

Equality and Human Rights Commission

# From local voices to global audience:

Engaging with the International Convention  
on the Elimination of All Forms of Racial  
Discrimination

Second Edition

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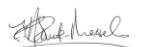
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## Foreword

This year marks 50 years since the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was adopted by the United Nations (UN) General Assembly in 1965. Soon after its adoption the UK Government signed ICERD, and formally ratified it in 1969. Since then, ICERD has been a benchmark for how the UK Government and devolved administrations should protect and promote human rights for all regardless of race, colour, descent or national or ethnic origin.

International instruments, including ICERD, can be used as a tool by civil society organisations (CSOs) to tackle issues of race equality in Great Britain and to encourage necessary change through law and policy. The Equality and Human Rights Commission ('the Commission') and the Runnymede Trust developed this publication to provide race equality and other CSOs in Great Britain with the information they need to use ICERD effectively to progress human rights domestically. It explains how civil society can get involved in the ICERD monitoring and reporting process, and outlines the respective roles and responsibilities of the participants (the UN Committee on the Elimination of Racial Discrimination, governments, National Human Rights Institutions and civil society).

The Commission and the Runnymede Trust first developed this publication ahead of the 2011 state examination of the UK Government. Four years on, in the lead up to the next examination, which will be in 2016, we have updated it. The primary changes have been made to ensure the information provided is up to date and enduring and that it is relevant each time the UK is examined. This second edition also clarifies and expands on some of the key concepts in ICERD and provides more illustrative content. We hope this publication provides civil society with the information it needs to work with governments to progress race equality in Britain in the years to come. The Commission and Runnymede strongly believe that everyone in society will benefit when racial inequality is reduced.



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18 November 2015



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# 1. What is ICERD?

The [International Convention on the Elimination of All Forms of Racial Discrimination](#)<sup>1</sup> (ICERD) was the first of the nine United Nations (UN) core human rights instruments. It was adopted in 1965 by the United Nations (UN) General Assembly and entered into force in 1969. As of November 2015, 177 states are party to ICERD.<sup>2</sup>

ICERD defines what constitutes racial discrimination and sets out a comprehensive framework for ensuring that civil, political, economic and social rights are enjoyed by all, without distinction of race, colour, descent or national or ethnic origin. By ratifying ICERD, the states parties commit to making the rights contained in the Convention a reality in their country.

## Key terms explained

**Convention:** A Convention, also used interchangeably with ‘treaty’ or ‘covenant’, is an agreement between states. This guide also uses ‘instrument’ to refer to these agreements.

**State party:** Those countries that ratify a convention are formally known as ‘states parties’.

## 1.1 ICERD key Articles at a glance

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### Article 1: Definition of discrimination

Racial discrimination includes any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin that prevents an individual from enjoying his/her human rights. This definition covers discrimination that has the

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<sup>1</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> [Accessed: 16 November 2015].

<sup>2</sup> United Nations Treaty Collection (1965), *International Convention on the Elimination of All Forms of Racial Discrimination*. Available at: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&lang=en) [Accessed: 13 November 2015].

‘purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms’. This means that even if a government policy or action is not designed to discriminate against a certain group, it may still be discriminatory according to ICERD if it results in the inability of individuals to exercise their rights because of their race, colour, descent or national or ethnic origin. For example, in 2011 the Committee on the Elimination of Racial Discrimination (CERD) noted its concern that the UK Government’s ‘stop and search’ policy ‘disproportionately affect(s) members of minority ethnic groups, particularly persons of Asian and African descent’.<sup>3</sup> In theory, the policy applies to everyone equally but in practice it has impacted disproportionately on these groups.

### **Articles 2–4: De jure and de facto equality**

States parties must take appropriate steps to eliminate racial discrimination, segregation and the incitement of racial hatred. They must eliminate discriminatory laws and practices within national legislative frameworks. States parties should also promote understanding between races, condemn all propaganda and organisations which are based on ideas of racial superiority, or which promote racial hatred and discrimination, and make such organisations and dissemination of such ideas unlawful. The UK has issued an ‘interpretative statement’ regarding this (Article 4), which is discussed below.

