



Committee on the Elimination of Racial Discrimination

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International Convention on the Elimination of All Forms of Racial Discrimination (ICERD): the first UN Convention

**Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965
entry into force 4 January 1969, in accordance with Article 19**

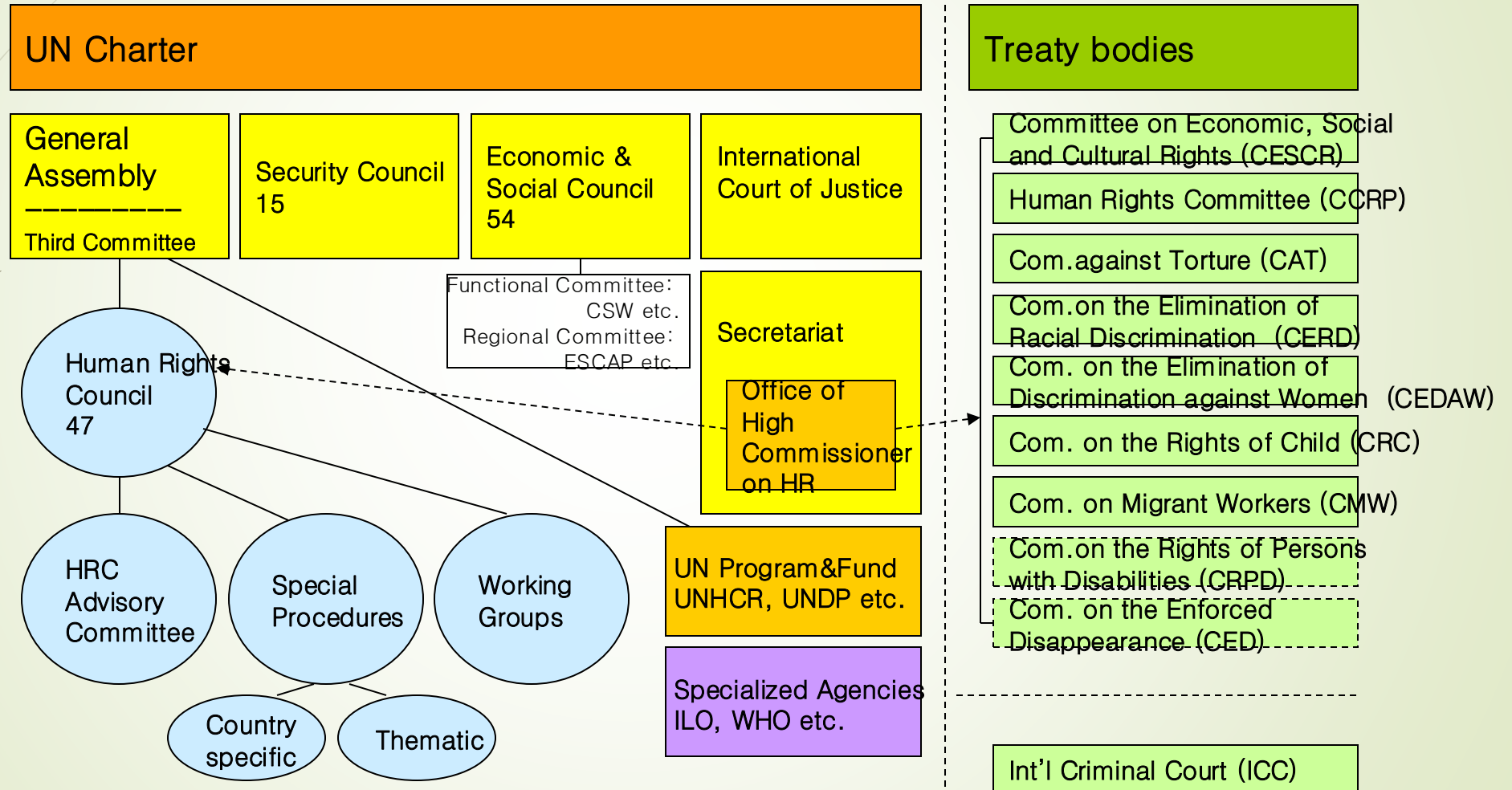
Committee on the Elimination of Racial Discrimination (CERD)

182 States parties ratified. one of the most widely ratified human rights treaties in the world.

However, the non-ratification rate is high in the Asia-Pacific regions with 12 States.

(No regional human rights system and mechanisms for the Asia Pacific regions.)

