



Economic and Social
Council

Distr.
GENERAL

E/C.12/2002/SR.25
26 February 2003

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-eighth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 25th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 16 May 2002, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

CONTENTS

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN
RIGHTS

* The summary record of the second part (closed) of the meeting appears as document E/C.12/2002/SR.25/Add.1.

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The meeting was called to order at 10.05 a.m.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. The CHAIRPERSON welcomed the United Nations High Commissioner for Human Rights and invited her to address the Committee.
2. Ms. ROBINSON (United Nations High Commissioner for Human Rights) said that it was the last time that she was addressing the Committee in her capacity as High Commissioner for Human Rights, since her mandate ended in September 2002. She was sorry to have missed the Day of general discussion on article 3 of the Covenant: equal right of men and women to the enjoyment of the economic, social and cultural rights set forth in the Covenant, and looked forward to being briefed on the debate. She stressed the importance of the statement by UNESCO on the rights-based approach to education and welcomed the fact that, for the first time, there had been a meeting between the Committee and States parties.
3. As in the past, she drew the attention of the Committee to developments in the area of human rights since the previous session. She noted in particular the holding from 8 to 11 May 2002 of the General Assembly Special Session on Children and the recent launching of a new Economic and Social Council body, the Permanent Forum on Indigenous Issues. She encouraged the Committee to examine closely those events, at which the implementation of economic, social and cultural rights had figured prominently, and to form ties with the Permanent Forum.
4. Reviewing the work of the fifty-eighth session of the Commission on Human Rights, she noted that the Commission had adopted a significant number of resolutions on economic, social and cultural rights in which it had welcomed the Committee's work to further understanding of the normative contents of the rights recognized in the Covenant, notably through the adoption of General Comments. The Commission had also acknowledged the work done by the special rapporteurs and independent experts in areas relating to economic, social and cultural rights and strongly encouraged the rapporteurs to collaborate with the Committee.
5. Headway had been made with the draft Optional Protocol, providing for a complaints procedure under the Covenant. The Commission had adopted a resolution extending the mandate of the Independent Expert for one more year to prepare the ground for an open-ended working group to consider the proposals made during the elaboration of the protocol. Progress might be slow, but she welcomed that new step forward.
6. The Commission had also adopted a very significant resolution on the right to health, in which it had approved the appointment of a special rapporteur to focus on the right of everyone to enjoy the highest attainable standard of physical and mental health. That appointment reflected the importance which the Commission attached to economic, social and cultural rights and testified to its readiness to intensify its collaboration with the Committee. She hoped that the Committee would find innovative and sustainable ways of working with the Commission's special mechanisms.

7. From the outset of its fifty-eighth session, the Commission on Human Rights had expressed its concern about the rapid deterioration of the situation of human rights in the occupied Palestinian territory and in Israel. Many of the issues raised by the Commission had concerned economic, social and cultural rights, such as the right to housing, the right to food and the right to health. She had expressed in strong terms her deep concern over both the suicide bombings in Israel and the military responses in the occupied Palestinian territory. Aware that the Committee's pre-session working group would be preparing a list of issues with respect to the second periodic report of Israel, she suggested that the working group take into account the debates and resolutions of the Commission on that subject.

8. Since the tragic attacks on 11 September, she had been deeply concerned with the issue of terrorism and human rights. On several occasions, she had spoken out on the importance of adhering to the norms of international human rights law in the fight against terrorism, a view that was shared by many States. "International human rights law" meant not only civil and political rights, but economic, social and cultural rights as well. As the monitoring body of the International Covenant on Economic, Social and Cultural Rights, the Committee could make an important contribution by adopting a statement on the question of respect for human rights in the fight against terrorism.

9. The 11 September events had rendered even more relevant the documents adopted at the close of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in September 2001. An Anti-Discrimination Unit had been established in the Office of the High Commissioner to monitor the obligations created under the Conference's final documents - the Durban Declaration and Programme of Action. She urged the Committee to consider adopting every measure that it deemed appropriate to ensure the follow-up to the World Conference and, in particular, to include in its concluding observations a standard paragraph to encourage States parties to implement the Durban Declaration and Programme of Action. As part of the process of strengthening the United Nations currently being undertaken by the Office of the Secretary-General, her Office had stressed the need to ensure effective implementation of the rights and obligations under international human rights instruments, for which the effective functioning of the treaty-monitoring bodies was crucial. It was also necessary to integrate a human rights approach into strategies to combat poverty, and she commended the Committee for its innovative approach in that area.

10. She would soon be attending a meeting on social and economic rights organized by the British Council and the Northern Ireland Human Rights Commission. It was her understanding that the Rapporteur of the Committee on Economic, Social and Cultural Rights would also be there to speak on the Committee's experiences in the areas of health, housing and the environment.

