

CERD, A/63/18 (2008), Annex XI

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Annex XI. THEMATIC DISCUSSIONS AND GENERAL RECOMMENDATIONS

552. In examining the periodic reports of States parties, the Committee has found that some issues related to the application and interpretation of the provisions of the Convention can usefully be examined from a more general perspective. The Committee has therefore held a number of thematic debates on such issues, including in particular on issues related to discrimination against Roma (August 2000), descent-based discrimination (August 2002) and non-citizens and racial discrimination (March 2004). The outcome of these thematic debates is reflected in the Committee's general recommendations XXVII to XXX. In March 2005, the Committee held a thematic discussion on the prevention of genocide and adopted a declaration on this subject.ⁱ

553. At its seventy-second session, the Committee decided to hold at its next session a thematic discussion on the subject of special measures within the meaning of articles 1 (4) and 2 (2) the Convention. The discussion was held at the 1884th and 1885th meetings, on 4 and 5 August 2008. While on 4 August the Committee heard the views of representatives from UNESCO and ILO, interested States parties and non-governmental organizations, on 5 August Committee members exchanged their views on the subject in light of their prior experience in formulating specific recommendations to individual State parties on the subject of special measures.

554. Mr. Patrick Thornberry and Mr. Linos-Alexandre Sicilianos, Committee members and rapporteurs on the subject of special measures for the purposes of the thematic debate and the possible elaboration of a general recommendation, emphasized the role of special measures in promoting and protecting the human rights of disadvantaged racial and ethnic groups and stressed the need to shed light on the precise meaning of the relevant provisions in the Convention. In particular, in interpreting and applying the provisions of the Convention, it would be important to identify appropriate criteria that may help in determining the necessity of special programmes and to reflect on questions relating to the scope, nature and target groups of such programmes.

555. Ms. Hanna Beata Schoepp-Schilling, member of the Committee on the Elimination of Discrimination against Women (CEDAW), who had been invited to participate in the debate, informed the Committee of the special experience of CEDAW in promoting special measures for the advancement of women, and in elaborating a general recommendation (No. 25) on temporary special measures in 2004. Among the State parties who informed the debate through written contributions or oral statements, thus providing valuable insights in relation to the design and implementation of special measures programmes at the national level, were Canada, Chile, Colombia, Finland, Israel, New Zealand, Nepal, Romania, Spain, the United Kingdom, the United States and Uruguay.

556. Based on the valuable information submitted by United Nations specialized agencies, States parties and non-governmental organizations in advance of the thematic debate, and in light of the constructive discussion held on 4 and 5 August as well as the Committee's own long-standing experience in formulating relevant recommendations, the Committee decided to embark on the elaboration of a general comment on the subject of special measures. In closing observations, Mr. Patrick Thornberry also commented on the methodological approach to be taken and emphasized that a general comment should aim to give overall interpretative guidance to States parties rather than prescribe specific approaches to be taken.

ⁱ This declaration was followed up by a decision on the prevention of genocide adopted at the sixty-seventh session in August 2005, in which the Committee identified indicators of massive and systematic patterns of racial discrimination.