

International Standards on Ethnic Profiling: Decisions and Comments from the UN System

JULY 2016

REVIEW OF KEY LEGAL STANDARDS, including jurisprudence and commentaries, from the UN human rights system on the legal prohibition of ethnic profiling. This Digest includes standards from the ICCPR, CERD and CRC, decisions of the Human Rights Committee and CERD, and recommendations from the Special Procedures and the Universal Periodic Review. Produced by lawyers at the Open Society Justice Initiative with the aim of supporting a wide audience, including litigators, non-discrimination advocates and public authorities, in accessing UN human rights standards and recommendations and applying these in remedying or preventing ethnic profiling practices.

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Acknowledgments

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Comments and questions on the digest, or the Open Society Justice Initiative's work on ethnic profiling, should be addressed to Rebekah Delsol (rebekah.delsol@opensocietyfoundations.org).

Introduction: the problem of ethnic profiling

“Ethnic profiling” is the use by law enforcement of generalizations based on impermissible grounds such as race, ethnicity, religion or national origin - rather than individual behavior or objective evidence - as the basis for suspicion in directing discretionary law enforcement actions. By its nature, ethnic profiling departs from a basic principle of the rule of law: that law enforcement determinations should be based on individuals’ personal conduct, not on their membership of or appearance as belonging to an ethnic, racial, national, or religious group.

Ethnic profiling takes place in law enforcement actions such as identity checks; stops and searches; raids; border and customs checks; vehicle inspections; home searches; mass identity checks; selection of targets for surveillance; data mining; and other police-initiated actions. Such actions may be in the context of domestic policing, immigration control, counter-terrorism operations, or any other law enforcement or security activities. Ethnic profiling can arise in the initial decision to target an individual or in the treatment of an individual after an initial encounter, if law enforcement are more likely to search, arrest or charge people from a particular ethnic background. It can also take place in the discretionary decision-making of individual law enforcement officers, but may also result from law enforcement policies and practices that - while not necessarily defined by reference to ethnicity, race, national origin or religion - in practice, have an impact on those groups that is neither proportionate nor necessary to achieve legitimate law enforcement objectives.

Ethnic profiling, whether it is explicit and deliberate, or unintended, has direct and harmful consequences for individuals and communities, as well as law enforcement and national security.

Ethnic profiling also violates human rights. Under the core international human rights treaties all persons have a right not to be discriminated against, which is violated by the practice of ethnic profiling. As law enforcement officers profile ethnic or religious minorities, they are, wittingly or not, contributing to a growing sense of marginalization and discrimination in minority and immigrant communities. Profiling stigmatizes entire racial, ethnic, or religious groups as more likely to commit crimes and thereby sends a signal to the broader society that certain groups of minorities constitute a threat. Profiling constitutes unlawful discrimination and it perpetuates and reinforces discriminatory attitudes and behavior and xenophobia.

The enjoyment of a number of other human rights is also negatively impacted by ethnic profiling. Police stops based on ethnic profiling can curtail a person’s right to freedom of movement. A physical check, pat down or search conducted as part of the stop can be invasive and amount to a violation of the right to privacy. A person’s right to liberty and security can also be impacted where the encounter with the police results in their use of force. Those that have been subject to ethnic profiling often experience repeated stops by police and being delayed for work or school. The fear often caused by ethnic profiling may also prevent people from exercising their right to freely practice their religion or from engaging in peaceful political activities such as demonstrations.

Ethnic profiling not only breaches fundamental human rights, it is also ineffective. Research from widely varied settings strongly suggests that ethnic profiling is inefficient and may be counter-productive, alienating persons and groups whose assistance is needed by police and law enforcement to prevent, detect and investigate crime and terror threats. Policing is profoundly dependent on the cooperation of the general public; law enforcement needs the public to report crimes, to provide suspect descriptions and witness testimony. Without public cooperation, law enforcement officers rarely identify or apprehend suspects, or obtain convictions.

How to Use this Digest

The digest provides an overview of the provisions in international human rights treaties that are relevant to making arguments challenging ethnic profiling practices, such as the right not to be discriminated against, the right to liberty and security of person, and the right to freedom of movement. It includes provisions from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The provisions of the Convention on the Rights of the Child (CRC) are also included as a relevant source of law since young people in many places are disproportionately affected by ethnic profiling.

The digest also presents an overview of the interpretations of these provisions by the independent bodies set up to monitor States Parties' implementation of these treaties through both their general comments, views on individual cases, and recommendations to States. The Human Rights Committee, which monitors implementation of the ICCPR, is the only treaty body to have decided on an individual communication regarding ethnic profiling and found it to constitute unlawful discrimination. Both the Human Rights Committee and the Committee on the Elimination of Racial Discrimination have also made recommendations to States to prevent and eliminate ethnic profiling practices.

Further the digest provides a summary of recommendations made by relevant UN special rapporteurs and independent experts that are mandated to study and report on thematic human rights issues such as rights of minorities, racism, counter-terrorism, and freedom of religion. None of these mechanisms have studied ethnic profiling practices globally, but have made recommendations to States in the context of their country visits.

The digest also covers how governments have addressed recommendations to other States to combat and eliminate ethnic profiling in the context of the Universal Periodic Review, the UN's peer review mechanism on human rights.

The digest is intended to support a wide audience, including litigators, non-discrimination advocates and public authorities, in accessing UN human rights standards and recommendations and applying these in remedying or preventing ethnic profiling practices.

The UN has increasingly demonstrated its condemnation of ethnic profiling practices and has made many specific recommendations to governments on measures they should take to stop and prevent it. These recommendations can be used in litigation and advocacy to support arguments why ethnic profiling violates international legal obligations and the rights of individuals. They can also be used to guide how public authorities should act and the types of measures they should take to ensure that policing does not compromise the State's human rights obligations.

1. Legal framework

The core international human rights treaties do not contain explicit provisions regarding ethnic profiling. However, a number of rights protected by these treaties are relevant to making legal arguments and claims regarding ethnic profiling. The most important provisions in this regard protect the right of each person to equality and non-discrimination. Provisions on the right to liberty, to freedom of movement and to privacy can also be relied upon in making arguments about how ethnic profiling breaches States' human rights obligations.

The Universal Declaration of Human Rights can be relied on in relation to all States and many of its provisions are considered to be customary international law. The other treaties mentioned here are only directly relevant if the State has ratified them.*

1.1 Universal Declaration of Human Rights

Article 2 – Rights without Discrimination

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. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3 – Life, Liberty and Security

Everyone has the right to life, liberty and security of person.

Article 7 – Equal Protection of the Law

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8 – Effective Remedy

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9 – Protection against Arbitrary Arrest and Detention

No one shall be subjected to arbitrary arrest, detention or exile.

Article 12 – Privacy

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13 – Freedom of Movement

* You can check the ratification status here:

<http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

1.2 International Covenant on Civil and Political Rights

Article 2 – Domestic Implementation and Prohibition of Discrimination

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
 - a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
 - c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 9 – Liberty and Security of Person

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 12 – Freedom of Movement

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13 – Protection of Aliens against Arbitrary Expulsion

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 17 – Privacy

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Article 26 – Equality

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

1.3 International Convention on the Elimination of All Forms of Racial Discrimination

Article 1 – Definition of Racial Discrimination

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.
3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

Article 2 – Duty to Combat Racial Discrimination

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:
 - a) Each State Party undertakes 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, shall act in conformity with this obligation;
 - b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
 - c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
 - d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
 - e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.
3. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 5 – Rights without Racial Discrimination

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to 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:

- a) The right to equal treatment before the tribunals and all other organs administering justice;
- b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- c) 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;

- d) Other civil rights, in particular:
 - i. The right to freedom of movement and residence within the border of the State;
 - ix. The right to freedom of peaceful assembly and association;
- e) Economic, social and cultural rights, in particular:
 - i. 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, to just and favourable remuneration;
 - vi. The right to equal participation in cultural activities;
- f) 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 – Effective Remedy

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

1.4 Convention on the Rights of the Child

Article 1 – Definition of the Child

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2 – Rights without Discrimination

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3 – Best Interests of the Child

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians,

or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

Article 16 – Right to privacy

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

1.5 General Comments/Recommendations

All of the UN treaty monitoring bodies adopt general comments, called general recommendations by CERD and CEDAW, that provide an authoritative interpretation of the meaning of state obligations under the relevant convention. General comments are the committees' commentary on the content of specific treaty provisions, or their relationship with particular themes or issues that have come to their attention. There is a wide range of views on the legal status of general comments among scholars, civil society, states and others. Domestic courts have also adopted different approaches to using the general comments in their decisions. Nevertheless, they remain an important tool for rights advocates in making legal arguments. The Committee on the Elimination of Racial Discrimination has addressed ethnic profiling explicitly in one of its general comments and many other treaty bodies have issued interpretations of treaty provisions relevant to ethnic profiling claims.

1.5.1 General Comments adopted by the Human Rights Committee

General Comment No. 18 : Non-discrimination

7. While these conventions deal only with cases of discrimination on specific grounds, the Committee believes that the term "discrimination" as used in the Covenant should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.
12. While article 2 limits the scope of the rights to be protected against discrimination to those provided for in the Covenant, article 26 does not specify such limitations. That is to say, article 26 provides that all persons are equal before the law and are entitled to equal protection of the law without discrimination, and that the law shall guarantee to all persons equal and effective protection against discrimination on any of the enumerated grounds. In the view of the Committee, article 26 does not merely duplicate the guarantee already provided for in article 2 but provides in itself an autonomous right. It prohibits discrimination in law or in fact in any field regulated and protected by public authorities. Article 26 is therefore concerned with the obligations imposed on States parties in regard to their legislation and the application thereof. Thus, when legislation is adopted by a State party, it must comply with the requirement of article 26 that its content should not be discriminatory. In other words, the application of the principle of non-discrimination contained in article 26 is not limited to those rights which are provided for in the Covenant.

1.5.2 General Comments adopted by the CERD

General Recommendation No. 13: Training of Law Enforcement in the Protection of Human Rights

1. In accordance with article 2, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties have undertaken that all public authorities and public institutions, national and local, will not engage in any practice of racial discrimination; further, States parties have undertaken to guarantee the rights listed in article 5 of the Convention to everyone without distinction as to race, colour or national or ethnic origin.
2. The fulfilment of these obligations very much depends upon national law enforcement officials who exercise police powers, especially the powers of detention or arrest, and upon whether they are properly informed about the obligations their State has entered into under the Convention. Law enforcement officials should receive intensive training to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

General Recommendation No. 30: Discrimination Against Non Citizens

4. Under the Convention, differential treatment based on citizenship or immigration status will constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim. Differentiation within the scope of article 1, paragraph 4, of the Convention relating to special measures is not considered discriminatory.

The Committee went on to recommend that states parties:

7. Ensure that legislative guarantees against racial discrimination apply to non-citizens regardless of their immigration status, and that the implementation of legislation does not have a discriminatory effect on non-citizens.
10. Ensure that any measures taken in the fight against terrorism do not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin and that non-citizens are not subjected to racial or ethnic profiling or stereotyping.
12. Take resolute action to counter any tendency to target, stigmatize, stereotype or profile, on the basis of race, colour, descent, and national or ethnic origin, members of “non-citizen” population groups, especially by politicians, officials, educators and the media, on the Internet and other electronic communications networks and in society at large.
21. Combat ill-treatment of and discrimination against non-citizens by police and other law enforcement agencies and civil servants by strictly applying relevant legislation and regulations providing for sanctions and by ensuring that all officials dealing with non-citizens receive special training, including training in human rights.
23. Ensure that claims of racial discrimination brought by non-citizens are investigated thoroughly and that claims made against officials, notably those concerning discriminatory or racist behaviour, are subject to independent and effective scrutiny.
24. Regulate the burden of proof in civil proceedings involving discrimination based on race, colour, descent, and national or ethnic origin so that once a non-citizen has established a

prima facie case that he or she has been a victim of such discrimination, it shall be for the respondent to provide evidence of an objective and reasonable justification for the differential treatment.

General Recommendation No. 31: Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System

4. The following should be regarded as indicators of potential causes of racial discrimination: ...
(b) The potential indirect discriminatory effects of certain domestic legislation, particularly legislation on terrorism, immigration, nationality, banning or deportation of non-citizens from a country, as well as legislation that has the effect of penalizing without legitimate grounds certain groups or membership of certain communities. States should seek to eliminate the discriminatory effects of such legislation and in any case to respect the principle of proportionality in its application to persons belonging to the groups referred to in the last paragraph of the preamble.[†]
5. States parties should pursue national strategies the objectives of which include the following: ... (b) To develop, through appropriate education programmes, training in respect for human rights, tolerance and friendship among racial or ethnic groups, as well as sensitization to intercultural relations, for law enforcement officials: police personnel, persons working in the system of justice, prison institutions, psychiatric establishments, social and medical services, etc.; (c) To foster dialogue and cooperation between the police and judicial authorities and the representatives of the various groups referred to in the last paragraph of the preamble, in order to combat prejudice and create a relationship of trust; (d) To promote proper representation of persons belonging to racial and ethnic groups in the police and the system of justice.
13. Conversely, it should be the right and duty of any police official or State employee to refuse to obey orders or instructions that require him or her to commit violations of human rights, particularly those based on racial discrimination. States parties should guarantee the freedom of any official to invoke this right without fear of punishment.
20. States parties should take the necessary steps to prevent questioning, arrests and searches which are in reality based solely on the physical appearance of a person, that person's colour or features or membership of a racial or ethnic group, or any profiling which exposes him or her to greater suspicion.

General Recommendation No. 34: People of African Descent

11. Review, adopt and implement national strategies and programmes with a view to improving the situation of people of African descent and protecting them against discrimination by State agencies and public officials, as well as by any persons, group or organization.
38. Also ensure that measures taken in the fight against crimes, including terrorism, do not discriminate in purpose or effect on the grounds of race and colour.
39. Take measures to prevent the use of illegal force, torture, inhuman or degrading treatment or discrimination by the police or other law enforcement agencies and officials against people of African descent, especially in connection with arrest and detention, and ensure that people of African descent are not victims of practices of racial or ethnic profiling.

[†] The preamble refers to “persons belonging to racial or ethnic groups, in particular non-citizens – including immigrants, refugees, asylum-seekers and stateless persons - Roma/Gypsies, indigenous peoples, displaced populations, persons discriminated against because of their descent, as well as other vulnerable groups which are particularly exposed to exclusion, marginalization and non-integration in society...”.

