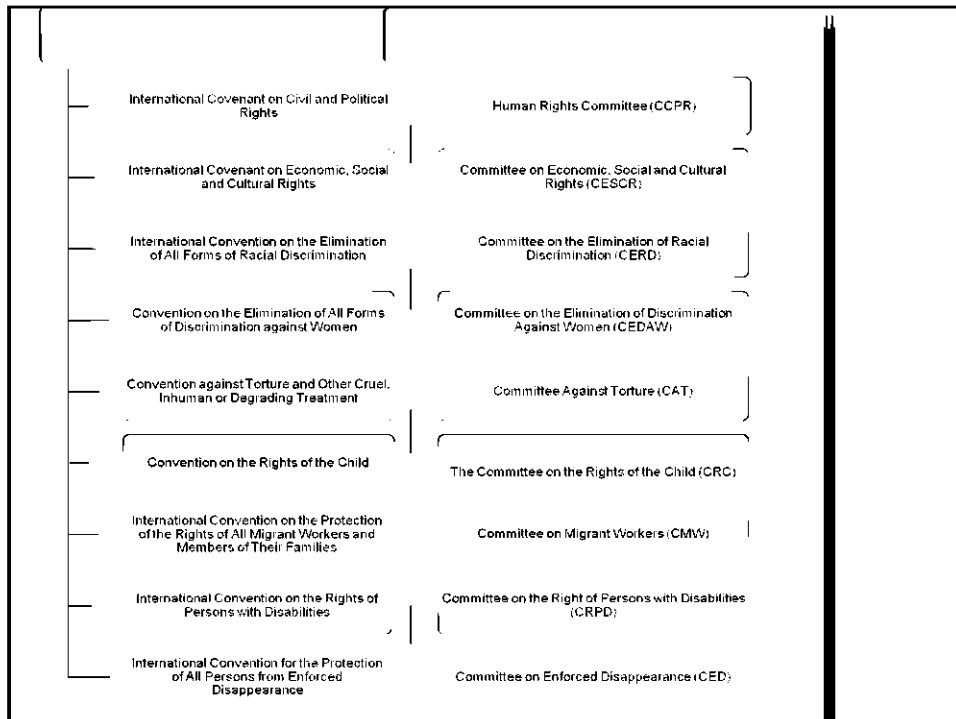


UN TREATY BODIES AND INDIGENOUS PEOPLES' RIGHTS

FROM COMMUNITIES TO COMMITTEES

Presented by Gulnara Abbasova,
Geneva, 15 July 2011



What are Treaty Bodies?

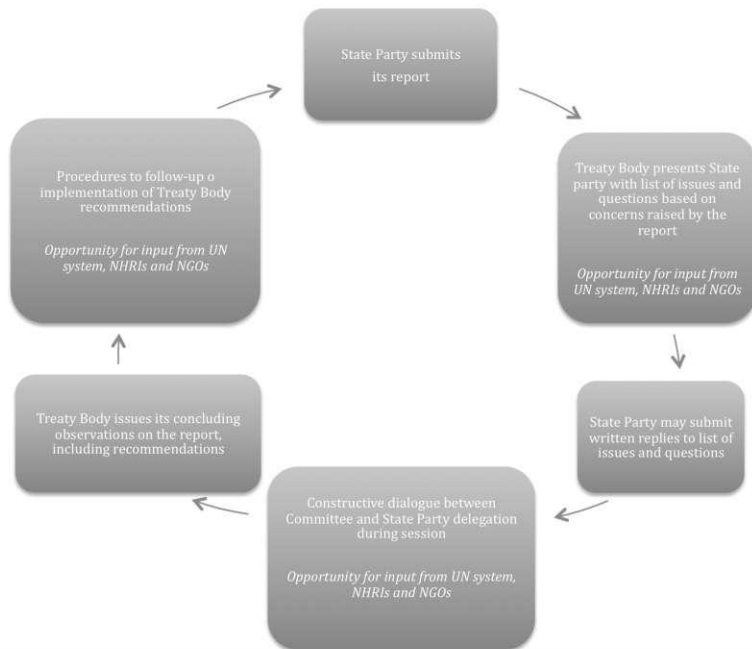
- Committees of independent experts, persons of high moral character and recognized competence in the field of human rights
- Elected by State Parties in accordance with equitable geographic distribution
- 4-year mandates renewable
- Meet several times a year, in Geneva or NY
- Secretariats in Geneva

What do Treaty Bodies do?

Monitoring the core international human rights treaties

- Consideration of State Parties' reports
- Consideration of individual complaints or communications (CCPR, CERD, CAT, CEDAW, CRPD)
- Publishing General Comments on the treaties – Committees' interpretation of the content of human rights provisions
- Organizing discussions on related themes
- Coordination – meetings of chairpersons and inter-committee meetings

THE REPORTING CYCLE UNDER HUMAN RIGHTS TREATIES



Why CERD and Indigenous Peoples' Rights?