ICERD also recognises the concept of ‘substantive equality’. This means that, when appropriate, states parties are required to take ‘special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them’<sup>4</sup> that are particularly vulnerable to discrimination. Article 1 specifies that these measures should not be deemed racial discrimination as they are designed to create a level playing field between groups rather than favouring some over others. However, special measures must be proportionate and taken for the sole purpose of ensuring equal enjoyment of human rights and fundamental freedoms of certain racial or ethnic groups or individuals.<sup>5</sup> They must

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<sup>3</sup> Committee on the Elimination of Discrimination. (2011) *Concluding observations of the Committee on the Elimination of Racial Discrimination – United Kingdom of Great Britain and Northern Ireland*, para 18. Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f18-20&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f18-20&Lang=en) [Accessed: 13 November 2015].

<sup>4</sup> Article 2(2), International Convention on the Elimination of All Forms of Racial Discrimination.

<sup>5</sup> Article 1(4), International Convention on the Elimination of All Forms of Racial Discrimination.

not be continued after their objectives have been achieved, nor should they lead to separate rights being established for different groups.<sup>6</sup>

An example of a measure to advance substantive equality is the positive action provisions in the Equality Act 2010.<sup>7</sup> These enable employers and service providers to take proportionate action to achieve fuller and more effective equality outcomes for people who share protected characteristics, including race, who are socially or economically disadvantaged or excluded, or who otherwise face the consequences of past or present discrimination or disadvantage.

Another example of a measure to advance equality is the Public Sector Equality Duty (PSED).<sup>8</sup> This legal provision requires public authorities, when exercising their functions, to have 'due regard' to the need to eliminate unlawful discrimination (including racial discrimination) and advance equality of opportunity and good relations between people who share a relevant protected characteristic and people who do not (including race).

### **Article 5: Political, civil, economic, social and cultural rights**

States parties have an obligation to guarantee equality before the law, in the enjoyment of the human rights set out in this Article, without distinction as to race, colour, or national or ethnic origin. The non-exhaustive list of rights in Article 5 includes: rights to political representation and participation (political rights); nationality, freedom of opinion and expression, freedom of peaceful assembly and association, freedom of thought, conscience and religion (civil rights); employment, education, housing, public health and social services (economic, social and cultural rights). In addition, this Article guarantees the right to equal treatment by the justice system.

### **Article 6: Protection and remedy**

States parties must ensure everyone within their jurisdiction has effective protection and remedies against racial discrimination through national tribunals and other state institutions.

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<sup>6</sup> See also: Committee on the Elimination of Racial Discrimination (2009) *General recommendation No. 32: The meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination*, UN Doc CERD/C/GC/32 (24 September 2009), paras 19-35. Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGC%2f32&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGC%2f32&Lang=en) [Accessed: 13 November 2015].

<sup>7</sup> Section 158 Equality Act 2010. This provision has effect in England, Scotland and Wales.

<sup>8</sup> For further information see: <http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/public-sector-equality-duty> [Accessed: 13 November 2015].

## **Article 7: Stereotyping and prejudices**

States parties must adopt measures in education, teaching, culture and information with a view to combatting prejudices that lead to racial discrimination.

## **Articles 8–10: CERD**

These Articles describe mechanisms for composition, election and adoption of rules of procedure for the CERD. Article 9 establishes an obligation on states parties to report to the CERD on the status of the implementation of ICERD every two years and provide information to the CERD whenever it requires. In practice, the CERD usually asks states parties to submit a number of these periodic reports at the same time and examines the state on this basis every four or five years.

## **Article 14: Right to individual complaints**

This Article provides that states parties may recognise the competence of the CERD to receive communications from individuals who claim to be victims of a violation of ICERD within their jurisdiction. The UK currently does not recognise the CERD's competence over individual complaints.

## **Articles 17– 25: Administration of the Convention**

These Articles describe the general administrative procedures concerning the Convention, including ratification and entering reservations.

## **1.2 The UK and ICERD**

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Once a state party has ratified or acceded to ICERD they are bound to implement its provisions, although they are permitted to enter reservations in respect of certain of the Articles. States parties can also make interpretative statements.