40. Encourage the recruitment of people of African descent into the police and as other law enforcement officials.
41. Organize training programmes for public officials and law enforcement agencies with a view to preventing injustices based on prejudice against people of African descent.

1.5.3 General Comments adopted by the Committee on the Rights of the Child

General Comment No. 10: Children's Rights in Juvenile Justice

6. States parties have to take all necessary measures to ensure that all children in conflict with the law are treated equally. Particular attention must be paid to de facto discrimination and disparities, which may be the result of a lack of a consistent policy and involve vulnerable groups of children, such as street children, children belonging to racial, ethnic, religious or linguistic minorities, indigenous children, girl children, children with disabilities and children who are repeatedly in conflict with the law (recidivists). In this regard, training of all professionals involved in the administration of juvenile justice is important (see paragraph 97 below), as well as the establishment of rules, regulations or protocols which enhance equal treatment of child offenders and provide redress, remedies and compensation.
64. The right of a child to have his/her privacy fully respected during all stages of the proceedings reflects the right to protection of privacy enshrined in article 16 of CRC. "All stages of the proceedings" includes from the initial contact with law enforcement (e.g. a request for information and identification) up until the final decision by a competent authority, or release from supervision, custody or deprivation of liberty. In this particular context, it is meant to avoid harm caused by undue publicity or by the process of labelling.
92. A comprehensive juvenile justice system further requires the establishment of specialized units within the police, the judiciary, the court system, the prosecutor's office, as well as specialized defenders or other representatives who provide legal or other appropriate assistance to the child.
97. It is essential for the quality of the administration of juvenile justice that all the professionals involved, inter alia, in law enforcement and the judiciary receive appropriate training on the content and meaning of the provisions of CRC in general, particularly those directly relevant to their daily practice. This training should be organized in a systematic and ongoing manner and should not be limited to information on the relevant national and international legal provisions. It should include information on, inter alia, the social and other causes of juvenile delinquency, psychological and other aspects of the development of children, with special attention to girls and children belonging to minorities or indigenous peoples, the culture and the trends in the world of young people, the dynamics of group activities, and the available measures dealing with children in conflict with the penal law, in particular measures without resorting to judicial proceedings (see chapter IV, section B, above).

2. Treaty body jurisprudence

The majority of the treaty bodies are able to receive communications from individuals that believe their rights have been violated. The communications procedures can only be invoked by victims if the state has accepted the relevant committee's competence in this regard, by ratifying the protocol granting the jurisdiction to hear individual communications or making the necessary declaration.

The treaty bodies have only in one case, decided by the Human Rights Committee, directly examined a communication regarding ethnic profiling and found the practice to constitute unlawful discrimination. In another case the treaty bodies found that a claim for compensation by someone who has suffered humiliation or other injury to his/her dignity must be considered in all cases, which may be relevant to victims of ethnic profiling.

2.1 Human Rights Committee

Rosalind Williams Lecraft v. Spain

27 July 2009, UNHRC, Comm. 1493/2006

Violation of Article 26 (in conjunction with Article 2(3))

Rosalind Williams, a Spanish citizen of African-American descent was stopped at a train station by a national police officer who asked her to produce her identity document. The police officer did not ask any other passengers on the platform for their documents and explained that he was obligated to check the identity of persons who “looked like her,” adding that “many of them are illegal immigrants.” He went on to explain that in carrying out the identity check, he was obeying an order of the Ministry of the Interior that called on National Police officers to conduct identity checks, in particular, of “persons of color.”

“7.2. The Committee must decide whether being subjected to an identity check by the police means that the author suffered racial discrimination. The Committee considers that identity checks carried out for public security or crime prevention purposes in general, or to control illegal immigration, serve a legitimate purpose. However, when the authorities carry out such checks, the physical or ethnic characteristics of the persons subjected thereto should not by themselves be deemed indicative of their possible illegal presence in the country. Nor should they be carried out in such a way as to target only persons with specific physical or ethnic characteristics. To act otherwise would not only negatively affect the dignity of the persons concerned, but would also contribute to the spread of xenophobic attitudes in the public at large and would run counter to an effective policy aimed at combating racial discrimination.

7.4. ...In the circumstances, the Committee can only conclude that the author was singled out for the identity check in question solely on the ground of her racial characteristics and that these characteristics were the decisive factor in her being suspected of unlawful conduct. Furthermore, the Committee recalls its jurisprudence that not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant. In the case under consideration, the Committee is of the view that the criteria of reasonableness and objectivity were not met. Moreover, the author has been offered no satisfaction, for example, by way of apology as a remedy.

8. In the light of the foregoing, the Human Rights Committee, acting under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, is of the view

that the facts before it disclose a violation of article 26, read in conjunction with article 2, paragraph 3, of the Covenant.

9. In accordance with article 2, paragraph 3 (a), of the Covenant, the State party is under an obligation to provide the author with an effective remedy, including a public apology. The State party is also under an obligation to take all necessary steps to ensure that its officials do not repeat the kind of acts observed in this case.”

Relevance: This is the first and only decision by a UN treaty body explicitly finding that ethnic profiling constitutes unlawful discrimination. The decision reaffirms that a person’s appearance may not be the basis for police stops as part of immigration or crime control. The decision also suggests that profiling that disproportionately affects persons belonging to minorities would constitute unlawful discrimination. Finally, the decision recognizes that ethnic profiling practices negatively impact on the dignity of persons affected and can contribute to the proliferation of xenophobia in society.

2.2 Committee on the Elimination of Racial Discrimination

B. J. v. Denmark

17 March 2000, UNCERD, Comm 17/1999

No violation of Article 6 but compensation nevertheless recommended

B.J. has lived in Denmark since 1984 and has Danish nationality. He went to a discotheque in Odense with his brother and a group of friends. Two of them were of Danish origin and four were not. The doorman of the discotheque refused to let all of them in. When B.J. asked the reason, the doorman replied that it was because they were “foreigners”. B.J. complained that this treatment amounted to racial discrimination and the court ordered the doorman to pay a fine of 1000 DKR. The court also decided that the violation to which the author had been subjected was not of such a grave or humiliating character as to justify the granting of pecuniary compensation as demanded by B.J.

“6.2 The Committee considers that the conviction and punishment of the perpetrator of a criminal act and the order to pay economic compensation to the victim are legal sanctions with different functions and purposes. The victim is not necessarily entitled to compensation in addition to the criminal sanction of the perpetrator under all circumstances. However, in accordance with article 6 of the Convention, the victim's claim for compensation has to be considered in every case, including those cases where no bodily harm has been inflicted but where the victim has suffered humiliation, defamation or other attack against his/her reputation and self-esteem.

6.3 Being refused access to a place of service intended for the use of the general public solely on the ground of a person's national or ethnic background is a humiliating experience which, in the opinion of the Committee, may merit economic compensation and cannot always be adequately repaired or satisfied by merely imposing a criminal sanction on the perpetrator.

7. While the Committee considers that the facts described in the present communication disclose no violation of article 6 of the Convention by the State party, the Committee recommends that the State party take the measures necessary to ensure that the victims of racial discrimination seeking just and adequate reparation or satisfaction in accordance with article 6 of the Convention, including economic compensation, will have their claims considered with due respect for

situations where the discrimination has not resulted in any physical damage but humiliation or similar suffering.”

Relevance: The Committee’s conclusion that a claim for compensation should be considered in all cases, including when the victim has suffered humiliation or other injury to his/her dignity and reputation, may be relevant in cases of ethnic profiling. For individuals stopped and perhaps also searched by police because of their ethnic or other personal characteristics the experience can be humiliating and stigmatizing, and may give grounds for a claim for economic compensation.

3. Concluding observations by treaty bodies

The treaty bodies adopt conclusions and recommendations following the periodic review of state reports on the implementation of the relevant treaty’s provisions. These “concluding observations” identify both positive developments and principal areas of concern to the committee and set out recommendations for how the State should address the identified concerns. As such, they offer useful guidance about the State’s obligations under the treaty.

The treaty bodies can potentially deal with any issue that falls within the ambit of the relevant treaty. The Human Rights Committee and the Committee on the Elimination of Racial Discrimination have both addressed recommendations to states parties regarding ethnic profiling.

The Human Rights Committee has called for stop and search powers to be exercised without discrimination and has recommended the governments undertake training and awareness-raising efforts and establish accessible complaint mechanisms.

The Committee on the Elimination of Racial Discrimination has given extensive attention to racial profiling practices and has made the most specific and detailed recommendations on how to prevent and redress ethnic profiling, including through explicitly banning the practice, recording stops and searches and providing a record to anyone stopped or searched, and criminally or disciplinarily sanctioning law enforcement officials that have engaged in ethnic profiling. The Committee has given particular attention to ethnic profiling of Roma communities in Europe and the increased use of profiling as part of counter-terrorism policies since 2001 and its impact on ethnic and religious minorities.

3.1 Human Rights Committee

The Human Rights Committee has on a few occasions expressed concern about racial profiling in the exercise of stop and search powers targeting foreigners and members of ethnic minorities and its impact on community relations.¹ The Committee has also been concerned with persistent ethnic profiling of Roma communities.²

It has recommended that states parties to the Covenant on Civil and Political Rights ensure that stop and search powers are exercised in a non-discriminatory manner.³ It has further recommended that states undertake sensitization efforts among law enforcement officials, and ensure that mechanisms to receive complaints of racially motivated police misconduct are readily available and accessible.⁴ It has also recommended that States adopt specific measures to raise awareness in order to promote tolerance and diversity in society and ensure that judges, magistrates, prosecutors and all law enforcement officials are trained to be able to detect racially motivated crimes.⁵

3.2 Committee on the Elimination of Racial Discrimination

The Committee on the Elimination of Racial Discrimination is the treaty body that has addressed ethnic profiling by law enforcement most extensively. It has encouraged states parties to the International Convention on the Elimination of All forms of Racial Discrimination to eliminate racial profiling,⁶ including by adopting specific legislation prohibiting racial profiling.⁷ It has strongly recommended that states parties take necessary steps to prevent identity checks, questioning, arrests, searches and interrogations that are based on physical appearance, color or membership of a racial or ethnic group.⁸ The Committee has strongly recommended that states counter any tendency to target, stigmatize or stereotype, which could lead to racial profiling of particular population groups by police and immigration officers.⁹ Persistent racial profiling of Roma has been of concern to the Committee in relation to a number of countries.¹⁰

The Committee has recommended that states parties ensure that all stops by police are properly recorded, whether or not leading to searches, and that a copy of the record is provided to the person concerned for all such incidents in order to safeguard the rights of those subject to these laws and to check possible abuse.¹¹ It has also recommended that states parties amend performance targets for the police to prevent ethnic profiling.¹²

Furthermore, the Committee has recommended that states parties take appropriate action, including disciplinary or criminal proceedings, against public officials who engage in racially selective arrests, searches or other unwarranted acts based solely on the physical appearance of persons belonging to ethnic minorities.¹³ States parties should investigate and punish the practice of racial profiling used by the police,¹⁴ regardless of the official status of perpetrators.¹⁵ The Committee has also identified continuous mandatory human rights training of police and other law enforcement officers,¹⁶ and of staff of the ministry of interior, migration services, and border guards as key to prevent racial profiling and discrimination.¹⁷

In the context of increased counter-terrorism operations following September 11, 2001, the Committee has been concerned with the heightened risk and prevalence of racial profiling against minorities.¹⁸ It has urged states parties to ensure that any actions avoid any suspicion of racial profiling.¹⁹ It has suggested that states parties undertake sensitization campaigns to protect persons and groups from stereotypes associating them with terrorism.²⁰ The Committee has recalled that measures taken in the struggle against terrorism should not discriminate in purpose or effect on grounds of race, color, descent, or national or ethnic origin,²¹ and recommended that national security legislation should contain an explicit non-discrimination clause. It has recommended that states parties review national security measures to ensure that individuals are not targeted on the ground of race or ethnicity,²² and has also requested states to ensure that the application of anti-terrorism legislation does not lead to negative consequences for ethnic and religious groups, migrants, asylum-seekers and refugees, in particular as a result of racial profiling.²³

The Committee has noted the absence of general statistical information on racial profiling and policing disaggregated by ethnic and racial group, and has recommended the collection of such data.²⁴ It has also requested comprehensive data on complaints, prosecutions and punishments for racial profiling,²⁵ as well as on the effectiveness of stop and searches in crime prevention.²⁶ Furthermore, the Committee has expressed concern at the over-representation of certain minority groups in the criminal justice system as a result of ethnic profiling, and has recommended that states parties study the root causes of such over-representation.²⁷

4. Recommendations by special procedures

The special procedures are independent experts mandated by the UN Human Rights Council to examine, monitor and report on a specific thematic issues globally or the human rights situation in a particular country. There are currently 48 such procedures covering a wide range of themes, including the rights of minorities, racial discrimination, the rights of migrants and freedom of religion.²⁸

The special procedures also undertake visits to countries to gather first-hand information about the situation with respect to the issues covered by the mandate. In the context of these visits, several mandates have addressed concerns related to ethnic profiling and directed recommendations to the governments in question, inter alia, to ban ethnic profiling, require stops to be based on reasonable suspicion, to investigate cases of ethnic profiling and punish those responsible for discrimination.

The annual reports of the special procedures analyze theoretical and practical questions related to the topics covered by their mandates, which are set out in resolutions adopted by the Human Rights Council, and often contain recommendations to States. Their recommendations provide guidance to States on how to better ensure respect for human rights.

Several of the special procedures have underlined that ethnic profiling practices contravene the right to equality and non-discrimination and have called for a range of measures to be adopted to prevent and address it. They have recommended that ethnic profiling be prohibited in law, that such misconduct by law enforcement be investigated and that those responsible be held to account. Further they have highlighted the importance of data collection to assess any discriminatory impacts of police practices, and of training for law enforcement on non-discrimination and an ethnically diverse police force for preventing ethnic profiling.