Equality and Non-Discrimination

- Formal equality before the law with equal protection of the law and *de facto* equality in the enjoyment and exercise of human rights
- Prohibition of direct and indirect discrimination on the grounds of race, color, descent and national or ethnic origin – unjustifiable distinction, restriction or exclusion and unjustifiable preference
- Non-discrimination – enjoyment on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life

Why CERD and Indigenous Peoples' Rights?

Equality and Non-Discrimination

- Situation of indigenous peoples as a matter of close attention and concern in the practice of the CERD
- General Recommendation No. 23 (1997): Indigenous Peoples: "the Committee has consistently affirmed that discrimination against indigenous peoples falls under the scope of the Convention and that all appropriate means must be taken to combat and eliminate such discrimination."

Functions of CERD

Equality and Non-Discrimination

- Normative interpretation and clarification of the Convention through
 - Thematic discussions
 - General Recommendations
 - Statements
- Monitoring of the Convention
 - Examination of State Parties' periodic reports
 - Review procedure (in absence of a report)
 - Follow-up procedure (adopted in 2004)
 - Urgent Action and Early Warning procedure
 - Examination of individual and group complaints

CERD: Examination of State Parties' Reports

Basis for Dialogue between CERD and State Party

- State Party's Report
- Additional/updated information provided by State Party delegation
- Information from NHRIs/NGOs
- Country file prepared by CERD Secretariat
- Information from international agencies/regional organizations

CERD: Examination of State Parties' Reports

Preparation of Examination

- Reports scheduled for consideration one session in advance
- Appointment of Country Rapporteur among the Committee members
- Preparation of the country file, including NHRIs/NGOs information, by the Secretariat
- Country file prepared by CERD Secretariat
- Preparation of list of issues by Country Rapporteur (sent in advance to State Party)

CERD: Examination of State Parties' Reports

Interaction between the Committee, NHRIs and NGOs

- NHRIs and NGOs can send written information to the Secretariat at all times (preferably several months in advance)
- Information to be sent in electronic version and 20 hard copies
- Lunch-time briefings
- Informal interaction
- NHRIs can have seats reserved, separate from State Parties delegations and NGOs, and since 2005, are given a possibility to address the Committee at public meetings

CERD: Examination of State Parties' Reports

Examination Procedure

- Six-hour public meetings (two half-days)
- Presentation of report by head of delegation (usually a high-ranking official)/reply to list of issues
- Initial presentation by Country Rapporteur
- Questions and comments by Committee members
- Replies by members of delegation
- Further dialogue with Committee
- Final remarks by Country Rapporteur

CERD: Examination of State Parties' Reports

Follow-up Procedure

- Appointment of a Follow-up Coordinator and an alternate
 - Requesting information and sending reminders, if necessary
 - Assessing information received from State Party and making recommendations to Committee for appropriate action (additional requests and recommendations to State Parties)
 - Availability to meet with State Parties to discuss implementation
- Guidelines to State Parties
 - Dissemination of concluding observations
 - Coordination of implementation efforts and designation of focal point person

CERD: Examination of State Parties' Reports

Follow-up Procedure – Role of Community Organizations

- Lobbying for and monitoring implementation of concluding observations
- Collaborating with the Follow-up Coordinator
- Raising awareness of the concluding observations at regional, national and local levels
- Interaction with responsible governmental institutions

CERD: Review procedure in absence of a report

If State Parties don't report...

- Review possible if a report is at least 5 years late
- Basis for review: previous concluding observations and recommendations, information from UN and NGOs

Committee on Economic, Social and Cultural Rights

- Created by ECOSOC
- 18 Member
- Meets twice a year in Geneva for three weeks
- Two weeks for considering 5 State Parties' reports and one week to draft lists of issues for future report considerations

Committee on Economic, Social and Cultural Rights

Working methods

- Pre-sessional working groups (5 members of the Committee, submitting the information directly to rapporteurs, to all members, oral statements)
- Participation in the sessions (NGOs with ECOSOC status or sponsored, issued as an official document if received three months before)
- Submission of a report (25 copies)
- Oral statements (first day, 15 minutes)
- Lunch-time briefings
- General discussions
- General comments

Web-site: Treaty Bodies page

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Office of the United Nations High Commissioner for Human Rights

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Human Rights Treaty Bodies

Monitoring the core international human rights treaties

What are the treaty bodies?

The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. They are created in accordance with the provisions of the treaty that they monitor.

