

THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

**Contribution to the side event at the 28th session of Human Rights Council:**

***“Celebration the 50th Anniversary of the Adoption of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)”***

2 March 2015

Presented by Taisuke KOMATSU  
UN Advocacy Coordinator

**The work of IMADR**

[International Movement Against All Forms of Discrimination and Racism \(IMADR\)](#) has the headquarter in Tokyo, Japan, and regional offices and partners in Asia, Africa, Europe, North and Latin America. The Geneva office focuses on the Human Rights Council and the Committee on the Elimination of Racial Discrimination (CERD). At CERD sessions, in addition to advocacy with our partners, we provide [live webcasting](#) and assist indigenous representatives funded by the [UN Voluntary Fund for Indigenous Peoples](#) to effectively engage with the Committee. We also assist civil society representatives to facilitate smooth lobbying on a request basis.

In 2011, IMADR published a guide book, [“ICERD and CERD: A Guide for Civil Society Actors”](#), which can serve as a handbook for civil society actors to understand the monitoring mechanism of the Committee as well as to prepare effective participation in its sessions. Prior to this guide, IMADR produced a “Guide for NGOs” in 2001, together with [Minority Rights Group International](#). This new guide reflects changes and developments of the Committee’s work which have made in 10 years since after the publication of the previous guide. It is available in English and Spanish, and composed of three explanatory and guiding parts of: 1) the nature of the Convention; 2) the monitoring mechanism including individual communications and the Early Warning and Urgent Action Procedures; and 3) civil society participation.

**The role of civil society in implementation of the ICERD**

Civil society has played an important role to supplement the Convention as well as to strengthen the monitoring mechanism. To implement the Convention, it is essential that the Convention is properly interpreted at the national level, and [General Recommendations](#) have been issued to provide detailed interpretations of the Convention. Civil society has also contributed to a number of General

Recommendations through providing documents to and participating in [thematic discussions](#) of the Committee.

For example, in 2012, the Committee held a thematic discussion on racist hate speech. During the discussion, civil society participants highlighted a number of points including intersectionality, prohibition of hate speech made by public authorities, the role of education and culture, hate speech in media and the internet and concern on potential censorship by misusing anti-hate speech legislation. All of which are reflected in the [General Recommendation No. 35 on “Combating racist hate speech”](#) adopted a year after.

### **The role of civil society in the monitoring process, their challenges and how to ensure better participation**

In the monitoring process, it is very important that civil society organisations (CSOs), especially national and local ones, submit [alternative reports](#) to the Committee when considerations of State parties’ reports take place. The Committee has to review more than 6 States in each session, which limits their capacity to collect information on countries. Therefore, objective information from the ground level is highly valuable for the Committee to conduct its work. Such information is often only available from national and local CSOs.

It is also critical that civil society representatives can participate in the Committee’s sessions in Geneva. In addition to lobbying outside the meeting room, they can engage with the Committee in [informal meetings and lunchtime briefings](#). The Committee’s decision in 2010 to allocate 3 hours for each informal meeting with CSOs has expanded a civil society space at the Committee. During those meetings, especially at lunchtime briefings, CSOs can have close dialogues with the Committee. This allows the Committee to ask specific questions to clear ambiguity and misunderstanding. It also helps States to avoid receiving basic questions from the Committee which makes public dialogues more precise and constructive.

One of the challenges for CSOs is [participation at the national level](#). State parties are encouraged to involve civil society in preparation of periodic reports. However, it does not happen in many countries. Even when such consultations took place, sometimes perspectives of civil society were not reflected in reports. This pushes CSOs to use a great amount of time and resources to submit alternative reports. Although it is not a major challenge, CSOs may find it difficult to provide their reports in different UN official languages. This might cause different levels of understanding of country situations among the Committee members.

Especially when State parties’ reports are not reflecting the actual situation, civil society would feel urged

to come to Geneva to participate in Committee's sessions. However, it is often difficult for civil society actors, especially those from developing countries, to travel to Geneva. Some of them might also fear **reprisals** by directly engaging with the Committee in Geneva. With this regard, we are pleased to hear that the Committee has decided to appoint a **rapporteur on the protection of human rights defenders**. It is highly encouraging for civil society actors to know that their space at the Committee is protected.

But still for many national and local civil societies, participating in the Committee's sessions in Geneva is not possible, simply due to the **lack of financial resources**. Although there is the UN Voluntary Fund for Indigenous Peoples to participate in the UN human rights mechanisms including the CERD, there is no such UN fund for minorities. It would definitely help to increase the participation of civil society in the international level if such fund is established for minorities, because civil society representatives coming to CERD sessions often belong to minority groups.

### **Impacts and benefits of the webcast**

The webcast has allowed everyone to watch the Committee's sessions from anywhere in the world. It has had specific impacts and benefits in 4 points.