ICERD/CERD at the UN Human Rights Mechanism





Contents of the ICERD

Racial discrimination is most widely prevailed discrimination

- Part I,II
- 1. Definition of racial discrimination: Art.1,
- 2. State obligation: Art.2-7
- 3. Rights to protect: Art.5
- 4. Committee on the Elimination of Racial Discrimination: Art.8,10
- 5. State report: Art.9
- 6. Inter-state communication: Art.11-13, 22(ICJ)
- 7. Individual communication: Art.14
- 8. Trust and Non-self-Governing Territories: Art.15
- PartIII: ratification, reservation, revision, etc: Art.17-25

General Recommendation

- CERD members initiate GR for more clarification of some contents of the Convention, which are mostly found in the process of reviewing state reports.
- Up to now there are 36 GRs, and now the CERD is preparing the 37th GR on health issue.
- **NGOs can send their opinions in those procedures.**
- **GRs are on:**
 - The functioning of the Committee and its supervisory mechanisms: Indirect discrimination, special measures, the independence of the members of the Committee
 - Specific vulnerable groups: African descent, Roma, castes, indigenous people, refugee, non-citizens
 - Self-identification for the affiliation of an individual with a specific group
 - Gender-related dimension of racial discrimination
 - Thematic issues: hate crimes, racial profiling, racial discrimination in law enforcement, criminal justice system, law enforcement officials...



CERD membership

- 18 expert nominated by their states with 4 year term
- problem of independence
- Equitable geographical balance is just guide, not rigid principle—small members from Asia
- gender balance
- Educational back ground: majority are lawyers

KEY Functions of CERD

Treaty Bodies monitor State parties' compliance with their **treaty obligations** through:

Treaty Bodies interpret the treaties and prevent human rights violations through:

1
Reporting procedure
(including follow-up procedure)

2
Follow up procedure

3
General comments/
Days of discussion

4
Individual complaints

5
Inter-state communication

6
Urgent action/
Early warning



Sessions

The CERD holds three sessions every year.

In 2022 the Committee held its:

- **106th session from 11 to 29 April**
- **107th session from 8 to 30 August**
- **108th session from 18 November to 2 December**

The CERD examines about **20 SP reports** per year.

Regular State reporting Procedure

- Submission of the report (Article 9)
- 1. States Parties undertake **to submit** to the Secretary-General of the United Nations, for consideration by the Committee, **a report** on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) **within one year after the entry into force of the Convention** for the State concerned; and
- (b) **thereafter every two years** and whenever the Committee so requests. The Committee may request further information from the States Parties.
 - * **every 4 years in practice**
 - * **common core document/ CERD-specific document (CERD/C/2007/1)**
- 2. The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and **general recommendations** based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Structure of the Common Core Document


I. General information on the reporting State

1. Demographic, economic, social and cultural characteristics of the State
2. Constitutional, political and legal structure of the State

II. General framework for the protection and promotion of human rights

3. Acceptance of international human rights norms
4. Legal framework for the protection of human rights at national level
5. Framework within which human rights are promoted at national level
 - National and regional parliaments and assemblies
 - National human rights institutions
 - Dissemination of human rights instruments
 - Raising human rights awareness among public officials and other professionals
 - Promotion of human rights awareness through educational programmes and Government-sponsored public information
 - Role of civil society, including non-governmental organizations
 - Budget allocations and trends
 - Development cooperation and assistance
6. Reporting process at national level
 - Follow-up to concluding observations of human rights treaties
7. Other related human rights information
 - Follow-up to international conferences

III. Information on non-discrimination and equality and effective remedies



Format of State party reports

Word limit (see GA 68/268, para. 16):

- **Common core document: 42,400 words**
- **Initial reports: 31,800 words**
- **Periodic reports: 21,200 words**

Format



- **Word format (not PDF format)**
- **Single spaced**
- **Paragraphs numbered**
- **10 point Times New Roman type**
- **Submission: In electronic form only- no hard copies – to registry@ohchr.org**

Consultations with NHRI and CSOs

- ➔ **Establish a NHRI/ Civil Society contact network and mailing list**
- ➔ **Draw up a calendar of consultations**
- ➔ **Send draft reports to NHRI for comments**
- ➔ **Invite CSOs to participate in national consultations prior to the drafting of reports, if envisaged**
- ➔ **Hold subject-specific meetings with NHRI/CSOs (including in response to requests from CSOs)**
- ➔ **Post draft report on the Internet**
- ➔ **Disseminate the outcome of the Treaty Body review among the greater public through the Internet, briefings, other media, etc.**
- ➔ **Further information on strengthening the consultation capacity with NHRIs and CSOs can be found at www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.**

