



1. Overview

1. The Human Rights Law Resource Centre (**HRLRC**) is a national Australian non government organisation that specialises in the protection and promotion of human rights. The HRLRC has experience preparing and presenting NGO reports to a range of treaty monitoring bodies, acting for clients in individual communications and advocating for domestic implementation of treaty body recommendations and views.
2. The HRLRC is pleased to have the opportunity to provide the Committee on the Elimination of Racial Discrimination (**CERD**) with a brief note addressing some ways in which CERD's engagement with NGOs can be strengthened. This note is prepared for the purpose of the meeting between CERD and non-government organisations to be held on 3 August 2010 and briefly addresses the four key issues to be discussed at the 3 August meeting.

2. Strengthening the role of NGOs

2.1 Reporting

3. NGOs would benefit from greater transparency about the reporting process generally, as well as clarity in relation to developments in the Committee's working methods. This might be done through the CERD website, such as by updating the NGO guide on the OHCHR website and highlighting its utility to NGOs engaging with CERD.
4. Currently there are CERD guidelines for state reporting, but no guidance exists for NGOs in preparation of NGO reports. NGOs would benefit from guidance on the length, style and the deadlines or recommended timing for submitting reports. It would also be useful for CERD to indicate how to best structure reports (ie whether by article or theme). This would allow NGO reports to be prepared in a form that is most useful for the Committee.
5. Once a Country Rapporteur and secretariat staff member are appointed, the identity of that person and their support staff at OHCHR could be disclosed to participating NGOs, to allow more direct liaison in relation to information that would most assist the Committee.

2.2 Briefing the Committee

6. There would be real benefits in scheduling a formal closed NGO briefing during the Committee session, to take place just prior to the review of the particular state. A procedure akin to the CAT procedure might be appropriate. The benefit would be that NGOs and committee members would have the benefit of interpreters, there would be opportunity for constructive dialogue and the Committee could be briefed in a timely and relevant way. It would also reduce the number of lunchtime informal meetings and hopefully increase the attendance of Committee members at briefings.
7. A half day NGO meeting at the start of the session similar to the current Human Rights Committee procedure should not be considered. This system is too limited in time, does not allow for interactive dialogue and places undue expense on those NGOs whose state's review is held later in the session.

2.3 Follow up procedure

8. Where CERD requests in its Concluding Observations a follow up report from state parties, it should provide NGOs the opportunity to respond to the state information in writing. This does not need to be a formal process, but instead NGOs could be notified and encouraged to provide further information in relation to the follow up report. Further, the Rapporteurs on Follow Up could be made public and therefore more accessible to NGOs.

2.4 Communication, early warning and urgent action procedures

- 8.1 It would be useful to have some very basic administrative amendments made to acknowledge receipt of complaint documents and information, to provide an indication of the next stage of the process (ie that admissibility is being considered) and to provide the complainant with a contact person in the secretariat.

2.5 General Comments

- 8.2 CERD could increase the transparency of the consultation and drafting process for General Comments and also of the opportunities for NGO input in that process. This might involve publicly requesting submissions from NGOs through the CERD website and distributing the notice via OHCHR civil society email distribution list (if that is not done already).

3. Modalities of participation of NGOs in Committee sessions

9. It is important to increase the ability of NGOs to participate in CERD hearings without always incurring the expense of physically being in Geneva. CERD could consider using, or increasing the use of, skype or video conferencing to allow participation of NGOs in the Committee sessions. This practice has already been used by the Human Rights Committee and CEDAW. This practice may significantly increase the number of organisations that would like to participate, and perhaps this could be managed by limiting virtual participation to NGOs that have submitted information in response to state reports.

4. CERD better impacting work of NGOs at a local level

10. In general, anything that encourages and assists NGOs to engage with CERD will mean that NGOs will be more likely to use the Committee's procedures, and also to incorporate CERD procedures, recommendations and views into their work at a local level. If the recommendations mentioned above were implemented, it would have the effect of making the Committee's procedures more accessible, relevant and useful to the work of NGOs at a domestic level and thereby increasing the effectiveness of those NGOs.

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