4.1 Independent Expert on minority issues

The Independent Expert has called for the law to require reasonable suspicion as the basis for all police stops, and for statistics to be collected and publicly reported on stops identifying the ethnicity of the person and noting the nature and justification for the action.²⁹

The Independent Expert has underlined the need to ensure that investigations into serious allegations of police misconduct have the confidence of communities concerned, are carried out by bodies that are perceived by communities to be independent, and that mechanisms of civilian oversight are strengthened where they exist or established where they do not.³⁰ Further, the Independent Expert has noted the importance of strengthening community relations, including by increasing minority employment in the police forces.³¹

The Independent Expert has found that the over-representation of Roma in prison in Hungary may partly be attributed to discriminatory practices, notably in police stop and search policies.³² The Independent Expert has proposed that disaggregated data be collected throughout the criminal justice system, including on the percentage of stops that have resulted in grounds for arrest and convictions.³³

4.2 Special Rapporteur on the human rights of migrants

The Special Rapporteur has stated that law enforcement authorities may not racially profile migrant workers.³⁴ The Special Rapporteur has found that profiling may violate the right to equality and non-discrimination when intelligence and law enforcement agents use profiles that

reflect unexamined generalizations such as ethnic or national origin or religion. Further profiling may also be prohibited where it is based on a person's country of origin if this is used as a proxy for racial or religious profiling.³⁵

The Special Rapporteur has recommended that States ensure respect for the prohibition of discrimination and specifically prohibit in law and practice the use of profiles that reflect unexamined generalizations, such as profiling based on ethnic or national origin or religion.³⁶ The Special Rapporteur has further called for mechanisms to avoid disproportionate scrutiny of foreigners entering a country with valid documentation.³⁷

The mandate has also proposed that States strengthen the response of police and justice authorities to ensure that perpetrators of police profiling of foreign nationals are held accountable and establish a body to coordinate government responses to police profiling.³⁸

4.3 Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Special Rapporteur on racism is explicitly mandated to focus on the practice of racial profiling and profiling on the basis of any grounds of discrimination prohibited by international human rights law. The mandate has given significant attention to ethnic profiling.

The Special Rapporteur has stated that “racial and religious profiling, in view of its widespread practice in all continents, and especially of the responsibility borne by the central law enforcement agencies, appears as an alarming indicator of the rise of a racist and discriminatory culture and mentality in many societies. The recognition of this practice and the adoption of legislative, judicial and administrative measures to ban and punish it must be built in to all national programmes for combating racism, discrimination and xenophobia.”³⁹

The Special Rapporteur has examined racial profiling practices in the context of a number of country visits.⁴⁰ The Special Rapporteur has called for states to take measures to stop practices of racial profiling, particularly racially targeted passport and document checks conducted against specific communities by law enforcement agents as well as within the framework of countering-terrorism, including the adoption of specific legislation prohibiting racial profiling and guidance to law enforcement officials about the obligation of equal treatment as well as clear criteria for law enforcement agents for initiating and conducting stops and identity checks.⁴¹ The mandate has also recommended the introduction and implementation of registration forms by the police to record all identity checks and provide a record to victims of ethnic profiling.⁴²

Further, the mandate has suggested that adequate mechanisms should be put in place to identify and punish unprofessional behavior by officials, and that efforts be made to ensure that law enforcement forces have a multicultural composition.⁴³ Independent oversight bodies should be established within police agencies, with real authority to investigate complaints of human rights violations in general and racism in particular.⁴⁴

The Special Rapporteur has recommended training and sensitization of law enforcement officials to ensure that their duties are carried out with no distinction as to race, color, national or ethnic origin.⁴⁵ The Special Rapporteur has suggested that states monitor trends regarding racial profiling and treatment of minorities by law enforcement through the collection and publication of data about police stops and searches as well as instances of police abuse.

4.4 Special Rapporteur on the promotion and protection of human rights while countering terrorism

The Special Rapporteur has underlined that measures designed to counter terrorism must conform to the principle of non-discrimination.⁴⁶ The Special Rapporteur has found that the use of clusters of indicators to profile potential suspects is, in principle, a permissible means of investigation and law enforcement activity.⁴⁷ However, preventive counter-terrorism efforts that are not intelligence-led may not be based on stereotypical generalizations that certain ethnic or religious groups pose a greater terrorist risk than others.⁴⁸ The Special Rapporteur has stated that when profiling is based on a person's ethnic or national origin or religion, it gives rise to questions about compliance with the principle of non-discrimination.⁴⁹ The Special Rapporteur has further stated that stop and searches based on stereotypical assumptions that certain ethnic or religious groups are more likely to pose a terrorist threat may amount to disproportionate and arbitrary interference with the right to freedom of movement, the right to privacy, and/or the right to personal liberty.⁵⁰

The Special Rapporteur has underlined that profiling must strictly comply with the principles of necessity, proportionality and non-discrimination; be subject to close judicial scrutiny; and be periodically reviewed.⁵¹ The Special Rapporteur has recommended that States do not use the country of origin of a person as a proxy for racial or religious profiling and do not act in a manner which might be seen as advocating the use of race and religion for the identification of persons as terrorists.⁵²

4.5 Special Rapporteur on freedom of religion

The Special Rapporteur has stated that terrorist-profiling practices based on stereotypical assumptions that persons of a certain religion or ethnic origin are particularly likely to commit attacks may lead to practices that are incompatible with the principle of non-discrimination.⁵³ The mandate has also recognized that profiling may result in a lack of trust between the police and communities and negatively affect law enforcement and counter-terrorism efforts.⁵⁴ The Special Rapporteur has also endorsed calls for the implementation of “stop forms” to record all stops and searches and provide the person concerned with a copy.⁵⁵

4.6 Working Group of experts on people of African descent

The official report on the Working Group's visit to the United Kingdom in 2012 is expected in September 2013.

5. Universal Periodic Review

The Universal Periodic Review (UPR) process is a peer review process of the human rights record of all UN member states carried out by other member states at the UN Human Rights Council.⁵⁶

States can both ask questions and make recommendations during the review. The state under review is expected to provide its views on each of the recommendations put forward indicating whether it accepts or rejects them. The recommendations often lack specificity and may not reflect international legal standards. While these recommendations are more political and general in nature, they often reflect suggestions made by treaty bodies and special procedures. However, it is a concern that states can reject even legally sound recommendations on spurious grounds.

UPR recommendations can serve as a useful advocacy tool at the domestic level, especially where the government has agreed to them. Civil society can engage with relevant parts of government, national human rights institutions and the media to promote implementation of the recommendations, and can monitor progress. Civil society should pay attention to the reasons given by the government for rejecting recommendations as the reasons may contravene the State's international legal obligations.

In the context of the UPR, a number of recommendations to address and eliminate ethnic profiling have been made, and in many cases accepted by states. For a detailed overview of the recommendations, please see the annex.

Mostly States from the Global South have made recommendations to Western States to address ethnic profiling. Egypt and Pakistan have often raised concerns, and from Latin America Brazil and Mexico have taken an interest in the issue. Only four European or Western States, Austria, Canada, Greece and the United States, have made recommendations on ethnic profiling. It is interesting to note that Canada and the United States have themselves received recommendations from other governments regarding ethnic profiling. Western States have been the only recipients of recommendations to end ethnic profiling. Often the recommendations have highlighted the discriminatory targeting of Arab and Muslim minorities and have referred to both racial and religious profiling. The recommendations have covered the use of ethnic profiling both in the control of ordinary crime and immigration and in efforts to counter terrorism.

The recommendations have included encouragement to prohibit ethnic profiling and take other measures to prevent it. Many recommendations have focused on the need to provide and improve human rights education and training for law enforcement officials, and to undertake sensitization campaigns.

Regrettably almost one third of the recommendations, especially the more concrete and specific ones, have been rejected by the governments that received them. Two States, Ireland and the United Kingdom, are primarily responsible for this disappointing statistic by having rejected all or the vast majority of the many recommendations to end ethnic profiling addressed to them.

ANNEXES

I Treaty body recommendations

Treaty body	Country, year	Recommendation
<u>HRC</u>	UK, 2008 ⁵⁷	<p>29. While the Committee notes that the State party is currently investigating the practice of “stop and search” in order to ensure that it is applied fairly and appropriately to all communities, it remains concerned about the use of racial profiling in the exercise of stop and search powers and its adverse impact on race relations. (art. 26)</p> <p>The State party should ensure that stop and search powers are exercised in a non-discriminatory manner. To that end, the State party should undertake a review of stop and search powers under section 44 of the Terrorism Act 2000.</p>
	Russia, 2009 ⁵⁸	<p>11. The Committee expresses its concern at reports of an increasing number of hate crimes and racially motivated attacks against ethnic and religious minorities, as well as persistent manifestations of racism and xenophobia in the State party, including reports of racial profiling and harassment by law enforcement personnel targeting foreigners and members of minority groups. The Committee is also concerned about the failure on the part of the police and judicial authorities to investigate prosecute and punish hate crimes and racially motivated attacks against ethnic and religious minorities, often qualified merely as “hooliganism”, with charges and sentences that are not commensurate with the gravity of the acts. (arts. 6,7, 20 and 26)</p> <p>The State party should make a sustained effort to improve the application of laws punishing racially motivated crimes and ensure adequate investigation and prosecution of all cases of racial violence and incitement to racially motivated violence. Adequate reparation, including compensation, should be provided to the victims of hate crimes. The State party is also encouraged to pursue public education campaigns to sensitize the population to the criminal nature of such acts, and to promote a culture of tolerance. Furthermore, the State party should intensify its sensitization efforts among law enforcement officials, and ensure that mechanisms to receive complaints of racially motivated police misconduct are readily available and accessible.</p>
	Hungary, 2010 ⁵⁹	<p>18. The Committee is concerned at the virulent and widespread anti-Roma statements by public figures, the media, and members of the disbanded Magyar Gárda. The Committee is also concerned at the persistent ill-treatment and racial profiling of the Roma by the Police. Furthermore, it is concerned at indications of rising anti-Semitism in the State party. The Committee is concerned at the Constitutional Court’s restrictive interpretation of article 269 of the Penal Code on incitement to violence, which may be incompatible with the State</p>

		<p>party's obligations under article 20. (art. 20).</p> <p>The State party should adopt specific measures to raise awareness in order to promote tolerance and diversity in society and ensure that judges, magistrates, prosecutors and all law enforcement officials are trained to be able to detect hate and racially motivated crimes. The State party should ensure that members or associates of the current or former Magyar Gárda are investigated, prosecuted, and if convicted, punished with appropriate sanctions. Furthermore, the State party should remove impediments to the adoption and implementation of legislation combating hate speech that complies with the Covenant.</p>
	Kazakhstan, 2011 ⁶⁰	<p>8. While the Committee appreciates the State party's need to adopt measures to combat acts of terrorism, including the formulation of appropriate legislation to punish such acts, it regrets reports that law enforcement officials target vulnerable groups such as asylum-seekers and members of Islamic groups in their activities to combat terrorism (arts. 2 and 26).</p> <p>The State party should adopt measures to ensure that the activities of its law enforcement officials in the fight against terrorism do not target individuals solely on the basis of their status or religious belief and manifestation. Furthermore, the State party should ensure that any measures to combat terrorism are compatible with the Covenant and international human rights law. In this regard, the State party should compile comprehensive data, to be included in its next periodic report, on the implementation of anti-terrorism legislation and how it affects the enjoyment of rights under the Covenant.</p>
	USA, 2014 ⁶¹	<p>7. While welcoming plans to reform the "stop and frisk" programme in New York City, the Committee remains concerned about the practice of racial profiling and surveillance by law enforcement officials targeting certain ethnic minorities and the surveillance of Muslims, undertaken by the Federal Bureau of Investigation (FBI) and the New York Police Department (NYPD), in the absence of any suspicion of wrongdoing (arts. 2, 9, 12, 17 and 26).</p> <p>The State party should continue and step up measures to effectively combat and eliminate racial profiling by federal, state and local law enforcement officials, inter alia, by:</p> <p>(a) Pursuing the review of its 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies and expanding protection against profiling on the basis of religion, religious appearance or national origin;</p> <p>(b) Continuing to train state and local law enforcement personnel on cultural awareness and the inadmissibility of racial profiling; and</p> <p>(c) Abolishing all "stop and frisk" practices.</p>
	Chile, 2014 ⁶²	<p>7. The Committee remains concerned (CCPR/C/CHL/CO/5, para. 7) about the definition of terrorism in the Counter-Terrorism Act (Act No. 18314), which is excessively broad and could be applied arbitrarily. For example, although the delegation stated that the Act is not used to prosecute members of the Mapuche community, the Committee is concerned by reports that it has been used to investigate and, in some cases, to prosecute members of Mapuche communities.</p>

		<p>The Committee repeats that the procedural guarantees set out in the Covenant have been restricted by the application of this Act (arts. 2, 14, 26 and 27).</p> <p>The State party should amend the Counter-Terrorism Act and adopt a clear and precise definition of terrorism offences in order to ensure that the counter-terrorism efforts of law enforcement personnel do not target specific individuals on account of their ethnic origin or any other social or cultural factors. It should, furthermore, ensure that the procedural guarantees contained in article 14 of the Covenant are observed. The Committee urges the State party to refrain from applying the CounterTerrorism Act against the Mapuches.</p>
	Japan, 2014 ⁶³	<p>20. The Committee is concerned about reports on widespread surveillance of Muslims by law enforcement officials (arts. 2, 17 and 26).</p> <p>The State party should:</p> <p>(a) Train law enforcement personnel on cultural awareness and the inadmissibility of racial profiling, including the widespread surveillance of Muslims by law enforcement officials;</p> <p>(b) Ensure that affected persons have access to effective remedies in cases of abuse.</p>
	Russia, 2015 ⁶⁴	<p>9. The Committee remains concerned (see CCPR/C/RUS/CO/6 and Corr.1, para. 11) about reports of racial profiling by law enforcement officers targeting Roma, persons originating from the Caucasus, Central Asia and Africa, who appear to be disproportionately affected by frequent identity checks, confiscation of identity documents, extortion of bribes, harassment, arrests, detentions, physical violence and verbal abuse (arts. 2, 9, 12, 17 and 26).</p> <p>The State party should take all the measures necessary to effectively combat and eliminate racial profiling by law enforcement officers, inter alia by clearly defining and prohibiting racial profiling by law and providing mandatory training on cultural awareness and the inadmissibility of racial profiling to law enforcement personnel. It should also investigate misconduct based on racially discriminatory grounds and bring perpetrators to justice.</p>
	Croatia, 2015 ⁶⁵	<p>7. The Committee is concerned about the practice of ethnic profiling by law enforcement officials targeting certain ethnic minorities, particularly Roma, who appear to be disproportionately affected by frequent identity checks and interrogations in the absence of any suspicion of wrongdoing (arts. 2, 9, 12, 17 and 26).</p> <p>The State party should take all the measures necessary to effectively combat and eliminate ethnic profiling by law enforcement officers, inter alia by clearly defining and prohibiting ethnic profiling by law and providing mandatory training on cultural awareness and the inadmissibility of ethnic profiling to law enforcement personnel. It should also investigate misconduct on the basis of ethnic discrimination, and sanction perpetrators adequately.</p>
	UK, 2015 ⁶⁶	<p>11. The Committee is concerned about the use of stop and search powers in Scotland, and particularly about non-statutory searches undertaken on a large scale by Police Scotland that appear to involve, inter alia, the selective application of such measures in a manner that</p>

