
**CIVIL SOCIETY MEETING WITH THE COMMITTEE ON THE ELIMINATION OF RACIAL
DISCRIMINATION**

9 December 2019

ISHR welcome the opportunity to address the Committee on the occasion of its 100th session. We welcome and value the ability to interact with and provide inputs to the work of the Committee.

We would like to comment on the two areas mentioned in the invitation letter, namely:

- Procedures and methods of work,
- NGOs' role in increasing the visibility of the work of the Committee

1. Regarding the Committee's procedures and methods of work

We welcome the efforts undertaken as part of implementing GA res.68/268 including the development of a common vision amongst the chairs of the treaty bodies ahead of the 2020 review.

We call on the Committee to enhance transparency in its working methods, with a view to improve the ability of civil society to interact with and make inputs to the work of the Committee. We call for enhanced transparency in four areas:

- 1.1. Early warning and urgent action
- 1.2. Individual communications
- 1.3. Inter-state complaints
- 1.4. Follow up to concluding observations and views

1.1. Early warning and urgent action

We call on the Committee to share responses from states parties to early warning and urgent action and to make them public. We see this as a critical step towards accountability to victims and petitioners.

Our assessment of the Committee's guidelines governing early warning and urgent action and the Convention itself does not evidence a basis for a requirement of non-disclosure of state responses towards petitioners. Sharing state responses to early warning and urgent action would be consistent with the practice of disclosing state responses to individual communications with petitioners, and disclosing state responses to follow up communications from the Committee with regards to the periodic review process. Finally, disclosing state responses would also be consistent with the "*Pacta sunt servanda*" principle, also known as the good faith principle.

1.2. Individual communications

In line with the practice established by a number of treaty bodies¹, we call on the Committee to establish, publish, and regularly update a list of cases pending review. Additionally, we call on the Committee to adopt simple Guidelines enabling the submission of third party interventions, in line with the good precedents established by various Committees², most recently the Human Rights Committee.

1.3. Inter-state complaints

We welcome the information provided by the Committee on the first ever [three interstate complaints](#) received by a UN treaty body, in 2018. Nevertheless, we note that information was only provided several months after the submission of the complaints.

We call on the Committee to provide timely and detailed information on the procedure and the timeline for the handling of interstate complaints. Inspiration may be drawn from the International Court of Justice which, in [the case of Qatar VS United Arab Emirates](#) provides a detailed set of information (verbatim, orders, documents, press releases, etc).

Additionally, we call on the Committee to adopt a procedure to enable third party submissions to interstate complaints, notably from civil society organizations, whose expertise and knowledge of the subject matter can be of great value for the Committee.

1.4. Follow up to concluding observations

We call on the Committee to enhance transparency in the schedule of follow up reviews and proactively reach out to civil society organizations which contributed to the review ahead of the follow up review. In line with the previous practice established by other treaty bodies such as the Human Rights Committee and the Committee on the Elimination of all forms of Discrimination against Women, we call on the Committee to provide a list of state follow up reports to concluding observations to be reviewed during each session of the Committee well in advance of each session, so that interested NGOs may be able to provide submissions ahead of the follow up assessment. We also recommend that the Secretariat would proactively reach out to non-state actors who submitted information ahead of the state review when the state follow up report is received, so that these interested parties may have a chance to contribute to the follow up process.

¹ CEDAW, CRC, CRPD, CESCR and HRCttee

² Currently, the CESCR, CRC, CAT, CRPD, and HRCttee accept submissions from third parties