State's Obligation



- *(Article 2)*
- 1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (a) Each State Party undertakes to engage in **no act or practice of racial discrimination** against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;(b) Each State Party undertakes **not to sponsor**, defend or support racial discrimination by any persons or organizations;
- (c) Each State Party shall take effective measures to **review governmental, national and local policies**, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

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- (d) Each State Party shall **prohibit** and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
 - (e) Each State Party undertakes **to encourage**, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.
 - 2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, **special and concrete measures** to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.
 - **(Article 3)**
 - **States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.**

➤ **(Article 4)**

➤ States Parties condemn all **propaganda and all organizations** which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all **incitement** to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (a) Shall **declare an offence punishable by law** all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare **illegal** and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) Shall not permit **public authorities or public institutions, national or local**, to promote or incite racial discrimination.

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- (d) Other **civil rights**, in particular:
 - (i) The right to **freedom of movement and residence** within the border of the State;
 - (ii) The right **to leave any country**, including one's own, and to return to one's country;
 - (iii) **The right to nationality**;
 - (iv) The right to **marriage** and choice of spouse;
 - (v) The right **to own property** alone as well as in association with others;
 - (vi) The right to **inherit**;

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- (vii) The right to **freedom of thought, conscience and religion**;
 - (viii) The right to **freedom of opinion and expression**;
 - (ix) The right to **freedom of peaceful assembly and association**;
 - (e) **Economic, social and cultural rights**, in particular:
 - (i) The rights **to work**, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to **housing**;
 - (iv) The right to **public health**, medical care, social security and social services;
 - (v) The right to **education and training**;
 - (vi) The right to equal participation in **cultural activities**;
 - (f) The right of **access to any place or service** intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.



► *(Article 5)*

► In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and **to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law**, notably in the enjoyment of the following rights:

- (a) The right to **equal treatment** before the tribunals and all other organs administering justice;
- (b) The right to **security** of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- (c) **Political rights**, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;