		<p>is allegedly unlawful and disproportionate. Furthermore, while noting the authorization procedure, introduced in 2012, for the use of stop and search powers without reasonable suspicion in the Justice and Security (Northern Ireland) Act 2007, the Committee observes that no data on the community background of persons stopped and searched under that Act appear to have been gathered so as to ensure that such powers are not used disproportionately and arbitrarily against individuals of a particular ethnicity (arts. 2, 9, 12, 17 and 26).</p> <p>The State party should:</p> <p>(a) Repeal non-statutory stop and search powers in Scotland and pursue its efforts aimed at improving the process of selecting targets under statutory mandates, so as to ensure conformity with the Covenant, engage in training of law enforcement officers, undertake comprehensive data-gathering about the application of stop and search powers and improve the transparency of the process;</p> <p>(b) Implement, as a matter of priority, the recommendation by the Policing Board to the Police Service of Northern Ireland (PSNI) concerning the inclusion on the PSNI's recording form of the community background of persons stopped and searched under the Justice and Security (Northern Ireland) Act 2007;</p> <p>(c) Ensure the operation of robust independent scrutiny and oversight of any stop and search powers in the United Kingdom with a view to ensuring that such powers are not exercised in an arbitrary or discriminatory manner and are fully compliant with the State party's obligations under articles 2, 9, 12, 17 and 26 of the Covenant.</p>
	Macedonia, 2015 ⁶⁷	<p>16. The Committee is concerned about the fact that between 2011 and the end of 2014, thousands of State party nationals were denied exit from the territory of the State party and about allegations of ethnic profiling, particularly of Roma, limiting freedom of movement across the State party's borders (art. 12).</p> <p>The State party should take measures to ensure that the right to freedom of movement in the State party is fully respected, in compliance with article 12 of the Covenant.</p>
	Spain, 2015 ⁶⁸	<p>8. Although it takes note of article 16 of Organic Act No. 4/2015 on the protection of public safety (Public Safety Act), which relates to identification procedures, the Committee is concerned at the continuing use of police identity checks based on racial and ethnic profiling targeting certain ethnic minorities, particularly the Roma (arts. 2, 12, 17 and 26).</p> <p>The State party should adopt all necessary measures to effectively reduce and eliminate the use of ethnic profiling by the police and law enforcement officials by providing more training for its officials on such issues as cultural awareness and the inadmissibility of the use of ethnic profiling. It should also investigate cases of misconduct based on ethnic discrimination and prosecute offenders.</p>
	Austria, 2015 ⁶⁹	<p>19. The Committee appreciates the measures taken to facilitate the filing of complaints against racial profiling and police misconduct and the introduction of racial sensitivity training for police and other officials. The Committee is concerned, however, at information indicating that racial profiling and police misbehaviour on the basis</p>

		<p>of physical appearance, colour, ethnic or national origin persists in the State party (arts. 2, 7, 10 and 26).</p> <p>The State party should ensure that its legislation clearly prohibits racial profiling by the police and prevent investigation, arbitrary detention, searches and interrogation on the basis of physical appearance, colour or ethnic or national origin. It should continue to provide all law enforcement personnel with racial sensitivity training in order to curb racial profiling and police misbehaviour towards ethnic minorities. Law enforcement personnel who commit offences against persons belonging to ethnic minorities should be held accountable. The Austrian Ombudsman Board should take steps to raise awareness about its new competence to receive complaints and consider making use of its ex officio powers to open investigations into allegations of racial discrimination and racially motivated misconduct by the police.</p>
	Sweden, 2016 ⁷⁰	<p>22. While acknowledging the policy principles reflected in government communications 2011/12:73 and 2014/15:146, on the national counter-terrorism strategy, and noting the intention of the State party to undertake a comprehensive evaluation of criminal law regulations related to terrorism, the Committee is concerned about the reported discrepancy between the number of arrests and the number of convictions under the Terrorism Act, and about allegations of the de facto practice of “branding of persons” of a foreign and minority background, unfairly targeting Muslims in counter-terrorism-related law enforcement and investigations (arts. 2, 9 and 26).</p> <p>The State party should pursue its plans to review comprehensively the counterterrorism legislation and ensure that any existing and future counter-terrorism legislation and practices are in full conformity with the State party’s obligations under the Covenant, including with the principle of non-discrimination and the right to liberty and security. It should, inter alia, ensure that the principles of necessity and proportionality are strictly observed in the application of arrest powers under the Terrorism Act, and take effective measures to prevent different treatment by law enforcement officials of criminal suspects by reason of their religion and/or ethnicity, including by providing appropriate training on cultural awareness and the inadmissibility of racial profiling.</p>
	New Zealand, 2016 ⁷¹	<p>23. The Committee notes the information provided regarding the outcomes of the investigations relating to the so-called Operation Eight (anti-terrorism raids carried out on 14 October 2007), as well as the efforts made to incorporate some of the recommendations from the Independent Police Conduct Authority in the police operational planning and operational guidelines. It also notes statements by State officials suggesting an “unconscious bias” in police operations towards Māori and is concerned about allegations of racial profiling involving Māori and persons of African descent (arts. 2, 7, 14, 26 and 27).</p> <p>The State party should undertake a comprehensive review of law enforcement operational policies in order to ensure their conformity with human rights principles, including the</p>

		prohibition of discrimination, and to evaluate their impact on indigenous peoples. The State party should also provide training to law enforcement officials in order to sensitize them to the need to conduct themselves in a way that does not lead, even unintentionally, to acts of racial profiling.
<u>CERD</u>	USA, 2001 ⁷²	388. The Committee welcomes recent measures, including the launching in 1997 of the “Initiative on Race”, the establishment of the Minority Business Development Agency under the Department of Commerce in order to redress racial and ethnic discrimination in the industrial market, as well as the efforts made to eliminate the practice of racial profiling, and encourages the continuation of such initiatives.
	Ukraine, 2001 ⁷³	375. The Committee was disturbed by the oral statement of the delegation that many nationals of a certain African country are involved in drug trafficking in Ukraine. The Committee strongly recommends that the State party take actions to counter any tendency to target, stigmatize or stereotype, which could lead to racial profiling of particular population groups by police and immigration officers as well as in the media and society at large.
	Republic of Moldova, 2002 ⁷⁴	223. The Committee notes reports according to which, after the tragic events of 11 September 2001 in the United States, a parliamentary inquiry was conducted into the alleged existence of terrorists among students of Arab origin at the International Independent University of Moldova. The State party should ensure that actions taken should follow due process of law and that they avoid any suspicion of racial profiling.
	Canada, 2002 ⁷⁵	338. The Committee notes with concern that, in the aftermath of the events of 11 September 2001 Muslims and Arabs have suffered from increased racial hatred, violence and discrimination. The Committee therefore welcomes the statement of the Prime Minister in the Ottawa Central Mosque condemning all acts of intolerance and hatred against Muslims, as well as the reinforcement of Canadian legislation to address hate speech and violence. In this connection, the Committee requests the State party to ensure that the application of the Anti-terrorism Act does not lead to negative consequences for ethnic and religious groups, migrants, asylum-seekers and refugees, in particular as a result of racial profiling.
	Canada, 2007 ⁷⁶	11. The Committee regrets the paucity of available disaggregated data that allows for an overall assessment of the socio-economic conditions of various ethnic and racial groups in the population, including African Canadians, particularly in the fields of employment and education. The Committee also notes the absence of general statistical information on hate crimes, racial profiling and policing, disaggregated by ethnic and racial group. The Committee recommends that the State party consider implementing a nationwide collection of disaggregated data based on racial and ethnic groups, as well as gender, which will allow for a better evaluation of the overall situation of different

		<p>racial and ethnic groups in the State party.</p> <p>14. The Committee is concerned about the heightened risks of racial profiling and discrimination on the ground of racial or ethnic origin in the context of increased national security measures in the State party, and in particular, in the application of the Anti-Terrorism Act (2001). The Committee is also concerned about the use by the State party of security certificates under the Immigration and Refugee Protection Act which provides for indefinite detention without charge or trial of non-nationals who are suspected of terrorism-related activities. The Committee notes in this respect the findings of the Supreme Court in the case <i>Charkaoui v. Canada</i>, of 23 February 2007 (art. 2).</p> <p>While acknowledging the State party’s national security concerns, the Committee underlines the obligation of the State party to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin. The Committee urges the State party to continue to review existing national security measures, and to ensure that individuals are not targeted on the ground of race or ethnicity. The Committee also recommends that the State party undertake sensitisation campaigns to protect persons and groups from stereotypes associating them with terrorism. The Committee further recommends that the State party consider amending the Anti-Terrorism Act to include an explicit anti-discrimination clause.</p>
	Austria, 2008 ⁷⁷	<p>18. While taking note of the decree of the Federal Minister of the Interior (2002) concerning the use of non-discriminatory language and expressions by law enforcement officers in their work activities, especially when interacting with persons of foreign origin, and the inclusion of human rights in the training curricula of police officers, the Committee is concerned about reported cases of ill-treatment, arbitrary controls and verbal abuse by the police against noncitizens, notably asylum-seekers, persons of African descent and Roma. (art. 5 (b))</p> <p>In light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee strongly recommends that the State party take the necessary steps to prevent questioning, arrests, searches and interrogations which are based on physical appearance, colour or membership of a racial or ethnic group, or any profiling. The Committee further urges the State party to severely punish acts of ill treatment committed by law enforcement officials against non-citizens.</p>
	Russia, 2008 ⁷⁸	<p>12. The Committee notes that article 286 of the Criminal Code criminalizes violations of rights and lawful interests of individuals and organizations committed in an official capacity while exceeding official powers. It is nevertheless concerned that, despite this provision, ethnic minorities such as Chechens and</p>

		<p>other persons originating from the Caucasus or from Central Asia, as well as Roma and Africans, reportedly continue to be subject to disproportionately frequent identity checks, arrests, detentions and harassment by the police and other law enforcement officers (arts. 2, para. 1 (a), 5 (b) and 5 (d) (i)).</p> <p>The Committee recommends that the State party take appropriate action, including disciplinary or criminal proceedings, against public officials who engage in racially selective arrests, searches or other unwarranted acts based solely on the physical appearance of persons belonging to ethnic minorities, provide continuous mandatory human rights training to police and other law enforcement officers to prevent such profiling, and amend the performance targets for the police accordingly. In this connection, the Committee draws the attention of the State party to general recommendation 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.</p>
	Switzerland, 2008 ⁷⁹	<p>14. While noting the explanation provided by the delegation with regard to the exigencies of national security, the Committee is concerned at the use of racial profiling, including in airports. The Committee is also concerned by the lack of statistics regarding racial profiling at cantonal level. (art.2)</p> <p>The Committee recommends that the State party review existing national security measures and ensure that individuals are not targeted on the grounds of race or ethnicity. In this regard, the Committee invites the State party to take account of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system. The Committee also requests the State party to compile information regarding racial profiling at the cantonal level.</p>
	USA, 2008 ⁸⁰	<p>14. The Committee notes with concern that despite the measures adopted at the federal and state levels to combat racial profiling, including the elaboration by the Civil Rights Division of the U.S. Department of Justice of the Guidance Regarding the Use of Race by Federal Law Enforcement Agencies, – such practice continues to be widespread. In particular, the Committee is deeply concerned about the increase in racial profiling against Arabs, Muslims and South Asians in the wake of the 11 September 2001 attack, as well as about the development of the National Entry and Exit Registration System (NEERS) for nationals of 25 countries, all located in the Middle East, South Asia or North Africa (arts. 2 and 5 (b)).</p> <p>Bearing in mind its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party strengthen its efforts to combat racial profiling at the federal and state levels, inter alia, by moving expeditiously towards the adoption of the End Racial Profiling Act, or similar federal legislation. The Committee also draws the attention of the State party to its general recommendation No. 30 (2004) on discrimination against non-</p>

		<p>citizens, according to which measures taken in the fight against terrorism must not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin, and urges the State party, in accordance with article 2, paragraph 1 (c), of the Convention, to put an end to the National Entry and Exit Registration System (NEERS) and to eliminate other forms of racial profiling against Arabs, Muslims and South Asians.</p>
	Philippines, 2009 ⁸¹	<p>15. While noting the State party’s information on legislative, judicial and administrative measures taken at the national, provincial and local levels with the aim of protecting against racial discrimination and that the “2007 Anti-Religious and Racial Profiling” bill is pending consideration by Congress, the Committee remains concerned that the State party has not adopted a comprehensive anti-discrimination law.</p> <p>The Committee recommends that the State party adopt a comprehensive law on the elimination of discrimination on the grounds of race, color, descent or national or ethnic origin, covering all rights and freedoms protected under the Convention. The Committee asks for further information on the status of the “2007 Anti-Religious and Racial Profiling” bill and any other bills relating to racial discrimination pending consideration by Congress.</p>
	Australia, 2010 ⁸²	<p>12. The Committee is concerned that the collection of biometric data of applicants for Australian visas in 10 countries, as part of national security measures, may constitute racial profiling and may contribute to increased stigmatization of certain groups (art. 2).</p> <p>While acknowledging the State party’s national security concerns, the Committee underlines the obligation of the State party to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin. The Committee draws the State party’s attention to its statement on racial discrimination and measures to combat terrorism of 8 March 2002 (A/57/18, chap. XI, sect. C) and recommends that it undertake sensitization campaigns against stereotypes associating certain groups with terrorism.</p>
	Denmark, 2010 ⁸³	<p>10. The Committee regrets that the State party has neither provided satisfactory data on the numbers and legal status of the Roma generally nor accounted for the Roma from other European Union (EU) countries who settled in the State party during the post-1990 period (arts. 2 and 5).</p> <p>The Committee recommends that the State party take appropriate measures to establish the numbers and legal status of the Roma in the country. The State party should also provide shelter to the Roma and Travellers in the country, afford them full protection from discrimination, racial profiling, hate crimes, and facilitate their access to public services.</p>
	Panama, 2010 ⁸⁴	<p>21. The Committee expresses its concern at the fact that the administration of justice has not adopted suitable measures to protect</p>

