



**SUBMISSION FOR THE REPORT ON THE 20TH ANNIVERSARY OF THE DURBAN
DECLARATION AND PROGRAMME OF ACTION BY THE SPECIAL RAPPORTEUR ON
CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND
RELATED INTOLERANCE**

4 August, 2021

INTRODUCTION

The [International Movement Against All Forms of Discrimination and Racism \(IMADR\)](#) is an international non-profit, non-governmental human rights organisation devoted to eliminating discrimination and racism, forging international solidarity among discriminated groups and advancing the international human rights system. IMADR is grateful to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms. E. Tendayi Achiume, for providing stakeholders the opportunity to contribute to her next thematic report on the 20th anniversary of the Durban Declaration and Programme of Action (DDPA). Based on the organisation's long-standing experience in engaging with the Committee on the Elimination of Racial Discrimination (CERD) and supporting civil society participation in its procedures, this submission focuses on the States' cooperation with the Committee and the promotion of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), as outlined in the paragraphs 75, 177 and 198 (b) of the Programme of Action.

RATIFICATION OF ICERD

Paragraph 75 of the Programme of Action has set the goal to achieve universal ratification of the Convention by 2005. Yet, as at 29 July 2021, 15 States have either signed but not ratified it or taken any action, while 182 States have ratified the Convention. The absence of universal ratification prevents the Committee from responding to a violation of the Convention if a country of concern is not a State party. For example, following the Rohingya crisis, the Committee could only call on Myanmar to sign and ratify the Convention as it did not have jurisdiction over the country.ⁱ

States parties that have not ratified the ICERD: 15ⁱⁱ

(By regional groups)

Africa: 1

Asia-Pacific: 14

Eastern Europe: 0

Latin America and Caribbean: 0

ⁱ CERD/C/SR.2600, paragraph 15

ⁱⁱ States that have either signed but not ratified or not taken any action: Bhutan, Brunei Darussalam, Cook Islands, Democratic People's Republic of Korea, Kiribati, Malaysia, Micronesia (Federated States of), Myanmar, Nauru, Niue, Palau, Samoa, South Sudan, Tuvalu, Vanuatu (Source: United Nations Office of the High Commissioner for Human Rights: Status of Ratification Dashboard. <https://indicators.ohchr.org>)



Western Europe and Others: 0

CERD INDIVIDUAL COMMUNICATIONS PROCEDURE

The same paragraph also encourages States to make the declaration under Article 14 of the Convention to recognise the CERD's competence to receive and consider communications from individuals who claim to be victims of racial discrimination. Not only the individual communications procedure allows victims to seek justice and remedy as a last resort, but also it helps States parties properly interpret the Convention within domestic jurisdictions, which are vital for the implementation of the DDPA. Yet, as at 7 August 2020, only 59 States parties have accepted the CERD individual communications procedureⁱⁱⁱ, while 123 States parties have not.

States parties that have accepted the CERD individual communications procedure: 59^{iv}

(By regional groups)

Africa: 5

Asia-Pacific: 4

Eastern Europe: 17

Latin America and Caribbean: 12

Western Europe and Others: 21

RESERVATION TO ICERD (ARTICLE 4)

States are urged in the paragraph 75 of the Programme of Action to withdraw reservations contrary to the object and purpose of the Convention. Nevertheless, 19 States parties have not withdrawn their reservations or declarations on Article 4 of the Convention that calls for the prohibition of the dissemination of all ideas based upon racial superiority or hatred, despite the affirmation by the DDPA. It is imperative for States parties to withdraw their reservations on Article 4 to adopt and implement effective measures to combat manifestations of racial superiority, hatred and discrimination.

States parties with reservations/declarations on Article 4:19^v

(By regional groups)

Africa: 0

Asia-Pacific: 4

ⁱⁱⁱ A/75/18, paragraph 2

^{iv} States parties that have accepted the CERD individual communications procedure: Algeria, Andorra, Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Bulgaria, Chile, Costa Rica, Cyprus, Czechia, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Kazakhstan, Lichtenstein, Luxembourg, Malta, Mexico, Monaco, Montenegro, Morocco, Netherlands, North Macedonia, Norway, Panama, Peru, Poland, Portugal, Moldova, Republic of Korea, Romania, Russia, San Marino, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Sweden, Switzerland, Togo, Ukraine, Uruguay, Venezuela. (Source: United Nations Treaty Collection, Chapter IV Human Rights, 2. *International Convention on the Elimination of All Forms of Racial Discrimination*, 1966. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=IV-2&chapter=4&clang=en)