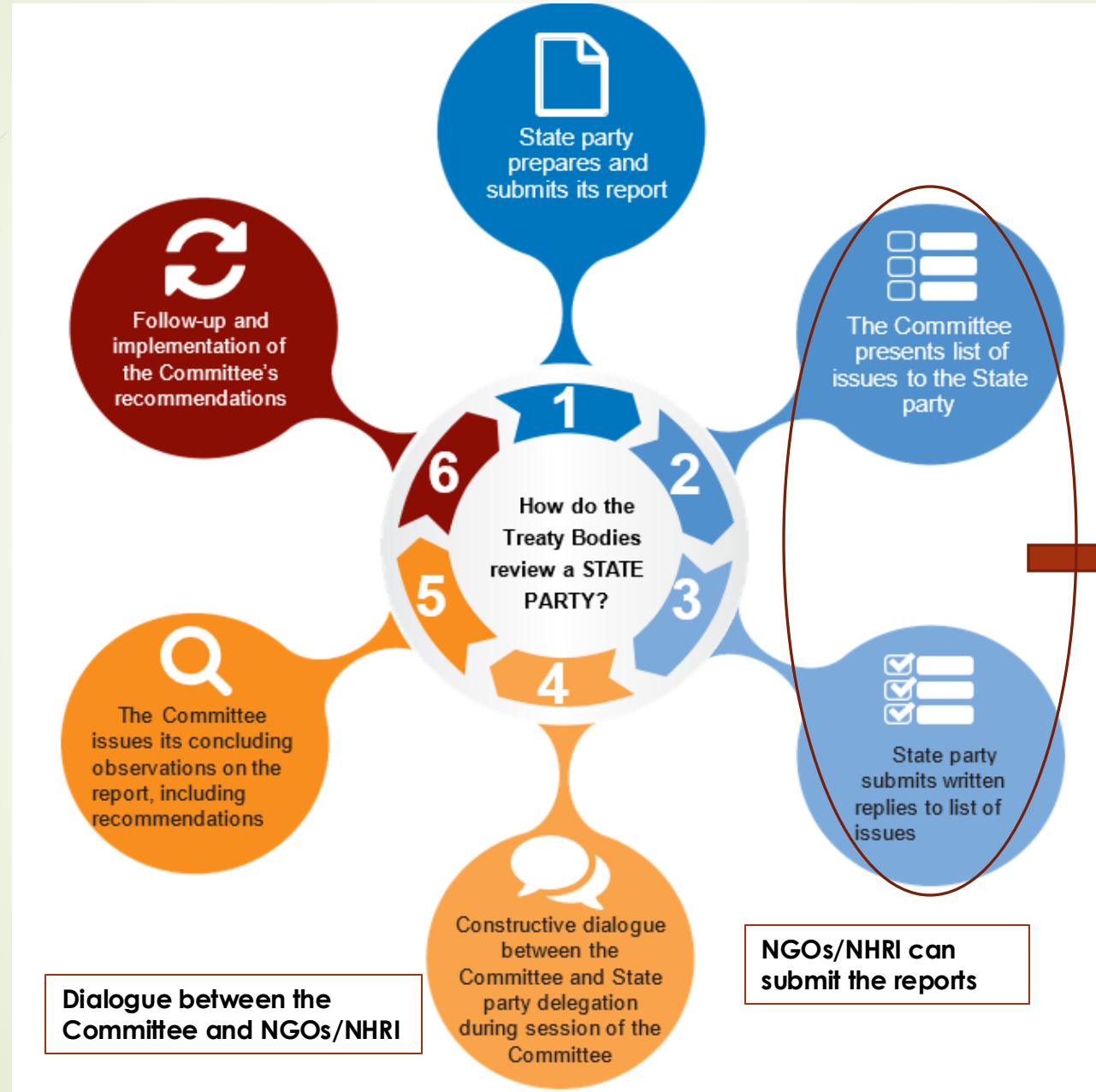
➤ *(Article 6)*

- States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and **adequate reparation** or satisfaction for any damage suffered as a result of such discrimination.


➤ *(Article 7)*

- States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting **understanding, tolerance and friendship** among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

The reporting procedure of CERD



List of Themes
(since 2010);



BEFORE THE SESSION - The list of themes (LOTs)

- CERD is the only Committee to adopt list of themes (since August 2010)
- No replies from the SP – objective is to guide the dialogue;
- List of themes (LOTs) are prepared intersessionally;
- The Country Rapporteur (designated during the previous session) is responsible for the preparation of the LOTs; (2-3 taskforce members and secretariat help)
- NOT adopted in plenary;
- Sent to the States one month in advance of the session.
- LOTs are uploaded at the webpage of the CERD
- NGOs send alternative reports to the CERD after state reports are submitted.
- Many NGOs make their reports following the frame of LOTs.

The simplified reporting procedure



List of issues prior to reporting (LOIPR)

- Adopted during the 85th session of CERD (2014);
- Initially offered to parties with overdue reports ten years – then extended to 5 years;
- Draft LOIPR prepared by the designated CR;
- No more than 25 questions;
- Adoption in the plenary;
- Response (which constitutes the report of the SP) should be received within one year;
- **44 States** offered the SRP- 7 only accepted – letters will soon be sent to other States.(2018)