		<p>the rights of Afro-Panamanians and indigenous peoples and that the perpetrators of violations are as a rule unpunished. The Committee is also concerned that legal advice is inadequate and not always available in the indigenous languages.</p> <p>The Committee draws the attention of the State party to its general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system. It encourages the State party to strengthen the provision of legal advice and to ensure that proper interpretation into indigenous languages is provided during trials. The Committee recommends that the State party pay particular attention to the conditions of imprisonment of the large number of Afro-Panamanians deprived of their liberty. In addition, the Committee urges the State party to ensure that remedies are effective, independent and impartial and that victims receive fair and proper compensation. The Committee urges the State party to investigate and punish the practice of racial profiling used by the police against the population of African descent.</p>
	Romania, 2010 ⁸⁵	<p>15. The Committee notes with concern the excessive use of force, ill-treatment and abuse of authority by police and law enforcement officers against persons belonging to minority groups, and Roma in particular. It is also concerned about the use of racial profiling by police officers and judicial officials (art. 5).</p> <p>Bearing in mind its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee encourages the State party to:</p> <p>(a) Continue to take measures and to enforce existing measures, particularly Act No. 218/2002 and Act No. 360/2002, with a view to combating the excessive use of force, ill-treatment and abuse of authority by the police against persons belonging to minority groups, including Roma;</p> <p>(b) Facilitate access to remedies by persons belonging to minorities in respect of such behaviour;</p> <p>(c) Guarantee the effective and objective processing of complaints, under the supervision of the Inspectorate General of the Police;</p> <p>(d) Ensure that such behaviour is indeed prosecuted and punished by the judicial authorities;</p> <p>(e) Continue, meanwhile, to recruit Roma into the police force.</p> <p>The Committee also recommends that the State party eliminate the use of racial profiling by the police and justice system and that it provide comprehensive data, in its next report, on complaints, prosecutions and punishments for such behaviour.</p>
	Albania, 2011 ⁸⁶	<p>15. The Committee reiterates its concern about allegations that members of the Roma minority, especially the young, face ethnic profiling and are subjected to ill-treatment and improper use of force by police officers. It regrets the absence of specific information in this regard by the State party (art. 5).</p>

		The Committee reiterates its recommendation that the State party take measures to halt such practices and to increase law enforcement officials' sensitivity to human rights and training in matters involving racial discrimination.
	Spain, 2011 ⁸⁷	<p>10. The Committee is concerned about the information received on identity checks and police raids carried out on the basis of ethnic and racial profiling in public places and neighbourhoods with high concentrations of foreigners, with the aim of arresting anyone in an irregular situation in the State party (arts. 2, 5 and 7).</p> <p>Recalling its general recommendation No. 31 (2005), the Committee urges the State party to take effective measures to eradicate the practice of identity checks based on ethnic or racial profiling. Furthermore, the Committee recommends that the State party consider amending those provisions of Circular No. 1/2010 of the General Commissariat for Immigration and Borders and the relevant national legislation which allow interpretations that, in practice, can lead to indiscriminate detention and the restriction of the rights of foreign citizens in Spain. The Committee also reminds the State party that, in light of its general recommendation No. 13 (1993), law enforcement officials should receive intensive training in human rights in order to guarantee that in the course of their duties they respect and protect the fundamental rights of all persons without discrimination on the basis of race, colour or ethnic or national origin.</p>
	Ireland, 2011 ⁸⁸	<p>18. The Committee is concerned at the lack of legislation proscribing racial profiling by the Garda Síochána (Police) and other law enforcement personnel. The Committee also notes with regret reports that many non-Irish people are subjected to police stops, and are required to produce identity cards, which practice has the potential to perpetuate racist incidents and the profiling of individuals on the basis of their race and colour (arts. 2, 3 and 6)</p> <p>The Committee recommends that the State party adopt legislation that prohibits any form of racial profiling, a practice which has the danger of promoting racial prejudice and stereotypes against certain racial groups in the State party. Furthermore, the State party should strengthen its efforts to promote the humane treatment of migrants and people of non-Irish origin by the Garda Síochána (Police) and other law enforcement personnel in accordance with international human rights law. The Committee further recommends that the State party establish appropriate mechanisms to encourage the reporting of racist incidents and crimes.</p>
	Ukraine, 2011 ⁸⁹	<p>10. The Committee expresses its concern at the dismissive attitudes and reluctance to accept the racist or discriminatory nature of hate crimes by the law enforcement authorities as well as the repeated incidents of ethnic and racial profiling by the police, resulting in a majority of the reported hate crimes remaining unanswered (art. 4 (a)).</p> <p>In light of its general recommendation No. 31 (2005), the</p>

		<p>Committee urges that the State party take immediate measures to effectively investigate reported hate crimes and ensure that the police do not engage in racial or ethnic profiling when conducting document checks on foreigners or members of “visible minorities”. To that end, the Committee recommends that the State party investigate and bring to justice perpetrators of such acts regardless of their official status, and continue to expand training on human rights issues for staff of the Ministry of the Interior, State Migration Service, State Border Guard Service and the police.</p>
	UK, 2011 ⁹⁰	<p>18. The Committee regrets the increased use of “stops and searches” by the police which disproportionately affect members of minority ethnic groups, particularly persons of Asian and African descent. The Committee further regrets reports that the State party has discontinued the issuance of reports for stops unless they lead to a search, and has adopted a policy to issue only receipts for stops and searches instead of a full record. The Committee is concerned that these measures may not only encourage racial and ethnic stereotyping by police officers but may also encourage impunity and fail to promote accountability in the police service for possible abuses (arts. 2 and 5).</p> <p>In light of general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee urges the State party to review the impact of “stop and search” powers on ethnic minority groups under various pieces of legislation in the State party. It recommends that the State party ensure that all stops are properly recorded, whether or not leading to searches, and that a copy of the record is provided to the person concerned for all such incidents in order to safeguard the rights of those subject to these laws and to check possible abuse. The Committee requests the State party to provide in its next periodic report detailed statistical data disaggregated by ethnicity and community origin on the use of stop and search powers and their effectiveness in crime prevention.</p>
	Canada, 2012 ⁹¹	<p>11. The Committee is concerned at reports that African Canadians, in particular in Toronto, are being subjected to racial profiling and harsher treatment by police and judicial officers with respect to arrests, stops, searches, releases, investigations and rates of incarceration than the rest of the population, thereby contributing to the overrepresentation of African Canadians in the system of criminal justice of Canada (art. 2, 5).</p> <p>Recalling its General Recommendation no 34 (2011) on racial discrimination against people of African descent and in light of its General Recommendation no. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee reminds the State party that racial profiling should be prevented at all stages of criminal procedure. The Committee recommends that the State party:</p> <p>(a) Take necessary steps to prevent arrests, stops, searches and investigations and over-incarceration targeting different groups, particularly African Canadians, on the basis of their ethnicity;</p>

		<p>(b) Investigate and punish the practice of racial profiling;</p> <p>(c) Train prosecutors, judges, lawyers, other judicial and police officers in the criminal justice system on the principles of the Convention;</p> <p>(d) Provide the Committee with statistical data on treatment of African Canadians in the criminal justice system;</p> <p>(e) Conduct a study on the root causes of the overrepresentation of Africans Canadians in the system of criminal justice.</p>
	Portugal, 2012 ⁹²	<p>16. The Committee is conscious that the foreign population, according to available statistics, is overrepresented in prisons. It expresses its concerns regarding possible discrimination against immigrants and ethnic minorities in the judicial system such as reported cases of severe penalties, longer imprisonment and possible ethnic profiling (arts. 2, 5 and 6).</p> <p>The Committee encourages the State party to assess the situation and take effective measures to combat racial discrimination in the judicial system bearing in mind its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system. The Committee is of the view that further analysis is needed as well as appropriate responses to tackle this issue and provide remedies to victims.</p>
	Russia, 2013 ⁹³	<p>14. The Committee reiterates its concern that ethnic minorities, on the basis of their appearance, such as Chechens and other persons originating from the Caucasus, Central Asia or Africa, as well as Roma continue to be subject to disproportionately frequent identity checks, arbitrary arrests and detention, and harassment by the police and other law enforcement officials (CERD/C/RUS/CO/19, para.12). Additionally, it is concerned by reports of extortion of bribes, confiscation of identity documents, and the use of violence and racial insults during such checks, as well as by the lack of effective investigation, prosecution and sanctioning of law enforcement personnel for such misconduct, abuse of or discrimination against ethnic minorities. Furthermore, the Committee is concerned by the information that voluntary “Cossack patrols” began to appear in 2012 in various regions to carry out law enforcement functions alongside the police, and that there have been incidents of use of violence by them against ethnic or religious minorities (arts. 2 and 5).</p> <p>The Committee calls upon the State party to:</p> <p>(a) Ensure that the Law on Police is effectively implemented and that appropriate legal measures are taken against law enforcement officials for unlawful conduct based on racially discriminatory grounds;</p> <p>(b) Provide meaningful and mandatory human rights training to police and other law enforcement officials, including in initial training and throughout their careers to prevent racial profiling, and amend the performance targets for the police accordingly, in accordance with general recommendation 31 (2005) on the prevention of racial discrimination in the administration and</p>

		<p>functioning of the criminal justice system;</p> <p>(c) Ensure that the functions of maintaining law and order are undertaken by professionally trained law enforcement officials only, and that any interference of individuals’ rights by Cossack organizations are appropriately sanctioned; and</p> <p>(d) Provide information in its next periodic report concerning measures taken to eliminate such practices as well as on their impact.</p>
	Dominican Republic, 2013 ⁹⁴	<p>21.The Committee is concerned about the recurring reports of mass, indiscriminate and arbitrary deportations of citizens of Haitian origin, which violate the protocol in force with Haiti and the guarantees of due process set out in the Migration Act (No. 285-04), and about the lack of official statistics on deportations (arts. 5 (a) and 6).</p> <p>The Committee recalls its previous recommendation and its general recommendation No. 30 (2004) to ensure that deportation laws do not discriminate among non-citizens on the basis of “ race ”, colour or ethnic or national origin, and requests that non-citizens should not be subjected to mass deportations and deprivation of due guarantees; that the Haitian-Dominican Joint Commission be reactivated again; and that official data be gathered on numbers of deportees, disaggregated by gender and national or ethnic origin (CERD/C/DOM/CO/12, para. 13).</p>
	Sweden, 2013 ⁹⁵	<p>16.While noting that the State party’s legal system requires a high level of proof in cases of the arrest and detention of a suspect, the Committee is concerned about the reported discrepancy between the number of arrests and the number of convictions under the Swedish Terrorism Act, which gives rise to concerns as regards unwarranted arrests due to racial profiling (arts. 2, para. 1 (a) and (c); 4 (c); and 6).</p> <p>Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system , t he Committee recommends that the State party take measures to evaluate the effects of the application of the Terrorism Act, including on minority communities, and ensure the application of relevant guarantees to prevent possible police profiling and any discrimination in the administration of justice.</p>
	Chile, 2013 ⁹⁶	<p>14.The Committee welcomes the amendments made to Act No. 18.314 (the Counter-Terrorism Act). However, it remains concerned by reports that this law continues to be applied to a disproportionate extent to members of the Mapuche people in respect of acts that have taken place in connection with their assertion of their rights, including their rights to their ancestral lands (CERD/C/CHL/CO/15-18, para. 15). The Committee is concerned by the lack of objective legal criteria for the enforcement of this law in respect of Mapuches who are charged with committing a terrorist act and for the determination by police officers and public prosecutors of what types of charges to bring against them, all of which could constitute a violation of the principles of legality, equality and non-discrimination. The Committee also reiterates its concern about the undue and excessive use of force against members of Mapuche communities, including children, women and older persons, by members of Carabineros and the Investigative Police during raids and other police operations (ibid., para. 19) and about the impunity with</p>

		<p>which such abuse is committed. The Committee observes that the enforcement of the Counter-Terrorism Act and the undue and excessive use of force against members of the Mapuche people could have negative and discriminatory impacts on indigenous peoples that go beyond their impacts on the individuals suspected of having committed an offence (arts. 2 and 5).</p> <p>The Committee recommends that the State party should, as a matter of urgency:</p> <p>(a) Amend the Counter-Terrorism Act so that it specifies exactly what terrorist offences it covers ;</p> <p>(b) Ensure that the Counter-Terrorism Act is not applied to members of the Mapuche community for acts that take place in connection with the expression of social demands;</p> <p>(c) Implement the recommendations made in this respect by the Human Rights Committee (2007) and by the Special Rapporteur on the rights of indigenous peoples (2003 and 2007) and take into account the preliminary recommendations made by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2013) ;</p> <p>(d) Investigate allegations that government employees have used violence against indigenous communities , particularly in the case of the Mapuche and Rapa Nui peoples;</p> <p>(e) Monitor the application of the Counter-Terrorism Act and related practices in order to identify any discriminatory effect on indigenous peoples;</p> <p>(f) Intensify and expand the human rights training provided to law enforcement officers and judicial officials to ensure the proper performance of their duties.</p> <p>19.The Committee is concerned by reports that migrants and asylum seekers, especially Afro-descendants, have been subjected to abusive and discriminatory comments, particularly along the country’s northern border. It is concerned by the State party’s use of restrictive pre-admission procedures that are not in accordance with due process guarantees as set forth in international instruments. It is also concerned about the highly vulnerable position of unaccompanied migrant children (arts. 2 and 5).</p> <p>The Committee recalls its general recommendation No. 30 (2004) on discrimination against non-citizens and recommends that the State party suspend its use of restrictive pre-admission procedures and ensure that persons in need of international protection are properly identified in a manner that is free from racial discrimination. It also recommends that legal and policy measures dealing with migration and foreign nationals do not discriminate against anyone on the basis of race, colour, or ethnic or national origin. It urges the State party to ensure that the draft bill for the amendment of the Migration Act is in compliance with international standards regarding the treatment of migrants who are in need of international protection and encourages the State party to pass the bill soon. The Committee also recommends that the State party intensify the human rights training that it offers to civil servants.</p>
	Switzerland,	The Committee reiterates its previous concern at the use of racial

