

Preventing and addressing violence and atrocity crimes targeted against minorities. Seventh UN Forum on Minority Issues, Geneva 25th November 2014.

CERD Remarks

Overview Panel

At the outset I commend the Forum and all associated with it, especially participants whose life experiences have framed its recommendations. Over the past seven years this event, championed initially by Gay McDougal as Special Rapporteur and reinforced by Rita Iszak, her successor, has become an established global focal point for minority concerns.

The UN Declaration on Minority Rights, and the Responsibilities to Protect Framework clearly outline four pillars of minority rights protection and three responsibilities to protect pillars. These are important informants of the work of Treaty Bodies including the Committee Elimination of Racial Discrimination (CERD). Issues of minority protection are of central importance for the work of CERD and are addressed on an ongoing basis both through Special Procedures and through the state reporting processes.

CERD has a long established Early Warning and Urgent Action Procedure which seeks to find possible measures to prevent, as well as respond more effectively to, violations of the Convention. The Early Warning and Urgent Action Procedure focuses on concrete implementable and action-oriented measures. Since 1994, and with revised guidelines since 2007, CERD has issued statements, sent letters to state parties and regional organisations, and adopted decisions - including one on Iraq during the August session as part of this procedure. Letters were previously sent to the EU and the Council of Europe regarding the situation of Roma in Europe in 2010.

This Early Warning and Urgent Action Procedure can be an important tool for alerting the international community, to prevent existing problems from escalating into conflicts and to prevent, or limit, the scale of serious violations of the Convention. In practice, a five person working group of the Committee advises the Committee using nine indicators from the revised guidelines including;

- Presence of a problem of significant and persistent racial discrimination, as evidenced in social and economic indications
- Problems of escalating racial hatred and violence
- Significant flows of refugees or displaced persons from specific ethnic groups
- Encroachment on traditional lands or forced removal from those lands
- Polluting or hazardous activities that reflect a problem of racial discrimination

Issues of concern can be brought to the attention of the Committee by a variety of actors, including civil society organisations, who also have a key role to play in generating awareness regarding the procedure and the actions recommended under it.

In February 2005, the Committee adopted the Declaration on the Prevention of Genocide and, later that year, a set of indicators to assess components of situations leading to conflict and genocide, noting that systematic discrimination, disregard or exclusion are often among the root causes of conflict were agreed.

The ongoing reviewing of State party reports, which is a corner stone of CERD's work, including with regard to preventing and addressing violence and atrocity crimes targeted against minorities, involves analysis of the presence of such indicators which are then reflected in the measures recommended in the Concluding Observations. During our most recent session in August for example, CERD's Concluding Observations included concerns regarding failure to establish an inclusive government, lack of legislation prohibiting racial discrimination in accordance with the Convention, propagation of hate speech and incitement to racist violence and hatred, brutality and excessive use of force by law enforcement officials against members of racial and ethnic minorities as well as structural discrimination against minority communities.

In effect the reporting procedure established by the Committee is important in identifying root causes of tension and suggesting concrete measures to be taken by States. If States effectively implement these recommendations, situations of violence or conflict can be averted. However, a number of States fail to submit their reports in time and others fail to act on the concluding observations. Civil Society and National Human Rights institutions have important roles to play in ensuring that recommendations are followed upon the ground.

The increased visibility of Treaty Bodies work through the web-casting of sessions is proving helpful and I am hopeful that the recent adoption of the General Assembly resolutions 68/268 on

strengthening the effective functioning of the Treaty Body System will also facilitate enhanced engagement and implementation of recommendations by states.

Responding to violence and atrocity causes also requires initiatives by Treaty Bodies themselves, in line with their Conventions. CERDs most recent General Recommendation 35 on Hate Speech provides a careful analysis, based on the communities experience and taking into account other rights, including freedom of expression. When used, it provides a practical framework for addressing the discrimination of hate speech and the incitement to hatred and hate crime which can be linked with it.

I look forward to hearing your responses and your dialogue on recent concerns at this time of great global challenge for minorities. I am particularly conscious of the ways in which multiple horrors and atrocity crimes have been inflicted on women from minorities and on minorities within minorities. I know, from my own work and CERDs deliberations, that one size does not fit all and that we need to respond to the complexities of intersectional discriminations in ways that acknowledge both our global awareness and the contexts in which we live.

Thank you

Anastasia Crickley