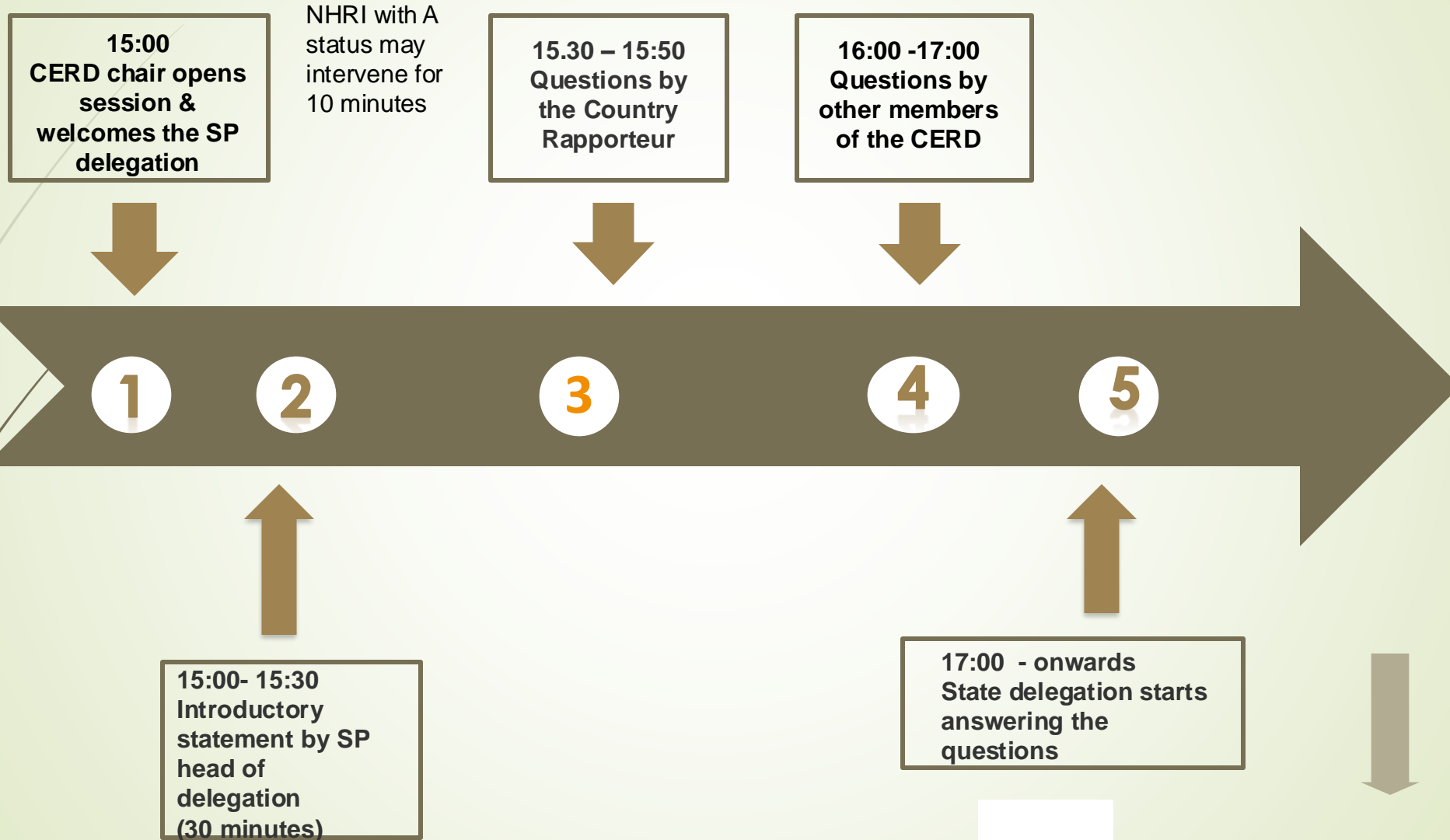


“DEROULE” OF THE SESSION

- Dialogue with States **over two consecutive days**
- Interpretation (EFS)
- Webcasting
- Structure of the dialogue
- **Informal meetings with CSOs (the Mondays' informal briefings)**
(public but no webcast).
- **Private lunch time meetings with NGOs**
- Confidential nature of certain information including its sources
- Official Meeting time - Attendance sheets
- Absence during the sessions – absence from the room.
- Documents for the session (extranet- greening policy)

