

# The Convention on the Elimination of Racial Discrimination

**Canada** has ratified the Convention on the Elimination of Racial Discrimination.

**Adoption:** The Convention was adopted by the United Nations General Assembly on 21 December 1965.

**Entry into force:** 4 January 1969.

**Number of signatories and ratifications/accessions:** There are 177 state parties to the Convention. An additional 5 states have signed but not ratified the Convention.

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## Summary information

The Convention specifies the measures that States parties agree to undertake to eliminate racial discrimination. It reinforces the Universal Declaration of Human Rights which in Article 1 states "All human beings are born free and equal in dignity and rights" and in Article 2 states "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

The [International Convention on the Elimination of all Forms of Racial Discrimination](#) was adopted by the General Assembly of the United Nations in 1965. It entered into force in 1969 after 27 States had ratified or acceded to it. The Convention established the [Committee on the Elimination of Racial Discrimination](#) (CERD). This Committee was the first body created by the UN to monitor and review actions by States to fulfil their obligations under a specific human rights agreement.

## History

The [Convention on the Elimination of Racial Discrimination](#) was adopted by the General Assembly of the United Nations by its resolution 2106(XX) of 21 December 1965.

Although the Universal Declaration on Human Rights notes that “All persons are born free and equal in dignity and in rights,” mounting international concern over racial discrimination, including some imposed by certain Governments such as apartheid and segregation, led the United Nations General Assembly, in 1963, to take the formal step of adopting the [Declaration on the Elimination of All Forms of Racial Discrimination](#) which made four principal points:

- Any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous and has no justification in theory or practice;
- All forms of racial discrimination and, still more so, government policies based on racial superiority or hatred violate fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation among nations, and international peace and security;
- Racial discrimination harms not only those who are its objects but also those who practice it; and
- A world society free of racial segregation and discrimination, both factors that create hatred and division, is a fundamental aim of the United Nations.

Soon thereafter adoption of the Convention by the General Assembly provided the world community with a legal instrument to eliminate racial discrimination. The Convention entered into force 4 January 1969.

## Key Provisions

Article 2 of the Convention requires States Parties to “condemn racial discrimination and to pursue a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, act in conformity with this obligation.”

In accordance with Article 5 of the Convention, States Parties must guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- The right to equal treatment before all organs administering justice;
- The right to security of person and protection by the State against violence or bodily harm;
- Political rights, in particular the right to participate in elections - to vote and

to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

- The right to freedom of movement and residence within the border of the State;
- The right to leave any country, including one's own, and to return to one's country;
- The right to nationality;
- The right to marriage and choice of spouse;
- The right to own property alone as well as in association with others;
- The right to inherit;
- The right to freedom of thought, conscience and religion;
- The right to freedom of opinion and expression;
- The right to freedom of peaceful assembly and association;
- The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work and to just and favourable remuneration;
- The right to form and join trade unions;
- The right to housing;
- The right to public health, medical care, social security and social services;
- The right to education and training;
- The right to equal participation in cultural activities; and
- The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

Article 6 of the Convention requires States Parties to ensure that everyone within their jurisdiction has effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate human rights and fundamental freedoms contrary to this Convention.

In compliance with Article 4, States Parties must declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof. The States Parties must also declare illegal and prohibit organizations that promote and incite racial discrimination and recognize participation in such organizations or activities as an offence punishable by law.

### **Canada's Commitments and Responsibilities**

Canada [signed the Convention in August 1966 and ratified it in October 1970](#). To date, Canada has made no reservations with respect to the Convention.

All States parties are obliged to submit regular reports (every two years) to the Committee on the Elimination of Racial Discrimination on how the rights identified in the Convention are being implemented. Canada last submitted a [report](#) to the Committee in January 2011.

## **International Monitoring and Implementation**

The Convention established the Committee on the Elimination of Racial Discrimination (CERD), a body of 18 independent experts that monitors implementation of the Convention by the State Parties. With respect to the selection of the experts, consideration is given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems. Members are elected for a term of four years by the States Parties. Elections for nine of the eighteen members are held every two years, ensuring a balance between continuity and change in the composition of the Committee.