2014 ⁹⁷		<p>profiling by law enforcement officials and at the lack of related statistics. It is also concerned at reports of excessive use of force during police checks, harassment of Roma and people of African origin by the police, and the lack of an independent mechanism throughout the State party to receive and investigate complaints of mistreatment by the police (arts. 2 and 5).</p> <p>Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee calls on the State party to take effective measures to ensure that individuals are not targeted for identity checks, searches and other police operations on the grounds of race or ethnicity, and to take appropriate legal measures against law enforcement officials for unlawful conduct based on racially discriminatory grounds. It also recommends that the State party establish an independent mechanism to receive and investigate complaints concerning misconduct by police officers in each canton, and ensure that human rights training for police officers is conducted in all cantons, in accordance with general recommendation No. 13 (1993) on the training of law enforcement officials in the protection of human rights.</p>
Poland, 2014 ⁹⁸		<p>The Committee expresses its concern at the small number of racial discrimination cases referred to the courts, despite the increase in hate crimes. It is also concerned that, when a case is finally brought to court, the penalty imposed may not be sufficient to have a deterrent effect and by the information that a number of victims of hate crimes, including victims of abuse and ethnic profiling by law enforcement officers, are unwilling to report those incidents owing to doubts about the ability and interest of law enforcement officials in providing adequate recourse (arts. 4 and 6).</p> <p>The Committee recommends that the State party continue its training programmes for prosecutors, police officers and judges on racially motivated offences and the importance of dealing with them with due seriousness. In light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the State party should remind public prosecutors of the general importance of prosecuting all racist acts and imposing sanctions that are proportionate to the gravity of such acts. Finally, the Committee recommends that the State party establish an independent body to receive complaints of police violence or abuse and take the necessary measures to ensure the recruitment of persons belonging to minority groups into the police.</p>
USA, 2014 ⁹⁹		<p>While welcoming the acknowledgement by the State party that racial or ethnic profiling is not effective law enforcement practice and is inconsistent with its commitment to fairness in the justice system, the Committee remains concerned at the practice of racial profiling of racial or ethnic minorities by law enforcement officials, including the Federal Bureau of Investigation (FBI), the Transportation Security Administration, border enforcement officials and local police (arts. 2, 4(c) and 5(b)).</p> <p>Recalling its general recommendation No. 31 (2001) on the</p>

		<p>prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee urges the State party to intensify efforts to effectively combat and end the practice of racial profiling by federal, state and local law enforcement officials, including by:</p> <p>(a) Adopting and implementing legislation which specifically prohibits law enforcement officials from engaging in racial profiling, such as the End Racial Profiling Act;</p> <p>(b) Swiftly revising policies insofar as they permit racial profiling, illegal surveillance, monitoring and intelligence gathering, including the 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies;</p> <p>(c) Ending immigration enforcement programmes and policies which indirectly promote racial profiling, such as the Secure Communities programme and the Immigration and Nationality Act section 287(g) programme;</p> <p>(d) Undertaking prompt, thorough and impartial investigations into all allegations of racial profiling, surveillance, monitoring and illegal intelligence-gathering; holding those responsible accountable; and providing effective remedies, including guarantees of non-repetition.</p>
	Japan, 2014 ¹⁰⁰	<p>The Committee is concerned about reports of surveillance activities of Muslims of foreign origin by law-enforcement officials of the State party, which may amount to ethnic profiling. The Committee considers the systematic collection of security information about individuals — solely on the basis of their belonging to an ethnic or ethno-religious group — to be a serious form of discrimination (arts. 2 and 5).</p> <p>The Committee urges the State party to ensure that its law - enforcement officials do not rely on ethnic or ethno-religious profiling of Muslims.</p>
	Germany, 2015 ¹⁰¹	<p>11. The Committee is concerned about the extremely broad scope of section 22 (1) of the Federal Police Act, which, for the purpose of controlling immigration, enables police to stop, question, demand identity documents from and inspect objects in the possession of any person in railway stations, trains and airports. The Committee is concerned that this general provision leads de facto to racial discrimination, especially taking into account the delegation’s explanation of the criteria used by police to carry out these checks, which involve notions such as a “feel for a certain situation” or “the person’s external appearance”. The Committee is also concerned about the lack of comprehensive data, disaggregated by ethnicity and/or national origin, of persons who are targeted by these random checks (arts. 2, 4 (c) and 5 (b)).</p> <p>Recalling its general recommendation No. 31 (2001) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee urges the State party to intensify efforts to combat effectively and end any practice of racial profiling by federal and Land law enforcement officials, including by:</p> <p>(a) Amending or repealing section 22 (1) of the Federal Police Act and legally prohibiting discriminatory profiling;</p> <p>(b) Reviewing all other provisions that may lead to racial</p>

		<p>profiling;</p> <p>(c) Inserting in all training and education curricula for law enforcement officials a specific module on the definition of racial discrimination, in line with article 1 of the Convention; increasing awareness throughout law enforcement officials' careers on the prohibition of racial discrimination and ensuring that promotions are subject to scrutiny as to officials' actions on racial discrimination and racial profiling;</p> <p>(d) Establishing independent complaints mechanisms at both the federal and Land levels to investigate acts of racial discrimination committed by law enforcement officials;</p> <p>(e) Adopting a comprehensive training strategy and vetting system for application during recruitment and throughout the career of law enforcement officials to ensure that law enforcement tasks are performed without racial profiling or any other methods leading to racial discrimination;</p> <p>(f) Undertaking prompt, thorough and impartial investigations into all allegations of racial profiling, holding those responsible accountable and providing effective remedies, including compensation and guarantees of non-repetition.</p>
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II UPR recommendations

State under review	Recommendation	State making recc	Response	UPR Session
Belgium ¹⁰²	Provide human rights education and training about non-discrimination in particular to law enforcement officials and take effective measures to prevent and prohibit racial profiling by the police	Egypt	Rejected	18
Belgium ¹⁰³	Ensure effective coordination at the federal, regional and community levels when monitoring the incidence of unlawful ethnic profiling and racism, especially in the context of recent terrorist threats	Iceland	?	32
Belgium	Improve police training in order to raise awareness against racial profiling	Turkey	?	32
Belgium	Carry out an evaluation on ethnic profiling within the police organization	Netherlands	Accepted	32
Belgium	Continue the revision of anti-terrorism and data protection legislation and policies and repeal the provisions that contravene the applicable international law in areas such as due process and imprisonment; and develop measures to prevent and combat racial profiling by law enforcement bodies	Mexico	Notes that existed legislation already addresses these concerns	32
Bulgaria ¹⁰⁴	Develop and strengthen its human rights training programmes for police forces and the judiciary, addressing among others the appropriate use of force as well as issues relating to discrimination and profiling based on race	Canada	Accepted	16
Canada ¹⁰⁵	Review its discriminatory national laws on security and adopt sensitization campaigns to protect against racial profiling and stereotyping on the grounds of nationality, ethnicity, descent and race, with regards to terrorism, as suggested by CERD	Indonesia	Accepted	11

Canada	Give appropriate attention to end racial discrimination against the Arab and Muslim communities in Canada including racial and religious profiling	Syria	Accepted	11
Denmark ¹⁰⁶	Take appropriate measures to protect vulnerable groups from discrimination, racial profiling and hate crimes, and to combat racism and xenophobia	Greece	Accepted	18
Denmark	Strengthen and effectively implement its legislation to prohibit, prosecute and punish hate speech, incitement to hatred and acts of religious profiling	Egypt	Accepted	18
Denmark	Take effective measures to prevent and prohibit racial profiling by the police	Egypt	Accepted	18
Denmark	Adopt appropriate measures to ensure that the establishment of so called arrest and search zones is not done on the basis of criteria which might be equivalent to racial, ethnic or religious profiling	Algeria	Accepted	18
Denmark ¹⁰⁷	120.93 Re-enforce measures to combat racism and discrimination against persons of foreign origin, in particular through the prohibition of ethnic profiling and through awareness raising in the security services as to nondiscriminatory measures and methods	Algeria	?	32
Denmark	120.102 Explicitly prohibit organizations promoting racial and religious hatred as well as racial profiling	Egypt	?	32
Denmark	120.148 Condemn all hate crimes, discrimination and racial profiling	Malaysia	?	32
France ¹⁰⁸	Ban explicitly the use of racial profiling in the conduction of identity checks	Mexico	Accepted	23
France	Take measures to prevent ethnic profiling by law enforcement officials and private businesses and provide effective remedies for victims	Pakistan	Accepted	23
France	Take the necessary measures to stop malpractices by police officers, especially identity searches based on racial profiling of Muslims and people from Arab or African descent	Egypt	Accepted	23

France	Put an end to the practice of ethnic profiling which is ineffective and counter-productive	India	Accepted	23
Germany ¹⁰⁹	Develop a comprehensive strategy to combat racial discrimination from a broader perspective, not limited to right wing ideologies, and that takes into account indirect, structural and institutional discrimination. Prohibit policies of ethnic discriminatory profiling by the police	Ecuador	Accepted	24
Germany	Put an end to the use of discriminatory ethnic profiling by inserting the necessary legal safeguards against the abuse and deliberate targeting of certain ethnic and religious groups	Malaysia	Accepted	24
Germany	Legally ban discriminatory ethnic profiling	India	Accepted	24
Germany	Be more proactive in promoting and protecting freedom of religion and belief, including in preventing hate speech, racist propaganda and ethnic profiling	Indonesia	Accepted	24
Ireland ¹¹⁰	Enact laws and design plans and strategies in the area of combating racism, racial discrimination, and racial profiling and investigate relevant cases to ensure provision of reparations to victims	Egypt	Rejected	19
Ireland	Legislate against racial profiling and strengthen its efforts to promote the humane treatment of migrants and people of non-Irish origin by law enforcement officers	Iran	Rejected	19
Ireland	Consider adopting measures to prohibit any form of racial profiling by police and law enforcement officials	Brazil	Rejected	19
Ireland	Adopt legislation that prohibits any form of racial profiling and furthermore strengthen its efforts to promote the humane treatment of migrants and people of non-Irish origin by the Garda Síochána and other law enforcement personnel in accordance with international human rights law	Azerbaijan	Rejected	19
Ireland	Strengthen its laws to prohibit racial profiling and strengthen its efforts to promote humane, dignified and non-selective treatment for migrants and other persons who are not of Irish	Honduras	Rejected	19

	origin			
Italy ¹¹¹	Continue to work to end intolerance and social discrimination against Roma and, in this regard, ensure that police and local authorities are trained to respond appropriately to allegations of crimes involving Roma and avoid inappropriate ethnic profiling	United States	Accepted	14
Netherlands ¹¹²	Adopt measures to stamp out discrimination arising as a result of the practice of racist, ethnic, or religious profiling	Russian Federation	General Response	21
Norway ¹¹³	Step up its efforts to combat racial profiling in all sectors, both public and private	Togo	Accepted	27
Norway	Further its efforts to address ethnic and racial profiling, particularly in stop and search operations carried out by police and customs and immigration officials	Malaysia	Accepted	27
Portugal ¹¹⁴	Strengthen measures aimed at combating racial profiling and discriminatory practices towards racial-ethnic minorities and immigrants, particularly by police and border control authorities	Brazil	Accepted	13
Spain ¹¹⁵	Provide full access to justice to people belonging to racial and religious minorities and to combat racial and religious profiling and strengthen anti-discrimination legislation through adoption of a comprehensive law on racism, racial discrimination, xenophobia and related intolerances which addresses hate speech and includes measures to effectively investigate and prosecute such offences	Pakistan	Accepted in Part	29
Spain	Undertake measures to put an end to ethnic and racial profiling and all forms of racial discrimination	Ghana	Accepted	29

Spain	Take effective measures to put an end to ethnic and racial profiling	India	Accepted	29
Spain	Strengthen measures to ensure the full enjoyment of the rights of migrants, and the investigation and punishment of statements that incite to hate and other acts of discrimination against them, particularly those coming from officials of police, judicial and penitentiary organs as well as from immigration services	Argentina	Accepted	29
Sweden ¹¹⁶	146.31. Take steps for eliminating religious and racial profiling faced by minorities including Muslims, Roma people and Afro-Swedes and prosecute perpetrators of xenophobic crimes	Pakistan	?	29
Sweden	146.32. Adopt measures against ethnic profiling and prevent any collection of personal data on the basis of ethnic origin without the prior consent of those concerned	Czech Republic	?	29
Sweden	146.33. Remove all ethnic profiling in the working methods of the police and other officials responsible for law enforcement	Mexico	?	29
United States ¹¹⁷	Review, with a view to their amendment and elimination, all laws and practices that discriminate against African, Arab and Muslim Americans, as well as migrants, in the administration of justice, including racial and religious profiling	Egypt	Accepted	16
United States	Take legislative and administrative measures to ban racial profiling in law enforcement	Democratic People's Republic of Korea	Accepted	16
United States	Attempt to restrain any state initiative which approaches immigration issues in a repressive way towards the migrant community and that violates its rights by applying racial profiling, criminalizing undocumented immigration and violating the human and civil rights of persons	Guatemala	Accepted	16
United States	Ban, at the federal and state levels, the use of racial profiling by police and immigration officers	Bolivia	Accepted	16

United States	Prohibit expressly the use of racial profiling in the enforcement of immigration legislation	Mexico	Accepted	16
United States	Revoke the national system to register the entry and exit of citizens of 25 countries from the Middle-East, South Asia and North Africa, and eliminate racial and other forms of profiling and stereotyping of Arabs, Muslims and South Asians as recommended by CERD	Sudan	Accepted	16
United States	Prohibit and punish the use of racial profiling in all programs that enable local authorities with the enforcement of immigration legislation and provide effective and accessible recourse to remedy human rights violations occurred under these programs	Mexico	Accepted	16
United States	Enact a national legislation that prohibits religious, racial and colour profiling particularly in context of the fight against terrorism	Qatar	Accepted	16
United States ¹¹⁸	Take further measures to eliminate racial discrimination in all of its forms and manifestations, in particular, by prohibiting the practice of race profiling in law enforcement, as recommended by the United Nations treaty bodies;	Kazakhstan	Accepted	30
United States	Collaborate closely with marginalized communities to fix the problems in the justice system that continues to discriminate against them despite recent waves of protest over racial profiling and police killings of unarmed black men	Namibia	Accepted	30
United States	Address discrimination, racial profiling by the authorities, Islamophobia and religious intolerance by reviewing all laws and practices that violate the rights of minority groups, with a view to amending them Double its efforts in combating violence and the excessive use of force by law enforcement officers based on racial profiling through training, sensitization and community outreach, as well as ensuring proper investigation and prosecution when cases occur	Malaysia	Accepted [but notes that the US does not surveil on the basis of race]	30