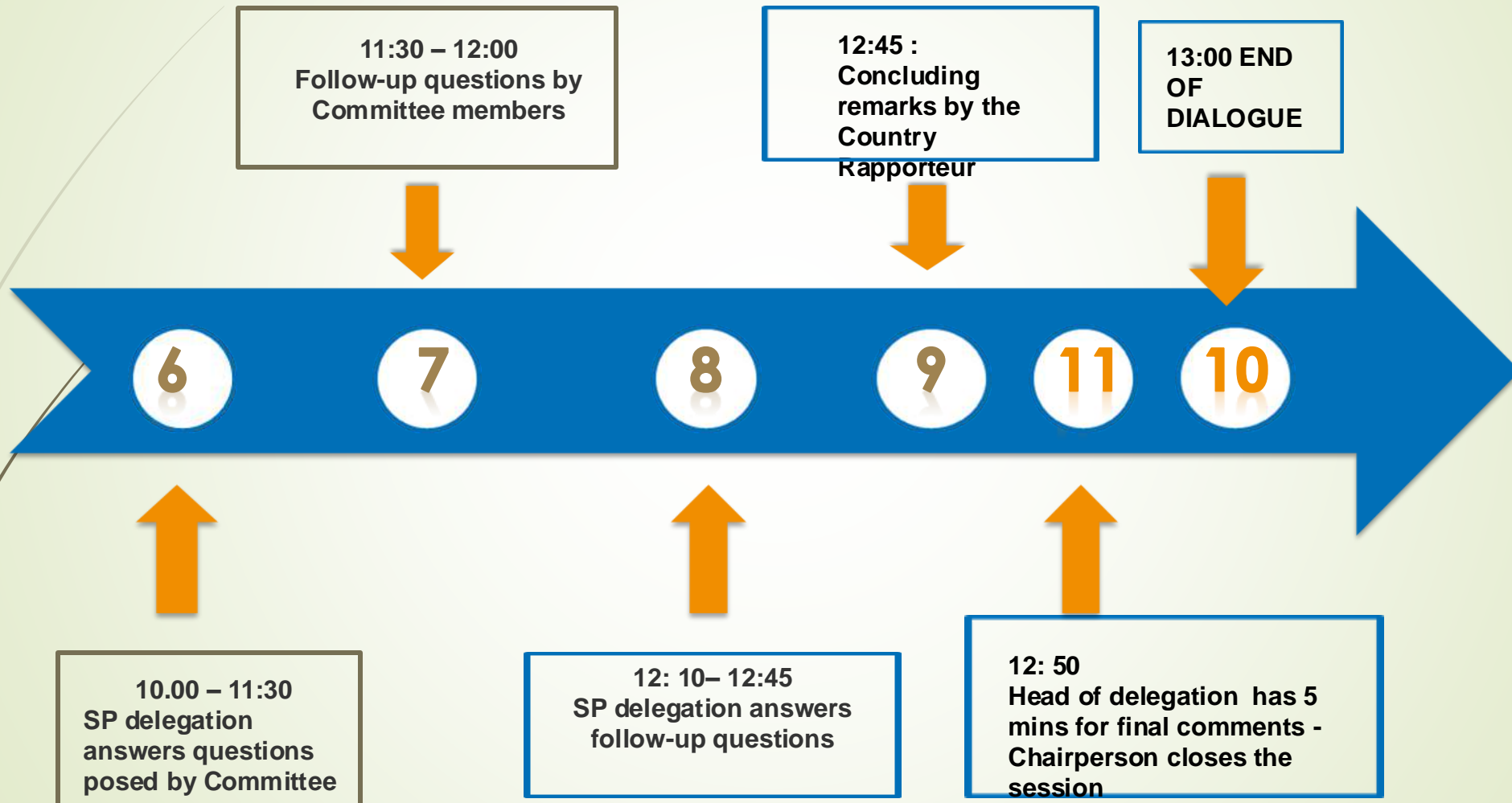
Chronological line

(1st part of the dialogue - afternoon session)



Chronological line

(2nd part of the dialogue - morning session)





ORGANISATION OF THE SESSION

- Preparation of draft COBs
- Responsibility lies with the CR;
- Strict timeline for the preparation and adoption of COBs; word limit – in session translation.
- Contribution of each member to the draft COBs
(in writing on the electronic version – clear formulation of redrafting)
- Greening policy
- Sharing of COBs with States (courtesy practice)



Follow Up Procedure


- Basis: Article 9 of ICERD and rule 65 of CERD's rules of procedures,
- COBs : the Committee request the SP to submit an additional report or information on specific topics following the consideration of the State report.
- Time frame (usually one year)
- Civil society actors can also submit additional information
- 64th session (2004) CERD adopted a second paragraph to rule 65, which provides for the appointment of a coordinator.
- The Committee holds closed meetings to discuss the findings of the coordinator and adopt formal recommendations or decisions on further action.
- The coordinator's findings are then included in CERD's annual report.



Individual Communication

- **(Article 14)**
- **1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.**
- **2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.**
- **3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.**

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- **4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.**
 - **5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.**



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- (Art.14)
 - 6. (a) The Committee shall **confidentially** bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications;
 - (b) **Within three months**, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.



*Usually, NGOs help the individual for submitting the complaints to the Committee.



➤ 7.

- (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;
- (b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.
- 8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations. 9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph I of this article.


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- ▶ **A case of L.G. v. Republic of Korea, CERD/C/86/D/51/2012**^[L]_[SEP] **Communication No. 51/2012**
 - ▶ Following the exhaustion of available legal avenues of redress in the **Republic of Korea (Korea)**, this communication was submitted before the UN Committee on the Elimination of Racial Discrimination (Committee) **in 2012**. The case concerns mandatory tests for HIV/AIDS and illegal drugs use required of foreign teachers of English in Korea. Korean citizen teachers and ethnic Korean noncitizen teachers are not required to undergo such scrutiny. The petitioner (L.G.) in the present case is a former English teacher from New **Zealand who lost her job** in 2009 after refusing to undergo a second round of tests to renew her contract. The petitioner has emphasized in her arguments that mandatory HIV /AIDS tests and their consequences on potential employment are not in compliance with international labor and human rights standards. L.G.'s employer, the Ulsan Metropolitan Office of Education, has justified the tests as a means to check the values and morality of foreign English teachers.
 - ▶ In its **decision**, the Committee ruled against the Korean government, finding that the mandatory testing policy did not appear to be justified on public health grounds or any other ground, and was a breach of the right to work without distinction to race, color, national or ethnic origin (as enshrined in Article 5 (e)(i) of the International Convention on the Elimination of All Forms of Racial Discrimination). The Committee also held the Korean government in violation of the right to an effective remedy (under Article 6 of the Convention) given the inadequate response of the competent authorities in Korea when L.G. had initially brought her complaint before them.