^v States parties with reservations/declarations on Article 4: Antigua and Barbuda, Australia, Austria, Bahamas, Barbados, Belgium, France, Grenada, Ireland, Italy, Japan, Malta, Monaco, Nepal, Papua New Guinea, Switzerland, Tonga, United Kingdom of Great Britain and Northern Ireland, United States of America. (Source: United Nations Treaty Collection, Chapter IV Human Rights, 2. *International Convention on the Elimination of All Forms of Racial Discrimination*, 1966. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsq_no=IV-2&chapter=4&lang=en)



Eastern Europe: 0

Latin America and Caribbean: 4

Western Europe and Others: 11

REPORTING OBLIGATIONS UNDER ICERD

Paragraph 75 of the Programme of Action urges States to comply with their reporting obligations under the Convention. Regular reporting and dialogue with the Committee are critical to assess States' progresses in implementing the Convention as well as the DDPA and to identify necessary steps to be taken for their full implementation. However, not a few States continue to fail to submit reports in a timely manner. Such failures to respect their reporting obligations undermine the Convention and the Committee and deprive civil society of opportunities to hold their States accountable to the Convention and the DDPA. As at 31 May 2021, there were 45 States parties with reports that were overdue by at least 10 years, and 18 States parties with reports overdue by at least 5 years.^{vi}

States parties with reports overdue by at least 10 years: 45^{vii}

(By regional groups)

Africa: 27

Asia-Pacific: 7

Eastern Europe: 0

Latin America and Caribbean: 10

Western Europe and Others: 1

States parties with reports overdue by at least 5 years: 18^{viii}

(By regional groups)

Africa: 4

Asia-Pacific: 7

Eastern Europe: 0

Latin America and Caribbean: 3

Western Europe and Others: 4

^{vi} CERD/C/104/2

^{vii} States parties with reports overdue by at least 10 years: Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Burundi, Cabo Verde, Central African Republic, Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Eswatini, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, India, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mozambique, Nigeria, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Seychelles, Sierra Leone, Solomon Islands, Somalia, Syrian Arab Republic, Timor-Leste, Tonga, Trinidad and Tobago, Uganda, United Republic of Tanzania, Zimbabwe. (Source: CERD/C/104/2, *Status of submission of reports by States parties under article 9 (1) of the Convention* (3 June 2021))

^{viii} States parties with reports overdue by at least 5 years: Austria, Congo, Ethiopia, Fiji, Grenada, Guinea-Bissau, Indonesia, Iran, Lao People's Democratic Republic, Liechtenstein, Maldives, Malta, Monaco, Panama, Philippines, Tunisia, Venezuela (Bolivarian Republic of), Yemen.

(Source: CERD/C/104/2, *Status of submission of reports by States parties under article 9 (1) of the Convention* (3 June 2021))



COOPERATION WITH THE SPECIAL RAPPORTEUR ON RACISM

Paragraph 198 (b) of the Programme of Action calls on States to cooperate with relevant special procedures. IMADR considers that their cooperation with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance is key for the implementation of the Convention and the DDPA. In particular, country visits by the Special Rapporteur play a critical role in assisting States in implementing them through examining country situations and sharing recommendations with States and other stakeholders. However, as at 30 July 2021, there were 19 States with outstanding requests.

States with outstanding country visit requests from the Special Rapporteur on racism: 19^{ix}

(By regional groups)

Africa: 7

Asia-Pacific: 5

Eastern Europe: 0

Latin America and Caribbean: 5

Western Europe and Others: 2

Concrete actions through ratifying and implementing the Convention and cooperating with the CERD and the Special Rapporteur are mechanisms which already exist yet are too often overlooked by many States in discussions on the implementation of the DDPA. We hope that abovementioned statistics will help the Special Rapporteur remind States of their legal obligations under the Convention and encourage their active engagement with her mandate to implement the DDPA.

^{ix} States with outstanding country visit requests of the Special Rapporteur on racism: Algeria, Bangladesh, Botswana, Dominican Republic, France, India, Israel, Jamaica, Japan, Kenya, Lebanon, Madagascar, Mexico, Nigeria, Oman, Peru, South Africa, Trinidad and Tobago, Tunisia. (Source: OHCHR, <https://spinternet.ohchr.org/ViewMandatesVisit.aspx?visitType=pending&lang=en>)