United States	Prohibit that federal authorities undertake racial profiles, and investigate the disproportionate use of lethal force against coloured people by state and local police	Bolivia	Accepted	30
United States	That the process of round-table discussions among law enforcement, elected officials and community members, aimed to stem profiling and excessive use of force by the police should be stepped up to cover as many cities as possible	Nigeria	Accepted	30
United States	Stop the practice of racial profiling in the judicial and law enforcement systems	Russia	Accepted	30
United States	Eliminate the practice of racial profiling and surveillance by law enforcement officials	Azerbaijan	Accepted [but notes that US does not surveil on the basis of race]	30
United States	Effectively combat racial profiling and the use of excessive force by the police against coloured persons	Togo	Accepted	30
United States	Combat racial profiling and Islamophobia on a non-discriminatory basis applicable to all religious groups	Pakistan	Accepted	30
United States	Combat racial profiling, as urged by the Human Rights Committee and Committee on the Elimination of Racial Discrimination	Bangladesh	Accepted	30
United States	Implement measures to assist states and local governments in combating excessive use of force by the police and eliminating racial profiling	Brazil	Accepted	30
United States	Prohibit federal law enforcement authorities from engaging in racial profiling	Egypt	Accepted	30
United States	Continue efforts at the federal and state levels aimed at overcoming racial discrimination, especially through the implementation of the Priority Enforcement Programme to guard against racial profiling of immigrants and other forms of racial discrimination	Holy See	Accepted	30
United States	Take measures and comprehensive programmes aimed at developing sensitivities among cultures, creating the climate of mutual respect and expanding protection against all forms of discrimination, including profiling	Indonesia	Accepted	30

	on the basis of race, religions or national origin			
United States	Strengthen the existing mechanisms to prevent the excessive use of force and discriminatory practices in police work	Peru	Accepted	30
United States	Take necessary measures to fight against discriminatory practices of the police based on ethnic origin	France	Accepted	30
United States	Take measures to put an end to police abuses, including the merciless killing of coloured people, and all racial discrimination	North Korea	Accepted [while noting disagreement with some premises]	30
United States	Take concrete measures to eliminate racial criteria in the approach of the law enforcement officials and combat the excessive use of force by the same officers	Angola	Accepted	30
United Kingdom ¹¹⁹	Take further steps to address ethnic profiling in practice	Greece	Rejected	21
United Kingdom	Revise the policies that involve racial and ethnic profiling such as "stop and search" practice	Brazil	Rejected	21
United Kingdom	That the law enforcement authorities put an end to stop and search practices based on religious and ethnic profiling	Pakistan	Rejected	21
United Kingdom	Put an end to the use of religious profiling in combating terrorism by inserting legal safeguards against abuse and the deliberate targeting of certain religious groups	Malaysia	Accepted	21
United Kingdom	Revise the policies that involve racial and ethnic profiling such as "stop and search" practice	Brazil	Rejected	21
United Kingdom	Investigate allegations that stop and search orders disproportionately fall on persons belonging to ethnic, religious and other minorities and introduce adequate safeguards in this regard	Austria	Accepted	21

III List of Documents

Treaties

Universal Declaration of Human Rights

<http://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx>

International Covenant on Civil and Political Rights

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

International Convention on the Elimination of All Forms of Racial Discrimination

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

Convention on the Rights of the Child

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

General Comments/Recommendations

Human Rights Committee, General Comment No. 18: Non-discrimination, October 11, 1989,

<http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/3888b0541f8501c9c12563ed004b8d0e?OpenDocument>

CERD, General Recommendation No. 13: Training of Law Enforcement in the Protection of Human Rights, March 21, 1993,

<http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/51868b27038065a2c12563ee004b2eaf?OpenDocument>

CERD, General Recommendation No. 30: Discrimination Against Non Citizens, October 1, 2004,

<http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/e3980a673769e229c1256f8d0057cd3d?OpenDocument>

CERD General Recommendation No. 31: Prevention of racial discrimination in the administration and functioning of the criminal justice system, 2005,

http://www2.ohchr.org/english/bodies/cerd/docs/GC31Rev_En.pdf.

CERD, General Recommendation No. 34: People of African descent, CERD/C/GC/34, October 3, 2011, http://www2.ohchr.org/english/bodies/cerd/docs/GR34_English.pdf.

Committee on the Rights of the Child, General Comment No. 10, Children's Rights in Juvenile Justice, CRC/C/GC/10, 25 April 2007, <http://www2.ohchr.org/english/bodies/crc/comments.htm>.

Jurisprudence

Rosalind Williams Lecraft v. Spain, 27 July 2009, UNHRC, Comm. 1493/2006

<http://sim.law.uu.nl/SIM/CaseLaw/fulltextccpr.nsf/160f6e7f0fb318e8c1256d410033e0a1/ecb56364c33bfd13c125776f0033453d?OpenDocument>

B. J. v. Denmark, 17 March 2000, UNCERD, Comm 17/1999
http://www.bayefsky.com/html/103_denmarkcerdvws17.php

IV List of Resources

Treaty body system

General information on the treaty bodies
<http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

Human Rights Committee
<http://www2.ohchr.org/english/bodies/hrc/index.htm>

Committee on the Elimination of Racial Discrimination
<http://www2.ohchr.org/english/bodies/cerd/index.htm>

Committee on the Rights of the Child
<http://www2.ohchr.org/english/bodies/crc/index.htm>

Special Procedures system

General information on the special procedures
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

Independent Expert on minority issues
<http://www.ohchr.org/EN/Issues/Minorities/IEExpert/Pages/IEminorityissuesIndex.aspx>

Special Rapporteur on the human rights of migrants
<http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/SRMigrantsIndex.aspx>

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
<http://www.ohchr.org/EN/Issues/Racism/SRRacism/Pages/IndexSRRacism.aspx>

Special Rapporteur on the promotion and protection of human rights while countering terrorism
<http://www.ohchr.org/EN/Issues/Terrorism/Pages/SRTerrorismIndex.aspx>

Special Rapporteur on freedom of religion or belief
<http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FreedomReligionIndex.aspx>

Working Group of Experts on People of African Descent
<http://www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/WGEPADIndex.aspx>

Universal Periodic Review

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

ENDNOTES

¹ Concluding Observations of the Human Rights Committee: United Kingdom, CCPR/C/GBR/CO/6, July 30, 2008, para. 29; Concluding Observations of the Human Rights Committee: Russian Federation, CCPR/C/RUS/CO/6, November 24, 2009, para. 11.

² Concluding Observations of the Human Rights Committee: Hungary, CCPR/C/HUN/CO/5, November 16, 2010, para. 18.

³ Concluding Observations of the Human Rights Committee: United Kingdom, CCPR/C/GBR/CO/6, July 30, 2008, para. 29.

⁴ Concluding Observations of the Human Rights Committee: Russian Federation, November 24, 2009, CCPR/C/RUS/CO/6, para. 11.

⁵ Concluding Observations of the Human Rights Committee: Hungary, CCPR/C/HUN/CO/5, November 16, 2010, para. 18.

⁶ Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America, August 14, 2001, A/56/18, para. 388.

⁷ Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America, CERD/C/USA/CO/6, May 8, 2008, para. 14; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland, CERD/C/IRL/CO/3-4, April 4, 2011, para. 18.

⁸ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Austria, CERD/C/AUT/CO/17, 22 September 2008, para. 18; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Spain, CERD/C/ESP/CO/18-20, April 8, 2011, para. 10; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland, CERD/C/IRL/CO/3-4, April 4, 2011, para. 18; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/19-20, March 9, 2012, para. 11.

⁹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ukraine, A/56/18, August 16, 2001, para. 379.

¹⁰ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Romania, CERD/C/ROU/CO/16-19, September 13, 2010, para. 15; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Albania, CERD/C/ALB/CO/5-8, September 14, 2011, para. 15.

¹¹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: United Kingdom, CERD/C/GBR/CO/18-20, September 14, 2011, para. 18.

¹² Concluding Observations of the Committee on the Elimination of Racial Discrimination: Russian Federation, CERD/C/RUS/CO/19, 20 August 2008, para. 12, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf>; Concluding Observations of CERD: Russian Federation, CERD/C/RUS/CO/20-22, March 1, 2013, para. 14 b).

¹³ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Russian Federation, CERD/C/RUS/CO/19, 20 August 2008, para. 12, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf>; Concluding Observations of CERD: Russian Federation, CERD/C/RUS/CO/20-22, March 1, 2013, para. 14 a).

¹⁴ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Panama, CERD/C/PAN/CO/15-20, May 19, 2010, para. 21, www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-PAN-CO-15_20.doc; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/19-20, March 9, 2012, para. 11.

¹⁵ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ukraine, CERD/C/UKR/CO/19-21, September 14, 2011, para. 10.

¹⁶ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Russian Federation, CERD/C/RUS/CO/19, 20 August 2008, para. 12, <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf>; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Albania, CERD/C/ALB/CO/5-8, 14 September 2011, para. 15; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Spain, CERD/C/ESP/CO/18-20, April 8, 2011, para. 10; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/19-20, March 9, 2012, para. 11;

Concluding Observations of CERD: Russian Federation, CERD/C/RUS/CO/20-22, March 1, 2013, para. 14 b).

¹⁷ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ukraine, CERD/C/UKR/CO/19-21, September 14, 2011, para. 10.

¹⁸ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/18, May 25, 2007, para. 14, www2.ohchr.org/english/bodies/cerd/docs/CERD.C.CAN.CO.18.doc; Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America, CERD/C/USA/CO/6, May 8, 2008, para. 14.

¹⁹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Republic of Moldova, CERD/C/60/CO/9, May 21, 2002, para. 223, <http://tb.ohchr.org/default.aspx?Symbol=CERD/C/60/CO/9>.

²⁰ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/18, May 25, 2007, para. 14, www2.ohchr.org/english/bodies/cerd/docs/CERD.C.CAN.CO.18.doc; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Australia, CERD/C/AUS/CO/15-17, September 13, 2010, para. 12.

²¹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/18, May 25, 2007, para. 14, www2.ohchr.org/english/bodies/cerd/docs/CERD.C.CAN.CO.18.doc; Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America, CERD/C/USA/CO/6, May 8, 2008, para. 14; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Australia, CERD/C/AUS/CO/15-17, September 13, 2010, para. 12.

²² Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/18, May 25, 2007, para. 14, www2.ohchr.org/english/bodies/cerd/docs/CERD.C.CAN.CO.18.doc; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Switzerland, CERD/C/CHE/CO/6, September 23, 2008, para. 14.

²³ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, A/57/18, August 21, 2002, para. 338, http://www.bayefsky.com/html/canada_t4_cerd.php.

²⁴ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/18, May 25, 2007, para. 11, www2.ohchr.org/english/bodies/cerd/docs/CERD.C.CAN.CO.18.doc; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Switzerland, CERD/C/CHE/CO/6, September 23, 2008, para. 14; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/19-20, March 9, 2012, para. 11.

²⁵ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Romania, CERD/C/ROU/CO/16-19, 13 September 2010, para. 15; Concluding Observations of the Committee on the Elimination of Racial Discrimination: United Kingdom, CERD/C/GBR/CO/18-20, September 14, 2011, para. 18.

²⁶ Concluding Observations of the Committee on the Elimination of Racial Discrimination: United Kingdom, CERD/C/GBR/CO/18-20, September 14, 2011, para. 18.

²⁷ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/19-20, March 9, 2012, para. 11.

²⁸ For more information about the special procedures, please see <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>.

²⁹ Report of the Independent Expert on minority issues: Visit to Canada, A/HRC/13/23/Add.2, March 8, 2010, para. 102.

³⁰ Report of the Independent Expert on minority issues: Visit to Canada, A/HRC/13/23/Add.2, March 8, 2010, para. 101.

³¹ Report of the Independent Expert on minority issues: Visit to Canada, A/HRC/13/23/Add.2, March 8, 2010, para. 102.

³² Report of the Independent Expert on minority issues: Visit to Hungary, A/HRC/4/9/Add.2, January 4, 2007, para. 48.

³³ Report of the Independent Expert on minority issues: Visit to Canada, A/HRC/13/23/Add.2, March 8, 2010, para. 102.

³⁴ Report of the Special Rapporteur on the rights of migrants: Visit to the United States of America, A/HRC/7/12/Add.2, 5 March 2008, para. 131.