There are nine human rights treaty bodies and the Subcommittee on Prevention of Torture (SPT):

- The Human Rights Committee (CCPR) monitors implementation of the International Covenant on Civil and Political Rights (1966) and its optional protocols;
- The Committee on Economic, Social and Cultural Rights (CESCR) monitors implementation of the International Covenant on Economic, Social and Cultural Rights (1966);
- The Committee on the Elimination of Racial Discrimination (CERD) monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- The Committee on the Elimination of Discrimination Against Women (CEDAW) monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women (1979) and its optional protocol (1999);
- The Committee Against Torture (CAT) monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984);
- The Committee on the Rights of the Child (CRC) monitors implementation of the Convention on the Rights of the Child (1989) and its optional protocols (2000); and
- The Committee on Migrant Workers (CMW) monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

The Committee on the Rights of Persons with Disabilities (CRPD) monitors implementation of the International Convention on the Rights of Persons with Disabilities (2006).

The Committee on Enforced Disappearance (CED) monitors implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (2006).

Each treaty body receives secretariat support from the Human Rights Treaty Branch of OHCHR in Geneva. CEDAW, which was supported

Statement

NEW Joint statement of the Chairpersons of the UN human rights treaty bodies to the UN Summit High Level Plenary Meeting of the General Assembly

Newsletter

Read the latest news on treaty bodies: Interviews, analysis, field activities and much more!

Status of Ratifications

Click to see the status of ratifications as contained on OLA website

Click to see the Chart disclosing the status of ratifications of human rights treaties (Excel)

Recent Developments and Events

Report of the Chairpersons of the human rights treaty bodies on their twenty-second meeting
E F S A C R

Reporting Guidelines for All Committees (PDF)
A | C | E | F | R | S

Concluding Observations
A | C | E | F | R | S

The Treaties

Texts
Ratifications, Reservations and declarations

The Committees

CCPR | CESCR | CEDAW
CERD | CRC | CRPD | CAT | CMW | CED

The work of the Committees

Factsheet on treaty system
Overview chart
Working Methods
Rules of Procedure
Individual Complaints
General Comments
Glossary of terms
Press Releases

Reporting to the Committees

Reporting Cycle
Reporting Obligations
Recent Reporting History
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Concluding observations
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Coordination between the treaty bodies



Web-site: CERD sessions page

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The Convention

Texts
Status of ratification, Reservations and declarations

The Committee and its work

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Topic Index Database

Committee on the Elimination of Racial Discrimination - Sessions

The Committee on the Elimination of Racial Discrimination convenes twice a year for sessions of three weeks' duration, normally in February and August at the United Nations Office in Geneva.

Note: Schedules are subject to change without notice

No.	Date	State Reports
	Future sessions	Israel, Kuwait, Laos, Portugal, Senegal, Turkmenistan
79	8 August - 2 September 2011	Albania, Czech Republic, Georgia, Kenya, Maldives, Malta, Mexico, Paraguay, Ukraine and United Kingdom
78	14 February - 11 March 2011	Armenia, Bolivia, Cuba, Ireland, Lithuania, Moldova, Norway, Rwanda, Serbia, Spain, Uruguay and Yemen
77	2 - 27 August 2010	Australia, Bosnia and Herzegovina, Denmark, El Salvador, Estonia, France, Islamic Republic of Iran, Morocco, Romania, Slovenia and Uzbekistan
76	15 February - 12 March 2010	Argentina, Cambodia, Cameroon, Guatemala, Iceland, Japan, Kazakhstan, Monaco, Netherlands, Panama, Slovakia
75	3 - 28 August 2009	Chad, Poland, Colombia, Azerbaijan, Chile, China, Greece, Philippines, Ethiopia, Peru, United Arab Emirates, Maldives* Kuwait*
74	16 February - 6 March 2009	Bulgaria, Congo, Croatia, Finland, Montenegro, Pakistan, Turkey, Tunisia, Suriname, Gambia*
73	28 July - 15 August 2008	Ecuador, Switzerland, Sweden, Federal Republic of Germany, Austria, Togo, Namibia, Russian Federation, Belize*, Peru*
72	18 February - 7 March 2008	Belgium, Dominican Republic, Nicaragua, Republic of Fiji Islands, Republic of Moldova, Italy, United States of America, Bulgaria*, Gambia*, Monaco*, Panama*, United Arab Emirates*
71	30 July - 17 August 2007	Republic of Indonesia, Republic of Korea, New Zealand, Kyrgyzstan, Costa Rica, Mozambique, Democratic Republic of the Congo, Malawi*, Namibia*, Pakistan*, Togo*
70	19 February - 9 March 2007	Israel, Antigua and Barbuda, Canada, Czech Republic, India, Liechtenstein, the former Yugoslav Republic of Macedonia, Democratic Republic of the Congo, Congo*, Ethiopia*, Nicaragua*, Papua New Guinea*, Togo*
69	31 July - 18 August 2006	Denmark, Estonia, Israel, Malawi*, Mongolia, Mozambique*, Namibia*, Norway, Oman, Saint Lucia*, Seychelles*, South Africa, Ukraine, Yemen
68	20 February - 10 March 2006	Bosnia and Herzegovina, Bosnia, El Salvador, Guatemala, Guyana, Lithuania, Mexico, Uzbekistan, Antigua and Barbuda*, Congo*, Ethiopia*, Mozambique*, Nicaragua*, Papua New Guinea*
67	1 - 19 August 2005	Barbados, Georgia, Iceland, Lithuania*, Malawi*, Mozambique, Nigeria, Saint Lucia*, Seychelles*, Tanzania, Turkmenistan, Venezuela, Zambia