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- ▶ The Committee has issued a set of robust recommendations in this case including, calling on Korea to grant L.G. adequate compensation for the moral and material damages she suffered, including compensation for the lost wages during the one year she was prevented from working. The Committee also urged the authorities to take steps to review regulations related to the employment of foreigners, and abolish any legislation or policy which has the effect of creating or perpetuating racial discrimination.
 - ▶ Enforcement of the Decision and Outcomes:
 - ▶ Implementation of the decision is currently in progress. Enforcing the Committee recommendations will constitute concrete steps by Korea towards meeting its obligations under the Convention. In its decision, the Committee explicitly states that it wishes to receive, within 90 days information from the Korean government about the measures taken to give effect to the Committee's opinion. With respect to the aforementioned policy of mandatory testing, the Korean government has said in a submission to the Committee **that since 2010, mandatory testing is no longer required** in order for foreign teachers of English to renew their contract, and that this development rendered the complaint redundant. The government's assertion however has been [disputed\(link is external\)](#), and also, L.G. has emphasized that that mere discontinuance of the policy does not constitute a complete remedy for the violation of her rights. Proper implementation of the Committee decision is thus vital to ensuring justice in this case.




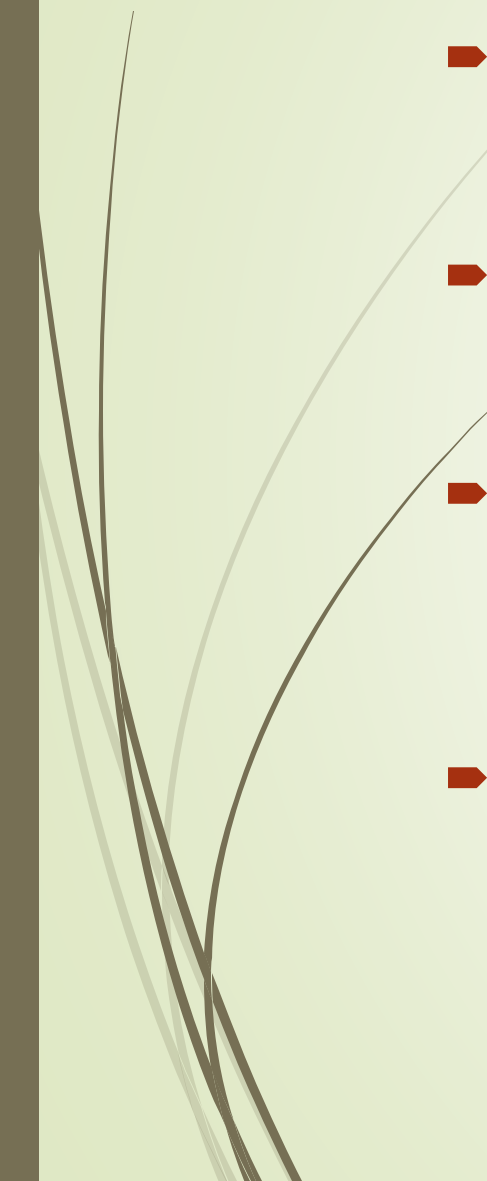
Inter-state Communication

- **(Article 11)**
- **1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee.** The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
- **2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months** after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

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- **3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.**
 - **4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.**
 - **5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.**

➤ *(Article 12)*

- 1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an **ad hoc Conciliation Commission** (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention;(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.
- 2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.
- 3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

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- 4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.
 - 5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.
 - 6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.
 - 7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.
 - 8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.