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- ³⁵ Report of the Special Rapporteur on the rights of migrants: Visit to the United Kingdom, A/HRC/14/30/Add.3, 16 March 2010, para. 72.
- ³⁶ Report of the Special Rapporteur on the rights of migrants: Visit to the United Kingdom, A/HRC/14/30/Add.3, 16 March 2010, para. 84.
- ³⁷ Report of the Special Rapporteur on the rights of migrants: Visit to the United Kingdom, A/HRC/14/30/Add.3, 16 March 2010, para. 84.
- ³⁸ Report of the Special Rapporteur on the rights of migrants: Visit to South Africa, A/HRC/17/33/Add.4, 2 May 2011, para. 78.
- ³⁹ E/CN.4/2004/18, January 21, 2004, para. 9.
- ⁴⁰ Report of the Special Rapporteur on racism: visit to Italy, A/HRC/4/19/Add.4, February 15, 2007, para. 54; Report of the Special Rapporteur on racism: visit to Switzerland, A/HRC/4/19/Add.2, 30 January 30, 2007, para. 52; Report of the Special Rapporteur on racism: visit to Brazil, E/CN.4/1996/72/Add.1, January 23, 1995, para. 41; Report of the Special Rapporteur on racism: visit to Japan, E/CN.4/2006/16/Add.2, January 24, 2006, para. 39; Report of the Special Rapporteur on racism: visit to the Russian Federation, A/HRC/4/19/Add.3, May 30, 2007, para. 49 and para. 76; Report of the Special Rapporteur on racism: visit to Estonia, A/HRC/7/19/Add.2, March 17, 2008, para. 67; Report of the Special Rapporteur on racism: visit to Latvia, A/HRC/7/19/Add.3, March 5, 2008, paras. 63 and 69; Report of the Special Rapporteur on racism: visit to the United States of America, A/HRC/11/36/Add.3, April 28, 2009, paras. 53-55 and 86; Report of the Special Rapporteur on racism: visit to Germany, A/HRC/14/43/Add.2, February 22, 2010, para. 31; Report of the Special Rapporteur on racism: visit to Hungary, A/HRC/20/33/Add.1, April 23, 2012, para. 36, http://www.ohchr.org/Documents/Issues/Racism/A.HRC.20.33.Add.1_en.pdf;
- Report of the Special Rapporteur on racism: visit to Spain, A/HRC/23/56/Add.2, June 6, 2013, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-56-Add-2_en.pdf.
- ⁴¹ Report of the Special Rapporteur on racism: visit to the United States of America, A/HRC/11/36/Add.3, April 28, 2009, para. 101; Report of the Special Rapporteur on racism: visit to Spain, A/HRC/23/56/Add.2, June 6, 2013, para. 84.
- ⁴² Report of the Special Rapporteur on racism: visit to Spain, A/HRC/23/56/Add.2, June 6, 2013, para. 85.
- ⁴³ Report of the Special Rapporteur on racism: visit to Estonia, A/HRC/7/19/Add.2, March 17, 2008, para. 95; Report of the Special Rapporteur on racism: visit to Spain, A/HRC/23/56/Add.2, June 6, 2013, para. 84.
- ⁴⁴ Report of the Special Rapporteur on racism: visit to the United States of America, A/HRC/11/36/Add.3, April 28, 2009, para. 102.
- ⁴⁵ Report of the Special Rapporteur on racism: visit to the Russian Federation, A/HRC/4/19/Add.3, May 30, 2007, para. 87; Report of the Special Rapporteur on racism: visit to Estonia, A/HRC/7/19/Add.2, March 17, 2008, para. 95; Report of the Special Rapporteur on racism: visit to Latvia, A/HRC/7/19/Add.3, March 5, 2008, para. 92; Report of the Special Rapporteur on racism: visit to Spain, A/HRC/23/56/Add.2, June 6, 2013, para. 84.
- ⁴⁶ Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism: study on Australia, A/HRC/4/26/Add.3, 14 December 2006, para. 53.
- ⁴⁷ Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, A/HRC/4/26, January 29, 2007, para. 33.
- ⁴⁸ Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, A/HRC/4/26, January 29, 2007, para. 59.
- ⁴⁹ Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism: study on Australia, A/HRC/4/26/Add.3, 14 December 2006, paras. 52-53; Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, A/HRC/4/26, January 29, 2007, para. 40.
- ⁵⁰ Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, A/HRC/4/26, January 29, 2007, para. 39.
- ⁵¹ Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism: study on Australia, A/HRC/4/26/Add.3, December 14, 2006, para. 55; Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, A/HRC/4/26, January 29, 2007, paras. 45-55.
- ⁵² Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism: visit to the United States of America, A/HRC/6/17/Add.3, November 22, 2007, para. 65.
- ⁵³ Report of the Special Rapporteur on freedom of religion or belief: visit to Israel, A/HRC/10/8/Add.2, January 12, 2009, para. 43.
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- ⁵⁴ Report of the Special Rapporteur on freedom of religion or belief: visit to the United Kingdom, A/HRC/7/10/Add.3, February 7, 2008, para. 67.
- ⁵⁵ Report of the Special Rapporteur on freedom of religion or belief: visit to the United Kingdom, A/HRC/7/10/Add.3, February 7, 2008, para. 67.
- ⁵⁶ For more information about the UPR, please see <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>.
- ⁵⁷ Concluding Observations of the Human Rights Committee: UK, CCPR/C/GBR/CO/6, 30 July 2008, available at <http://daccess-ods.un.org/TMP/4990499.91369247.html>
- ⁵⁸ Concluding Observations of the Human Rights Committee: Russia, CCPR/C/RUS/CO/6, 24 November 2009, available at <http://daccess-ods.un.org/TMP/3071000.57601929.html>
- ⁵⁹ Concluding Observations of the Human Rights Committee: Hungary, CCPR/C/HUN/CO/5, 16 November 2010, available at <http://daccess-ods.un.org/TMP/3071000.57601929.html>
- ⁶⁰ Concluding Observations of the Human Rights Committee: Kazakhstan, CCPR/C/KAZ/CO/1, August 19 2011, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fKAZ%2fCO%2f1&Lang=en
- ⁶¹ Concluding Observations of the Human Rights Committee: USA, CCPR/C/USA/CO/4, April 23 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUSA%2fCO%2f4&Lang=en
- ⁶² Concluding Observations of the Human Rights Committee: Chile, CCPR/C/CHL/CO/6, August 13 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCHL%2fCO%2f6&Lang=en
- ⁶³ Concluding Observations of the Human Rights Committee: Japan, CCPR/C/JPN/CO/6, August 20 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fJPN%2fCO%2f6&Lang=en
- ⁶⁴ Concluding Observations of the Human Rights Committee: Russia, CCPR/C/RUS/CO/7, April 28 2015, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fRUS%2fCO%2f7&Lang=en
- ⁶⁵ Concluding Observations of the Human Rights Committee: Croatia, CCPR/C/HRV/CO/3, April 30 2015, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHRV%2fCO%2f3&Lang=en
- ⁶⁶ Concluding Observations of the Human Rights Committee: UK, CCPR/C/GBR/CO/7, August 17 2015, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=en
- ⁶⁷ Concluding Observations of the Human Rights Committee: Macedonia, CCPR/C/MKD/CO/3, August 17 2015, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMKD%2fCO%2f3&Lang=en
- ⁶⁸ Concluding Observations of the Human Rights Committee: Spain, CCPR/C/ESP/CO/6, 14 August 2015, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fESP%2fCO%2f6&Lang=en
- ⁶⁹ Concluding Observations of the Human Rights Committee: Austria, CCPR/C/AUT/CO/5, 3 December 2015, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAUT%2fCO%2f5&Lang=en
- ⁷⁰ Concluding Observations of the Human Rights Committee: Sweden, CCPR/C/SWE/CO/7, 28 April 2016, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/087/83/PDF/G1608783.pdf?OpenElement>
-

-
- ⁷¹ Concluding Observations of the Human Rights Committee: New Zealand, CCPR/C/NZL/CO/6, 28 April 2016, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/087/77/PDF/G1608777.pdf?OpenElement>
- ⁷² Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America, 08/14/2001, A/56/18, paras. 380-407, available at <http://www.bayefsky.com/getfile.php/id/164/misc/reports>
- ⁷³ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ukraine. 08/16/2001, A/56/18, paras. 360-379.
- ⁷⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination: Republic of Moldova, CERD/C/60/CO/9, 21 May 2002.
- ⁷⁵ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, A/57/18, August 21, 2002, available at <http://www.refworld.org/docid/3f52f7aa4.html>
- ⁷⁶ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/18, May 25, 2007, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FCO%2FCAN%2FCO%2F18&Lang=en
- ⁷⁷ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Austria, CERD/C/AUT/CO/17, 22 September 2008, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/441/71/PDF/G0844171.pdf?OpenElement>
- ⁷⁸ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Russia, CERD/C/RUS/CO/19, 20 August 2008, available at <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf>
- ⁷⁹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Switzerland, CERD/C/CHE/CO/6, 23 September 2008, available at <http://daccess-ods.un.org/TMP/3210105.00192642.html>
- ⁸⁰ Concluding Observations of the Committee on the Elimination of Racial Discrimination: USA, CERD/C/USA/CO/6, 8 May 2008, available at <http://daccess-ods.un.org/TMP/2627434.73052979.html>
- ⁸¹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Philippines, CERD/C/PHL/CO/20 23 September 2009, available at <http://daccess-ods.un.org/TMP/7216869.59266663.html>
- ⁸² Concluding Observations of the Committee on the Elimination of Racial Discrimination: Australia, CERD/C/AUS/CO/15-17, 13 September 2010, available at <http://daccess-ods.un.org/TMP/5397508.74042511.html>
- ⁸³ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Denmark, CERD/C/DNK/CO/18-19, 20 September 2010, available at <http://daccess-ods.un.org/TMP/3574795.4249382.html>
- ⁸⁴ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Panama, CERD/C/PAN/CO/15-20, 19 May 2010, available at www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-PAN-CO-15_20.doc
- ⁸⁵ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Romania, CERD/C/ROU/CO/16-19, 13 September 2010, available at <http://daccess-ods.un.org/TMP/8283098.93608093.html>
- ⁸⁶ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Albania, CERD/C/ALB/CO/5-8, 14 September 2011, available at <http://daccess-ods.un.org/TMP/302767.45557785.html>
- ⁸⁷ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Spain, CERD/C/ESP/CO/18-20, 8 April 2011, available at <http://daccess-ods.un.org/TMP/4559588.73033524.html>
- ⁸⁸ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland, CERD/C/IRL/CO/3-4, 4 April 2011, available at <http://daccess-ods.un.org/TMP/8989140.98739624.html>
- ⁸⁹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ukraine, CERD/C/UKR/CO/19-21, 14 September 2011, available at <http://daccess-ods.un.org/TMP/6321406.96048737.html>
- ⁹⁰ Concluding Observations of the Committee on the Elimination of Racial Discrimination: UK, CERD/C/GBR/CO/18-20, 14 September 2011, available at <http://daccess-ods.un.org/TMP/4615010.32114029.html>
- ⁹¹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, CERD/C/CAN/CO/19-20, 9 March 2012, available at www2.ohchr.org/english/bodies/cerd/docs/CERD.C.CAN.CO.19-20.pdf
-

-
- ⁹² Concluding Observations of the Committee on the Elimination of Racial Discrimination: Portugal, CERD/C/PRT/CO/12-14, 9 March 2012, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PRT/CO/12-14&Lang=En
- ⁹³ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Russia, CERD/C/RUS/CO/20-22, March 1, 2013, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/RUS/CO/20-22&Lang=En
- ⁹⁴ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Dominican Republic, CERD/C/DOM/CO/13-14, April 19 2013, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fDOM%2fCO%2f13-14&Lang=en
- ⁹⁵ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Sweden, CERD/C/SWE/CO/19-21, September 23 2013, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f19-21&Lang=en
- ⁹⁶ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Chile, CERD/C/CHL/CO/19-21, September 23 2013, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCHL%2fCO%2f19-21&Lang=en
- ⁹⁷ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Switzerland, CERD/C/CHE/CO/7-9, March 13 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCHE%2fCO%2f7-9&Lang=en
- ⁹⁸ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Poland, CERD/C/POL/CO/20-2, March 19 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPOL%2fCO%2f20-21&Lang=en
- ⁹⁹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: USA, CERD/C/USA/CO/7-9, September 25 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUSA%2fCO%2f7-9&Lang=en
- ¹⁰⁰ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Japan, CERD/C/JPN/CO/7-9, September 26 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fCO%2f7-9&Lang=en
- ¹⁰¹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Germany, CERD/C/DEU/CO/19-22, June 29 2015, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fDEU%2fCO%2f19-22&Lang=en
- ¹⁰² Report of the UPR Working Group: Belgium, A/HRC/18/3, July 11 2011, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BESession11.aspx>.
- ¹⁰³ Report of the UPR Working Group: Belgium, A/HRC/32/8, April 11 2016, available at <http://www.refworld.org/topic,50ffbce51b1,50ffbce5208,576179ee4,0,,.html>
- ¹⁰⁴ Report of the UPR Working Group: Bulgaria, A/HRC/16/9, January 4 2011, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BGSession9.aspx>.
- ¹⁰⁵ Report of the UPR Working Group: Canada, A/HRC/11/17, October 5 2009, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CASession4.aspx>.
- ¹⁰⁶ Report of the UPR Working Group: Denmark, A/HRC/18/4, July 11 2011, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/DKSession11.aspx>.
- ¹⁰⁷ Report of the UPR Working Group: Denmark A/HRC/32/10, April 13 2016, available at <http://www.refworld.org/topic,50ffbce51b1,50ffbce5208,576257b84,0,,.html>
- ¹⁰⁸ Report of the UPR Working Group: France A/HRC/23/3, 21 March 2013, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/3
- ¹⁰⁹ Report of the UPR Working Group: Germany, A/HRC/24/9, July 8 2013, available at <http://www.refworld.org/topic,50ffbce51b1,50ffbce5208,52319d0c4,0,,.html>
- ¹¹⁰ Report of the UPR Working Group: Ireland, A/HRC/19/9, December 21 2011, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/IESession12.aspx>.
-

-
- ¹¹¹ Report of the UPR Working Group: Italy, A/HRC/14/4, March 18 2010, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ITSession7.aspx>.
- ¹¹² Report of the UPR Working Group: Netherlands, A/HRC/21/15, July 9 2012, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NLSession13.aspx>.
- ¹¹³ Report of the UPR Working Group: Norway, A/HRC/27/3, July 7 2014, available at <http://www.refworld.org/topic,50ffbce51b1,50ffbce5208,53eb15174,0,,,html>
- ¹¹⁴ Report of the UPR Working Group: Portugal, A/HRC/13/10, January 4 2010, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/PTSession6.aspx>.
- ¹¹⁵ Report of the UPR working Group: Spain, A/HRC/29/8, April 13 2015, available at <http://www.refworld.org/topic,50ffbce51b1,50ffbce5208,55716a751e,0,,,html>
- ¹¹⁶ Report of the UPR working Group: Sweden, A/HRC/29/13, April 13 2015, available at <http://www.refworld.org/topic,50ffbce51b1,50ffbce5208,557171b04,0,,,html>
- ¹¹⁷ Report of the UPR Working Group: United States of America, A/HRC/16/11, January 4 2011, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/USSession9.aspx>.
- ¹¹⁸ Report of the UPR Working Group: United States of America, A/HRC/30/12, July 20 2015, available at <http://www.refworld.org/topic,50ffbce51b1,50ffbce5208,55d2fa344,0,,,html>
- ¹¹⁹ Report of the UPR Working Group: United Kingdom, A/HRC/21/9, July 6 2012, available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-9_en.pdf.

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