11. She was aware of the Committee's determination to uphold the principle of the indivisibility and interdependence of all human rights. One challenge still needed to be faced: to demonstrate that economic, social and cultural rights were inherently justiciable and that they could be enforced at national level through legislative, administrative and other measures as well as in courts of law. She would not fail to convey that message to the Northern Ireland Human Rights Commission and to refer to the concluding observations which the Committee had adopted on the periodic reports of the United Kingdom and Ireland.

12. The Office of the High Commissioner would continue to do its utmost to provide the Committee with the support it needed to carry out its work. She thanked the Committee for its fruitful cooperation over the past five years, cooperation which she was certain would continue with her successor.

13. The CHAIRPERSON thanked the High Commissioner and said that the Day of general discussion had been marked by the determination expressed by the Committee on the Elimination of All Forms of Discrimination against Women to cooperate with the Committee on Economic, Social and Cultural Rights on questions of joint interest. Reporting on the first meeting with the State parties, she said that it had given rise to a very constructive dialogue which had exceeded expectations. Although some States had said that they did not regard the General Comments as binding, many had stressed their utility for interpreting the rights set out in the Covenant and had commended the Committee for its work in that area. As to the justiciability of economic, social and cultural rights, that remained a great challenge, and the Committee was aware that it had to pursue its dialogue with States and encourage them to make progress on that question at national level.

14. She welcomed the proposal by Ms. Robinson that the Committee should form ties with the Permanent Forum on Indigenous Issues, which was all the more justified since the Covenant contained articles on self-determination and the principles of non-discrimination and equality. The Committee was collaborating closely with the Special Rapporteur on adequate housing, the Special Rapporteur on the right to food and the Independent Expert on the right to development.

15. The Committee was currently preparing a statement on the question of respect for human rights in the fight against terrorism, to be made public by the end of 2002. It had also drafted a standard paragraph on the follow-up to the World Conference against Racism, which it would include in its concluding observations on the reports of States parties to remind them of their obligations under the Durban Declaration and Programme of Action.

16. Mr. PILLAY said he was pleased that the High Commissioner had referred in her statement to the justiciability of economic, social and cultural rights, a subject that was still taboo in some European countries. For example, Ireland and the United Kingdom did not envisage that the rights embodied in the Covenant could be justiciable or that their violation could give rise to legal proceedings, arguing that those rights were not defined precisely enough or, in the case of the United Kingdom, taking refuge - somewhat arrogantly - in the "British way of doing things". He urged Ms. Robinson to seize the opportunity offered by the meeting on economic and social rights in Belfast to defend the principle of the justiciability of rights. That was the only way to help advance a process that would lead to the adoption of the Optional Protocol to the Covenant.

17. Mr. TEXIER said that he did not share the High Commissioner's optimism about progress in the area of human rights, given the scale of the task that remained and the mixed results of the fifty-eighth session of the Commission on Human Rights, in particular with regard to the Middle East. However, he wished to pay tribute to her firm stance on that subject and welcomed her position on the obligation to respect human rights in the fight against terrorism. In his view, the Commission should have moved faster in establishing the working group to examine the question of the Optional Protocol, the matter having been brought before it six years earlier. On the other hand, the meeting with the States parties had shown their determination to

give closer consideration to adopting the Optional Protocol, and that made him optimistic. He hoped that Ms. Robinson, who had upheld economic, social and cultural rights ever since her appointment as High Commissioner, would continue to collaborate on a personal basis with the Committee after the end of her mandate in September 2002.

18. Mr. RIEDEL said that it was easy to pay lip-service to economic, social and cultural rights, whereas Ms. Robinson had shown that a determined approach was possible despite budgetary restrictions. He commended Ms. Robinson for her long-standing commitment to human rights in general and to economic, social and cultural rights in particular. Whatever her next mandate might be, she could be certain that the Committee would provide her with all the necessary support. He hoped that Ms. Robinson, who had made the defence of human rights at all costs a personal battle, would pass on her knowledge and experience to her successor.

19. Ms. ROBINSON (United Nations High Commissioner for Human Rights) said she was pleased at the close ties which the Committee had developed with the special rapporteurs of the Commission on Human Rights and other treaty bodies, that being for her the only way of strengthening the protection of all human rights and highlighting their interdependence and indivisibility. A consensus must also be reached at international level on the right to development.

20. She was not as optimistic as her statement might have suggested: on the contrary, she was very concerned about the current situation of human rights in the world, which had been aggravated by the international tensions following the attacks of 11 September. It was imperative for States to take human rights and international human rights law into account in their fight against terrorism and to provide additional funds not only for the education and health-care sectors, but also for capacity-building, the administration of justice and the fight against corruption.

The public part of the meeting rose at 10.45 a.m.