The UK Government ratified ICERD on 7 March 1969. It entered some reservations and made interpretative statements on signature and ratification. It is important to note the UK's interpretative statement to Article 4.<sup>9</sup> Article 4 requires states parties to

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<sup>9</sup> The UK entered reservations to: Article 1 concerning Commonwealth migrants; Article 5 relating to any electoral law in Fiji; Article 15 with regards to rights of peoples pending the achievement of the objectives of the declaration on the granting of independence to colonial countries and people; and Article 20 relating to the status of reservations. The UK also made an interpretative statement to Article 6 relating to its interpretation of 'reparation or satisfaction' in the context of providing remedy to victims of discrimination. For the full text of the reservations and interpretative statements, see: United Nations Treaty Collection, *International Convention on the Elimination of All Forms of Racial Discrimination* (1965). Available at:

condemn and outlaw the dissemination of racist propaganda and prohibit organisations based on racist ideas or those which promote racial hatred or racial supremacy. The UK interpretative statement aims to balance provisions in Article 4 with the right to freedom of expression and freedom of association. In practice, this means that the UK does not outlaw organisations that express views that may be regarded as racist. However, there are a number of criminal offences under UK legislation that can be used to prosecute racially motivated hate crimes, including racial violence and harassment.<sup>10</sup> In 2011, the CERD called on the UK to reconsider its interpretation of Article 4, particularly in light of the negative portrayal of ethnic minorities, immigrants, asylum seekers and refugees in the media.<sup>11</sup>

### Key terms explained

**De jure equality:** Equality before the law or formal equality.

**De facto equality:** Equality in reality, meaning equality in the actual enjoyment of rights, opportunities and responsibilities.

**Signing:** The first step in agreeing to be bound by a Convention is for a state party to sign the Convention; the next step is ratification (this is usually a parliamentary process).

**Ratifying:** When a government ratifies a Convention, it agrees to be bound to it. The process of ratification varies from state to state but usually involves parliamentary endorsement of the Convention.

**Reservations:** When a state party signs or ratifies a human rights treaty, it can decide to enter a reservation (a type of 'opt-out' clause or caveat to its acceptance of the treaty). States can enter reservations to certain ICERD Articles provided they are not incompatible with the object and purpose of the treaty. States can also enter interpretative statements. An interpretative statement is a clarification of how a state party understands a particular provision in the Convention.

**Concluding observations:** The CERD issues written observations

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[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&lang=en) [Accessed: 13 November 2015].

<sup>10</sup> For example, see the Public Order Act 1986, Malicious Communications Act 1988, Protection from Harassment Act 1997, Crime and Disorder Act 1998.

<sup>11</sup> Committee on the Elimination of Discrimination (2011) *Concluding observations of the Committee on the Elimination of Racial Discrimination – United Kingdom of Great Britain and Northern Ireland*, para 11. It also made a similar recommendation in 2003, see: Committee on the Elimination of Discrimination. (2003) *Concluding observations of the Committee of the Elimination of Racial Discrimination – United Kingdom of Great Britain and Northern Ireland*, para 12.



(recommendations) following the meeting it has with the state party to consider its state report.

### 1.3 Committee on the Elimination of Racial Discrimination

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The CERD<sup>12</sup> is the UN ‘treaty body’ that monitors the implementation of ICERD. It is made up of 18 independent members from around the world; all are considered experts on racial discrimination. They are nominated by and elected to the Committee by the states parties. They typically serve a four-year term.

The CERD generally meets three times a year in Geneva to review periodic reports from the states parties.

#### Key terms explained

**CERD:** An expert body established by ICERD with responsibility for monitoring and assessing progress on implementation of ICERD by states parties.

**Treaty body:** A body of experts established by an international human rights treaty to monitor the implementation of that treaty. The CERD is a treaty body.

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<sup>12</sup> Office of the High Commissioner for Human Rights, *Committee on the Elimination of Racial Discrimination*. Available at: <http://www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx> [Accessed: 13 November 2015].