All States parties are obliged to submit regular reports to the Committee on how the rights codified in CERD are being implemented. States must report initially one year after acceding to the Convention and then every two years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of concluding observations.

In addition to the reporting procedure, the Convention establishes three other mechanisms through which the Committee performs its monitoring functions:

- The early-warning and urgent procedures - aimed at preventing existing situations escalating into conflicts and responding to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention;
- The examination of [inter-state complaints](#) - when a State Party considers that another State Party is not giving effect to the provisions of this Convention; and
- The examination of [individual complaints](#) - this procedure makes it possible for an individual or a group of persons who claim to be victims of racial discrimination to lodge a complaint with the Committee against their State.

The Committee meets in Geneva and normally holds two sessions per year consisting of three weeks each. The Committee's additional functions include publishing its interpretation of the content of human rights provisions, known as general recommendations, publishing on thematic issues and organizing thematic discussions on topics such as non-citizens and racial discrimination and discrimination against Roma.

The Committee may receive reports and other information from the International Labour

Organization, the United Nations High Commission for Refugees, the United Nations Educational, Scientific and Cultural Organization as well as from various divisions within the Office of the United Nations High Commissioner for Human Rights and from regional human rights organizations such as European Union Agency for Fundamental Human Rights.

With respect to Canada, the Committee's most recent [report \(CERD/C/CAN/CO/19-20\)](#) was released 4 April 2012. The Committee noted with appreciation several legislative and policy developments to combat racial discrimination and made a number of recommendations for improvements to Canadian implementation of its obligations under the Convention. Many of the Committee's concerns and recommendations focused on Canada's aboriginal people and African Canadians.

The Committee was concerned at the disproportionately high rates of incarceration of aboriginal people including aboriginal women, in federal and provincial prisons across Canada. It recommended that Canada reinforce measures to prevent excessive use of incarceration of indigenous peoples and for Canada to give preference, wherever possible, to alternatives to imprisonment concerning aboriginal peoples. The Committee also urged Canada to adopt and implement proposed legislation without further delay to allow the enjoyment by First Nations women of their rights in the areas of property, marriage and inheritance. In addition, the Committee recommended that Canada implement in good faith the right to consultation and to free, prior and informed consent of aboriginal peoples whenever their rights may be affected by projects carried out on their lands, as set forth in international standards and Canadian legislation.

The Committee reminded Canada that racial profiling should be prevented at all stages of criminal procedure and recommended that Canada take the necessary steps to prevent arrests, stops, searches and investigations and over-incarceration targeting different groups, particularly African Canadians, on the basis of their ethnicity, investigate and punish the practice of racial profiling and conduct a study on the root causes of the over-representation of African Canadians in the system of criminal justice.

The Committee remained concerned at the refusal by Canada to introduce in its legislation a specific offence criminalizing and punishing acts of racist violence and at Canada's approach to prohibit racist activities of racist organizations rather than prohibiting and declaring illegal such organizations. The Committee reiterated its previous recommendation that Canada amend or adopt relevant legislation in order to ensure full compliance with the Convention.

## **References**

[International Convention on the Elimination of Racial Discrimination](#)

[Office of the High Commissioner for Human Rights \(OHCHR\), Committee on the Elimination of Racial Discrimination](#)

[Declaration on the Elimination of All Forms of Racial Discrimination](#)

[United Nations Treaty Collection, international status - Convention on the Elimination of Racial Discrimination](#)

[Government of Canada Report to the Committee on the Elimination of Racial Discrimination covering the period June 2005 to May 2009.](#)

[CERD/C/CAN/CO/19-20. Concluding observations of the Committee on the nineteenth and twentieth periodic reports of Canada, adopted by the Committee at its eightieth session \(13 February – 9 March 2012\).](#)

[OHCHR Fact Sheet No. 12 \(1991\). The Committee on the Elimination of Racial Discrimination](#)