web-site. Consideration of reports per session

Committee on the Elimination of Racial Discrimination

79th session (8 August - 2 September 2011)

Provisional Agenda: E | F | R | S Programme of work: E

Opening statement: E Submission of report by States Parties: E | F | R | S

Information for NGOs: E | S

Consideration of State Reports

The Committee will consider the following State reports during the session:

Note: Schedules are subject to change at short notice

States examined	Timetable	State Reports	Lists of Themes	Delegation List & Statement	Information from other sources	Concluding Observations
ALBANIA	Not yet scheduled	5th to 8th periodic reports CERD/C/ALB/5-8 E F R S	CERD/C/ALB/Q/5-8 E F S	List Statement		CERD/C/ALB/CO/5-8 E F S
CZECH REPUBLIC	Not yet scheduled	8th to 9th periodic reports CERD/C/CZE/8-9 HR/CORE/CZE/2010 E F S	CERD/C/CZE/Q/8-9 E F S	List Statement		CERD/C/CZE/CO/8-9 E F S
GEORGIA	Not yet scheduled	4th to 5th periodic reports CERD/C/GE0/4-5 E F R S	CERD/C/GE0/Q/4-5 E F S	List Statement		CERD/C/GE0/CO/4-5 E F S
KENYA	Not yet scheduled	1st to 4th periodic reports CERD/C/KEN/1-4 E F R S	CERD/C/KEN/Q/1-4 E F S	List Statement		CERD/C/KEN/CO/1-4 E F S
MALDIVES	Not yet scheduled	5th and 12th periodic reports CERD/C/MDV/5-12 HR/CORE/MDV/2010 E F S	CERD/C/MDV/Q/5-12 E F S	List Statement		CERD/C/MDV/CO/5-12 E F S

CERD: Early Warning and Urgent Action procedures

- Established in 1993 / Revised in 2007
- Crucial role of NGOs in triggering the procedure
- Facilitated by a Working Group, that meets during the Committee sessions and is comprised of 5 members of the Committee elected for a renewable term of 2 years
- The Working Group analyses the information received and makes recommendations to the Committee

CERD: Early Warning and Urgent Action procedures

Criteria and indicators

- Significant and persistent pattern of racial discrimination
- Pattern of escalating racial hatred and violence, or racist propaganda or appeals to racial intolerance by persons, groups or organizations
- New discriminatory legislation
- Segregation policies or de facto exclusion of members of a group from political, economic, social and cultural life
- Policies or practice of impunity regarding racial discrimination acts
- Inadequate legislative framework defining and criminalizing all forms of racial discrimination
- Encroachment on the traditional lands of indigenous peoples or forced removal of these peoples from their lands

CERD: Early Warning and Urgent Action procedures

Possible measures

- Requesting the State party concerned for the urgent submission of information on the situation
- Requesting the Secretariat to collect information on the situation from UN system in the field, NHRIs and NGOs
- Adoption of a decision including the expression of specific concerns, along with recommendations for action
- Offering to send to the State party concerned one or more of the members of the Committee in order to facilitate the implementation of international standards or the advisory services and technical assistance

CERD: Secretariat contact details

Committee on the Elimination of Racial Discrimination (CERD)
Human Rights Treaties Division (HRTD)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson - 52, rue des Pâquis
CH-1201 Geneva (Switzerland)

Mailing address:
UNOG-OHCHR CH-1211 Geneva 10 (Switzerland)

Tel.: +41 22 917 94 40
Fax: +41 22 917 90 08
E-mail: cerd@ohchr.org

For individual complaints:
Petitions Team
Office of the High Commissioner for Human Rights
United Nations Office at Geneva 1211 Geneva 10 (Switzerland)

Fax: + 41 22 917 9022 (particularly for urgent matters)
E-mail: tb-petitions@ohchr.org

WWW.OHCHR.ORG

CESCR: Secretariat contact details

Secretary of the Committee on Economic, Social and Cultural Rights, phone: 0041-22-917 91 54, fax: 0041-22-917 90 22, e-mail: cescr@ohchr.org

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www2.ohchr.org/english/bodies/cescr.htm