## 2. Promoting accountability: the CERD in practice

By ratifying ICERD, states parties recognise that race inequality exists and that certain measures need to be in place to address it. The CERD has a number of powers to hold governments accountable for these measures, including:

- State report examinations
- Concluding observations
- Early warning and urgent action procedure
- Individual petitions.

The CERD also issues a series of General Recommendations to assist states and other actors to interpret the provisions of ICERD.

### 2.1 State report examinations

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ICERD requires states parties to submit a periodic report every two years on how they have complied with their ICERD obligations. In practice though, the CERD usually asks states parties to submit a number of these periodic reports at the same time and then examines the states parties on this basis, usually every four or five years.<sup>13</sup>

Once the state has submitted its report, the CERD considers it and designates one of its members as the Country Rapporteur who develops a 'list of themes' which guides the next stages of the process. The CERD asks the state to give oral evidence about the information contained in the report; this is known as the examination process. During the state examination the state's government presents

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<sup>13</sup> States are required to submit a 'common core document', which is part of all periodic reports across the treaties. This is kept under review by the Ministry of Justice. This report includes information such as the demographics of the country, details on its political system and human rights infrastructure. See: <https://www.justice.gov.uk/human-rights/periodic-reports-to-the-united-nations> [Accessed: 13 November 2015].

its report to the CERD and Committee members raise any concerns they have about the report by asking a series of questions.

As well as the government delegation, civil society organisations (CSOs) and National Human Rights Institutions (NHRIs) are encouraged to submit reports on the government's report. These reports are known as shadow or alternative reports and can be used to influence the development of the 'list of themes,' and provide important alternative information to the Committee. CSOs can also send delegations to brief the CERD prior to the state examination, and observe the session itself. CERD members often base their questions to the state delegation on the shadow reports they have received and issues raised in briefing meetings with CSOs or NHRIs.

The UK delegation typically includes officials from relevant UK government departments as well as the devolved administrations. Ideally, the delegation should be led by a minister to signal the state party's commitment to ICERD and to help ensure the recommendations of the CERD are taken on board at the highest level.

## **2.2 Concluding observations**

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Following the examination of the state party, the CERD publishes a set of concluding observations. The concluding observations note the state party's progress, raise any outstanding concerns and formulate recommendations for action. The CERD usually recommends that the state party publicises these recommendations widely. The state party should also use the concluding observations to inform its strategy on implementing ICERD and to inform the next state report. CSOs and NHRIs can use concluding observations as benchmarks to promote accountability and encourage governments to act.

## **2.3 Early warning and urgent action procedure**

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In 1993, the CERD approved an early warning and urgent action procedure to strengthen prevention of and early response to violations of ICERD.

The UK has been the object of an inquiry from the CERD under the early warning and urgent action procedure. During its 76th session in February 2010, the CERD considered the impending eviction of an Irish and Romany Traveller community from Dale Farm in Essex. On the basis of information from a CSO, the CERD expressed

concern that the planned eviction of the Traveller community from Dale Farm might imply a breach of Article 5 (e) (iii), guaranteeing the right to housing.<sup>14</sup>

## 2.4 Individual complaints

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Article 14 of ICERD allows states to enter into an optional declaration recognising the CERD's competence to receive and consider [complaints from individuals](#)<sup>15</sup> or groups of individuals who claim to have been victims of racial discrimination.

The UK has not made a declaration under Article 14 to allow individuals the right to complain directly to the CERD. The lack of this important enforcement mechanism means that individuals in the UK who claim that the Government has violated their rights cannot receive the benefits of going directly to the CERD to make a complaint.<sup>16</sup>

The UK has recognised the competence of other treaty monitoring bodies (the Committee on the Elimination of All Forms of Discrimination against Women, or CEDAW, and the Committee on the Rights of Persons with Disabilities, or CRPD).<sup>17</sup> It is worth noting that a majority of other European states have signed up to Article 14. The CERD has called for the UK Government to make the optional declaration.<sup>18</sup>

## 2.5 General recommendations

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The Committee also issues '[General Recommendations](#)'<sup>19</sup> to interpret Articles in the ICERD or explore issues of particular relevance. For example, in the past, general recommendations have addressed the application of special measures and issues such as racial discrimination in the criminal justice system, discrimination against the

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<sup>14</sup> Anwar Kemal (Chairperson of the Committee on the Elimination of Racial Discrimination) (2010), *Letter to H.E Mr Peter Gooderham (Ambassador, Permanent Mission of the United Kingdom)*, 12 March 2010. Available at: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/EarlyWarningProcedure.aspx> [Accessed: 13 November 2015].