➤ **(Article 13)**

- **1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.**
- **2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.**
- **3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.**



Cases of Interstate-Communication

- **Qatar vs Saudi Arabia**
- **Qatar vs UAE**
- **Palestine vs Israel**



Early Warning and Urgent Action Procedure

- **Established by the Committee in 1993** primarily to consider situations which might lead to conflicts; urgent character/ prevention
- Based on **article 9.1(b)** of the Convention.
- **2007 EWUAP guidelines**, which established indicators for assessing the need for the EWUAPs and defined the mandate of the WG on EWUA
- **Does not require conditions of admissibility** to be fulfilled by the alleged victims.
- **Information is submitted by NGOs.** However, the Committee can decide, on its own capacity.
- Three types of actions : **Letters: Initial letters/ Reminder letters / Decisions / Statements**



* **Example: Statement**

- ▶ COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
- ▶ 103rd session 19-30 April 2021
- ▶
- ▶ **Statement on the rise of racial discrimination against Asians and people of Asian descent, in particular racist hate crimes and hate speech**
- ▶ *Deeply concerned* that **Asian women and women 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,
- ▶ **Calls on** States parties to ensure that **Asians and people of Asian descent including women**, are not discriminated in any areas of life such as in the workplace, healthcare, or education as a consequence of the COVID-19 pandemic as well as in the post-pandemic context;



Points of concerns

1. Definition of Racial Discrimination


- ▶ *Article 1 (ICERD)*

- ▶ 1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on **race, colour, descent, or national or ethnic origin** which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life

- ▶ **General Recommendation XXX (Discrimination against Non-Citizen)**


1. Article 1, paragraph 1, of the Convention defines racial discrimination. Article 1, paragraph 2 provides for the possibility of differentiating between citizens and non-citizens. Article 1, paragraph 3 declares that, concerning nationality, citizenship or naturalization, the legal provisions of States parties must not discriminate against any particular nationality;

- **The Committee adopted a decision on follow-up to the declaration, identifying indicators for patterns of **systematic and massive racial discrimination** (CERD/C/67/1)**

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- ▶ The Committee does not focus on the concepts of race.
 - ▶ Race is not a biologically meaningful category.
 - ▶ It is not a category that is susceptible to a definition that allows immediate legal application.
 - ▶ Under the Convention racial discrimination clearly transcends the category of race.
 - ▶ Racial discrimination is construed through reference to five overlapping categories leading to a broad understanding of racial discrimination.
 - ▶ The five categories allow for a universal application of the prohibition of racial discrimination, as they capture the different ways in which racism and racial discrimination find expression in different societies and at different points in time.



2. Forms of racial discrimination

- **Direct/ indirect discrimination**
 - **Structural discrimination**
 - **Systemic discrimination**
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3. Intersectionality

- * **Example: gender-racial discrimination**

- **ICERD General recommendation XXV on gender-related dimensions of racial discrimination**

- **1. The Committee notes that racial discrimination does not always affect women and men equally or in the same way. There are circumstances in which racial discrimination only or primarily affects women, or affects women in a different way, or to a different degree than men. Such racial discrimination will often escape detection if there is no explicit recognition or acknowledgement of the different life experiences of women and men, in areas of both public and private life.**

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- **2. Certain forms of racial discrimination may be directed towards women specifically because of their gender, such as**
 - **sexual violence committed against women members of particular racial or ethnic groups in detention or during armed conflict;**
 - **the coerced sterilization of indigenous women;**
 - **abuse of women workers in the informal sector or domestic workers employed abroad by their employers.**
 - **Racial discrimination may have consequences that affect primarily or only women, such as**
 - **pregnancy resulting from racial bias-motivated rape;**
 - **in some societies women victims of such rape may also be ostracized.**
 - **Women may also be further hindered by a lack of access to remedies and complaint mechanisms for racial discrimination because of gender-related impediments, such as gender bias in the legal system and discrimination against women in private spheres of life.**

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- 3....a more systematic and consistent approach to evaluating and monitoring racial discrimination against women, as well as the disadvantages, obstacles and difficulties women face in the full exercise and enjoyment of their civil, political, economic, social and cultural rights on grounds of race, colour, descent, or national or ethnic origin.
 - 4. Accordingly, the Committee, when examining forms of racial discrimination, intends to enhance its efforts to **integrate gender perspectives, incorporate gender analysis, and encourage the use of gender-inclusive language in its sessional working methods**, including its review of reports submitted by States parties, concluding observations, early warning mechanisms and urgent action procedures, and general recommendations.

Cases of intersectionality of gender and racial discrimination

- Dalit women
- Women of Asian origin in COVID-19 situation
- Women in Indigenous communities
- Women refugees
- Roma Women (GR 32)
- Military Sexual Slavery
- Black women in LA





4. Thematic issues

- Hate crimes
 - Racially motivated crimes
 - Segregation, **apartheid**
 - **Environmental racism**
 - **Racism in new technology**
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5. Challenges

- **States' cooperation**
- **Implementation of CERD's concluding observations**
- **Conflict management: prevention/ amicable solution between the states**
- **Resources**
- **Composition of the Committee**
- **Information**
- **Effectiveness**
- **Politicization**