who continued the work initiated by the previous Rapporteur, Pastor Elias Murillo Martínez.

¹³ For the text of the general recommendation, see https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGC%2f36&Lang=en.

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

70. Article 15 of the Convention empowers the Committee to consider copies of petitions, 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.

71. Accordingly, and at the request of the Committee, Ms. Shepherd 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 during 2020 and 2021¹⁴ and copies of the working papers on the 17 territories¹⁵ prepared by the Secretariat for the Special Committee and the Trusteeship Council (see [CERD/C/103/3](#)) and presented her report to the Committee at its 103rd session, on 29 April 2021.

72. The Committee noted that it remains difficult for it to monitor fully the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Non-Self-Governing Territories. Nevertheless, the Committee took note of a number of human rights issues arising in these territories, which hinder the full enjoyment of all rights under the Convention, especially in the administrative, legislative, judicial and socioeconomic spheres. The Committee will raise such issues with States parties administering these territories during its consideration of their reports submitted under the Convention. The Committee expressed appreciation that most administering powers have committed to ensuring the human rights of the populations within their jurisdictions, especially their right to self-determination, and would urge immediate attention where these rights are infringed.

73. The Committee reiterated 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.

¹⁴ *Official Records of the General Assembly, Seventy-Fifth Session, Supplement No. 23* ([A/75/23](#)); *Official Records of the General Assembly, Seventy-Sixth Session, Supplement No. 23* (forthcoming).

¹⁵ 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.

XIII. Discussions on the treaty body strengthening process

74. At its 102nd session, the Committee took note of and discussed the report prepared by the co-facilitators appointed by the President of the General Assembly on the basis of paragraph 41 of General Assembly resolution 68/268 of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system. The Chief of the Civil, Political, Economic, Social and Cultural Rights Section of OHCHR, Simon Walker, introduced the report of the co-facilitators and provided the Committee with its main elements. Committee members shared their questions, thoughts and concerns, and enquired about the steps forward.