<sup>15</sup> <http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx> [Accessed: 16 November 2015].

<sup>16</sup> Individuals may seek redress for racial discrimination against the UK through domestic courts and the European Court of Human Rights.

<sup>17</sup> The UK became party to the optional protocols to the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD). The optional protocols provide for the right of individual complaints to the CEDAW and CRPD Committees.

<sup>18</sup> See, for example: Committee on the Elimination of Discrimination (2011), *Concluding observations of the Committee on the Elimination of Racial Discrimination – United Kingdom of Great Britain and Northern Ireland 2011*, para 31.

<sup>19</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11) [Accessed: 16 November 2015]

Roma, or Gypsies and Travellers in the UK, and gender-related dimensions of racial discrimination. Such recommendations assist states parties by explaining their obligations. As of November 2015 there have been 35 general recommendations.

### **Key terms explained**

**State reports:** The reports submitted by states parties to the CERD every two years. The reports are also known as periodic reports.

**Shadow or alternative reports:** Reports produced by CSOs and NHRIs to emphasise the main gaps and challenges in their government's implementation of ICERD. Shadow reports help the CERD identify the key issues and evaluate the government's performance.

**Concluding observations:** The CERD issues written observations following the meeting it has with the state party to consider its state report.

**Early warning measures and urgent action procedure:** These were adopted by the CERD in 1993. Early warning measures aim to prevent existing problems from escalating into conflicts, while urgent procedures aim to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention. Under both of these mechanisms, the CERD can request information from a state party.

**Individual complaints:** A procedure under Article 14 by which states parties may declare that they recognise the CERD's competence to receive complaints by individuals or groups of individuals claiming to be victims of racial discrimination in the state party's jurisdiction. The UK does not recognise CERD competence over individual complaints.

**General recommendations:** From time to time, CERD issues recommendations that provide guidance on the application of a particular Article or theme in ICERD. Other treaty bodies may refer to these as 'General Comments'.

## 3. Roles and responsibilities

### 3.1 Governments

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ICERD is a comprehensive treaty, spanning a wide range of rights and policy areas. All government agencies, local government authorities and parliamentarians in the UK have a role to play in ensuring that ICERD is implemented and that citizens are aware of their rights. Sufficient human and financial resources need to be allocated to ICERD's implementation, reporting and follow-up. The UK Government has responsibility to ensure ICERD is implemented across the UK. It works with the devolved administrations to do this.

### 3.2 National Human Rights Institutions

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NHRIs are independent of both government and civil society and therefore play an important and distinct role in monitoring state compliance and promoting human rights within ICERD.

NHRIs are evaluated against a set of principles known as the [Paris Principles](#)<sup>20</sup>. NHRIs that comply fully with the Paris Principles are accredited with 'A' status by the UN. 'A' status gives NHRIs specific rights and obligations in the context of the UN human rights system and signals to the UN treaty bodies that NHRI shadow reports are independent and have credibility. The UK has three 'A' status NHRIs: the Equality and Human Rights Commission,<sup>21</sup> the Scottish Human Rights Commission<sup>22</sup> and the Northern Ireland Human Rights Commission.<sup>23</sup>

The Equality and Human Rights Commission submits an independent shadow report to the CERD and briefs the Committee ahead of UK state examinations. The CERD

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<sup>20</sup> See: <http://www.ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx> [Accessed: 16 November 2015].

<sup>21</sup> See: <http://www.equalityhumanrights.com/> [Accessed: 13 November 2015].

<sup>22</sup> See: <http://www.scottishhumanrights.com/> [Accessed: 13 November 2015].