1. Not only civil society actors, who could not come to Geneva, can follow the dialogues between States and the Committee, but also it has made the distance between the UN and general public closer. In many societies, people feel discussions at the UN are far away from their real life. However, the webcast has enabled people to see exchanges between their States and the Committee, and helped to make themselves familiar with the international human rights standards against racial discrimination as well as their States' progress and remaining challenges. Therefore, more people started paying attention to the work of the Committee.
2. The webcast has allowed victims of racial discrimination to see there are human rights experts who take their issues as matters of concern of the UN. It is a significantly empowering experience for them to see that their issues are intensively discussed at the international level.
3. The webcast has also helped national media to report views of the Committee on their countries' situations on racial discrimination.
4. Finally, the webcast enabled Governments in capitals to watch live discussions between the Committee and their delegations, and send requested information to their colleagues in Geneva in a timely manner. This has helped them to have constructive discussions with the Committee in an efficient manner.

Statistics are available to see the impact of the webcast of treaty bodies including the CERD. Between October 2013 and October 2014, internet users from **183 countries** viewed the **[UN treaty body webcast page](#)**. **The number of page views was 116,228** during the period, almost doubling the number from the

previous period (61,316 views, January 2012 to October 2013). It was found that those page views peaked during sessions, indicating more people watch the webcast live. It highlights the importance of the live webcasting. It is hoped to be incorporated in the official UN webcast soon, as it can facilitate more accesses in a better quality.

### **Good practices of local civil society in following up CERD recommendations**

**USA:** [US Human Rights Network](#) and its CERD Taskforce have coordinated CSOs' participation in the Committee's consideration of the State party. After the release of the concluding observations, they provided its overview document for use by civil society and the State in advocacy and implementation of the recommendations. On 30th January this year, they sent a letter to the State Department to request full implementation of recommendations in the recent treaty bodies' concluding observations when the State Department informs and guides state and local governments on those observations, which is now in preparation by the State Department.

In a specific case, the [New Mexico Environmental Law Center \(NMELC\)](#) submitted shadow reports to the Committee on behalf of two client groups, the [Multicultural Alliance for a Safe Environment \(MASE\)](#) and the [SouthWest Organizing Project \(SWOP\)](#). After the consideration of the US, the group has continuously used the Committee's recommendations to press for equal treatment of minority communities. For example, MASE has cited the recommendations when engaging with the Environmental Protection Agency (EPA) regarding the clean-up of uranium mine waste in Milan in New Mexico. SWOP kept using the recommendations in opposing new air pollution sources in Latino communities in Albuquerque.

**Peru:** Peruvian indigenous rights organisation, [CHIRAPAQ](#), has called for cancelation of a TV comedy show called "[La Paisana Jacinta](#)", which has been accused for undermining Peruvian indigenous peoples, portraying them as dirty, ignorant and unable to understand city life. It has been shown since the late 90's and condemned on many occasions. CHIRAPAQ submitted a report to the Committee on the issue of the TV show, and the show was stopped when the concluding observations were issued last year. However its TV station, Latina, has never acknowledged that the show is racist or discriminatory. It has now announced new episodes of the show which will be back on the air from tomorrow (3 March) at 7 p.m.

To tackle this TV show, CHIRAPAQ has focused on dissemination of the CERD's recommendations at the national level, since such expression and manifestation of indigenous peoples are not widely understood as racial discrimination. CHIRAPAQ will be also hosting a meeting of indigenous female leaders of the Americas this week in Lima. On 4th March, the day after the new episode starts, they plan to hold a press conference to urge the State to implement the CERD recommendations on the issue of the TV show,

along with other measures to protect indigenous peoples.

**Japan:** When the concluding observations were released, **NGO Network for the Elimination of Racial Discrimination Japan (ERD-Net)**, which IMADR is a secretariat, immediately translated the document into Japanese. Then the network held a press conference to provide briefing of the review and recommendations, and it distributed the translated concluding observations to journalists. As a result, the Committee's recommendations, especially on hate speech, were widely covered by both major and local news media. Since then, members of the Network have continuously used the recommendations in public discussions.

To implement the Committee's specific recommendation to enact a comprehensive anti-racial discrimination legislation, civil society actors are now preparing a draft basic law with lawmakers on the elimination of racial discrimination, which also reflects the recommendation on hate speech. IMADR will also issue a publication in Japanese which contains the translation of the dialogue and concluding observations of the CERD, and reflections from minority and indigenous representatives as well as challenges to implement the recommendations.

### **Conclusion**

These are few examples of good practices of civil society in the world, but it is clear that CERD recommendations are well used at the national level to combat racial discrimination. Functions of the Committee and civil society are mutually reinforcing to implement the Convention. Therefore, it is strongly encouraged that all State parties fully cooperate with civil society to fulfil their obligation under the Convention, since CSOs can bring their voices from the ground level through working closely with victims of racial discrimination.