<sup>23</sup> See: <http://www.nihrc.org/> [Accessed: 13 November 2015].

allows NHRIs to participate during the state examination with the consent of the state party.

### 3.3 Civil society organisations

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CSOs, including the voluntary sector and non-governmental organisations (NGOs), have played, and continue to play a vital role in making the commitments set out in ICERD a reality. They can do this by:

- providing comment to the UK Government on its state report
- providing the CERD with an alternative report to the state report
- briefing the CERD in Geneva, and
- disseminating and pursuing the implementation of the concluding observations.

The requirement on states parties to submit periodic reports to the CERD acts as an enforceability mechanism for ICERD. Public scrutiny of state reports is a useful way of putting pressure on governments to comply with their obligations. CSOs working in the field of race equality can produce shadow reports to draw to the attention of the CERD any gaps, inaccuracies or misrepresentations in the state report. They can also provide comments to the UK Government and the devolved administrations when the State is preparing the state report.

The CERD clearly welcomes an alternative view that makes concrete suggestions on recommendations it can then pass on to the UK Government and devolved administrations. This provides an opportunity for CSOs to submit their alternative or shadow reports as a source of additional information for the CERD. This can be done as a coalition of CSOs or individually. For CSOs, it represents a useful way to channel their requests to decision-makers. Furthermore, the briefing process encourages governments to take their views on board. All civil society submissions for previous examinations (and the UK Government and NHRI reports) are available on the Office of High Commissioner for Human Rights website.<sup>24</sup>

While CSOs do not have speaking rights during the state examination, they can arrange to meet with Committee members in Geneva and informally brief them on

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<sup>24</sup> Office of the High Commissioner for Human Rights. *Reporting status for United Kingdom of Great Britain and Northern Ireland*. Available at: [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=GBR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=GBR&Lang=EN) [Accessed: 13 November 2015].

priority issues. The CERD also holds an informal meeting with CSOs at the beginning of each week of examinations.<sup>25</sup>

The CERD has recommended to the UK Government that it publicise the state reporting process as widely as possible, and it is important for civil society organisations to make themselves part of this attempt to bring UN institutional mechanisms closer to the community. By working collectively, civil society collaboration through strategic network building and the monitoring and follow-up of concluding observations can help to hold the Government to account and lead to positive outcomes which have considerable significance for the state of race equality in the UK.

On its website, the CERD has a detailed guide for how CSOs across the world can be involved at each stage of the treaty reporting process. This has been produced by the International Movement Against All Forms of Discrimination and Racism (IMADR).<sup>26</sup>

### Key terms explained

**National Human Rights Institutions:** Independent public bodies established for the protection and promotion of human rights.

**Paris Principles:** Adopted in 1993 by the UN General Assembly, these Principles regulate the functioning of NHRIs. Fully Paris Principle-compliant NHRIs are awarded 'A' status and enjoy specific rights in the UN human rights system.

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<sup>25</sup> The International Movement Against All Forms of Discrimination and Racism (IMADR) (2011) *ICERD and CERD: A Guide for Civil Society Actors*, p 30. Available at: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/CivilSociety.aspx> [Accessed: 13 November 2015].

<sup>26</sup> The International Movement Against All Forms of Discrimination and Racism (IMADR) (2011) *ICERD and CERD: A Guide for Civil Society Actors*. Available at: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/CivilSociety.aspx> [Accessed: 13 November 2015].



## 4. Civil society participation in the CERD treaty process

The successful input by CSOs to the CERD's examination of the UK over the years demonstrates how civil society can have a real impact on the outcome of governments' policies. It is important to continue this trend for race equality organisations acting at an international level and highlight the good working relationship between the CERD and UK CSOs.

CSOs can play an important role in the CERD treaty reporting process. CSOs can provide alternative reports individually or as part of a coalition. The CERD welcomes shadow reports from CSOs and particularly encourages CSO reports prepared by coalitions.<sup>27</sup> Shadow reports prepared jointly are often more convincing and make greater impact.<sup>28</sup>

For example, in 2011 the Runnymede Trust coordinated the 'UK NGOs Against Racism' report<sup>29</sup> with the input of other CSOs working on race equality around the UK, which is a coordinated CSO shadow report to the CERD. This included a series of meetings across the UK.<sup>30</sup> CSOs in Scotland and Northern Ireland also provided additional reports with specific Scottish and Northern Irish content to form part of the

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<sup>27</sup> See, for example, Committee on the Elimination of Racial Discrimination. (2015) *NGO Information Note for the 86<sup>th</sup> Session*. Available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=977&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=977&Lang=en) [Accessed: 31 November 2015].

<sup>28</sup> The International Movement Against All Forms of Discrimination and Racism (IMADR). (2011) *ICERD and CERD: A Guide for Civil Society Actors*, p 28. Available at:

<http://www.ohchr.org/EN/HRBodies/CERD/Pages/CivilSociety.aspx> [Accessed: 13 November 2015].

<sup>29</sup> These organisations included the Runnymede Trust, Migrants' Rights Network, JUST West Yorkshire, the Discrimination Law Association, Equanomics UK, the Coalition for Racial Equality and Rights, the Northern Ireland Council for Ethnic Minorities, Irish Traveller Movement in Britain (now The Traveller Movement) and Cambridge Racial Incident Support Project. See Runnymede Trust (2011). *Press release: UN to be told that UK failing to deliver on race equality* (7 September 2011). Available at:

<http://www.runnymedetrust.org/uploads/CERDpressreleasesseconddraft2.pdf> [Accessed: 13 November 2015].

<sup>30</sup> For a copy of the report and further information on the process, see: <http://www.runnymedetrust.org/projects-and-publications/europe/cerd.html> [Accessed: 13 November 2015].

coordinated CSO shadow report.<sup>31</sup> Other CSOs provided information on specific issues.

CSOs can also brief the Committee members at informal meetings during the week of the state examination.<sup>32</sup> In 2011, a handful of key participants involved in the consultation and report drafting process travelled to Geneva, including organisations or individuals who had particular expertise on the various themes raised in the report.

Ahead of the examination, the CSO coalition representatives met with the CERD and urged the Committee to raise specific questions with the UK Government during the examination. The questions which Committee members put to the UK Government reflected the issues which the civil society delegation had highlighted in its shadow report, and at times CERD members quoted directly from the shadow report itself.

The shadow report was very well received by CERD members who commended the CSOs' collective contribution to their work, claiming it helped them in their scrutiny of the UK Government's report.

Following the release of the concluding observations there is a further opportunity for UK CSOs to inform the race equality agenda. In 2011 and previous years the CERD's report has been widely covered in the press, while various government departments seek to respond effectively to any outstanding concerns.

There is therefore an important role for CSOs to follow up the CERD's concluding observations.

Runnymede is [coordinating CSO involvement](#)<sup>33</sup> in the 2016 UK state examination.

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<sup>31</sup> See: Coalition of Racial Equality and Rights (CRER) and Northern Ireland Council for Ethnic Minorities (NICEM): [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=398&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=398&Lang=en) [Accessed: 13 November 2011].

<sup>32</sup> The International Movement Against All Forms of Discrimination and Racism (IMADR) (2011), *ICERD and CERD: A Guide for Civil Society Actors*, p 30. Available at: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/CivilSociety.aspx> [Accessed: 13 November 2015].

<sup>33</sup> <http://www.runnymedetrust.org/projects-and-publications/europe/cerd.html> [Accessed: 16 November 2015].

## 5. Further information

The full text of the International Convention on the Elimination of All Forms of Racial Discrimination: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

The status of the Convention including signatories and ratification: [https://treaties.un.org/Pages/ViewDetails.aspx?src=treaty&mtdsg\\_no=iv-2&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=treaty&mtdsg_no=iv-2&chapter=4&lang=en)

Information on civil society participation in the CERD process: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/CivilSociety.aspx>

Information on the CERD: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIntro.aspx>

The UK's state reports: [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=GBR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=GBR&Lang=EN)

The CERD's General Recommendations: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11)

# Contacts

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