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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-eighth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 29 April 2002, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 10.10 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the twenty-eighth session of the Committee on Economic, Social and Cultural Rights and welcomed the members of the Committee and Mr. Ramcharan, Deputy High Commissioner for Human Rights.
2. In accordance with rule 13 of the Committee's rules of procedure, Mr. KOLOSOV, a newly elected member, solemnly declared that he would perform his duties as a member of the Committee impartially and conscientiously.

STATEMENT BY THE DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

3. Mr. RAMACHARAN (Deputy High Commissioner for Human Rights) commended the Committee on the significant work it had done on the implementation of economic, social and cultural rights. During the fifty-eighth session of the Commission on Human Rights, which had ended just before the start of the Committee's current session, important decisions had been taken on the Committee's work. The Commission had recommended the appointment of a special rapporteur on the right to health. That recommendation showed that the Commission attached increasing importance to the understanding of measures to give effect to economic, social and cultural rights. Moreover, in her closing statement, the High Commissioner had stressed the notion of implementation measures, recalling the need to remain faithful to the idea that the International Bill of Human Rights was made up of three parts: the Universal Declaration of Human Rights, international treaties and implementation measures. In his closing statement, the President of the Commission had requested that consideration should be given to the best means of improving collaboration between the treaty bodies and the Commission and had emphasized the need to establish a mechanism for the exchange of information between countries, at the regional and international levels, on measures for the implementation of international human rights standards.
4. The Secretary-General of the United Nations had initiated the second phase of his organizational reform and had requested all departments to submit proposals for strengthening the various parts of the system. In the view of the Office of the High Commissioner, the Committee's work should be at the heart of the integration of human rights into development. In that regard, he recalled that a memorandum of understanding existed between the Office of the High Commissioner and the United Nations Development Programme (UNDP). The joint meetings regularly held in that context enabled the two partners to define general development guidelines. There too, the Committee could play a key role in linking the Office of the High Commissioner and UNDP.
5. The CHAIRPERSON, referring to the integration of human rights into development, said that the Office of the High Commissioner should strengthen its regional presence so that the Committee's work might have a real impact in the different countries.

6. Mr. SADI pointed out that, in some countries, including highly developed ones that had ratified all the human rights instruments, judges had trouble implementing the rights provided for by the Covenant. Mechanisms should therefore be established to allow for dialogue at the national level with the professions involved in the implementation of international legal standards.

7. Mr. HUNT said he was pleased that the Commission had recommended the appointment of a special rapporteur on the right to health, perhaps after taking note of the Committee's recently adopted General Comment No. 14. In his view, the links between the Commission and the treaty bodies should be strengthened, provided that the independence of the treaty bodies remained intact. As for the emphasis on national implementation measures, he recalled that the Committee always tried in its concluding observations, to help member States implement the Covenant. The Committee had always cooperated with UNDP and he hoped that such cooperation would be strengthened by the memorandum of understanding between that body and the Office of the High Commissioner.

8. Mr. RIEDEL said that there had been a change in the general understanding of the right to development. Instead of trying to arrive at a definition of development, the international community had appointed special rapporteurs on questions such as food, water, health, housing, education and working conditions and was apparently now focusing on the prerequisites for development. With regard to national implementation measures, he recalled that, in view of the importance of that matter, the Committee had formulated guidelines and benchmarks for assessing the implementation of the Covenant in the light of the economic and social situation of countries.

9. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) said that strengthening the presence of the Office of the High Commissioner at the regional level was on the agenda and that the Committee would be informed about the technical cooperation programmes set up by the Office of the High Commissioner. The Committee would thus be in a position to judge whether such programmes implemented in the field corresponded to the needs that came to light during the consideration of reports submitted by States parties. It was clear that, in the context of the strengthening of links between the Commission and the treaty bodies, the Commission should draw inspiration from the treaty bodies' work.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/C.12/2002/1)

10. The agenda was adopted.

ORGANIZATION OF WORK (agenda item 2) (E/C.12/2002/L.1)

11. After an exchange of views in which Mr. SADI, Mr. HUNT and Mr. REIDEL took part, the CHAIRPERSON said that, if she heard no objection, she would take it that the Committee agreed to postpone the meeting with States parties originally scheduled for Thursday, 9 May, an official holiday in Geneva, until the morning of Tuesday, 14 May.

12. It was so decided.

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 7) (E/C.12/2002/2)

13. The CHAIRPERSON said that, at its twenty-ninth session, the Committee would examine the initial report of Slovakia, the fourth periodic report of Poland, the second periodic report of Georgia, the initial report of the Solomon Islands and the initial report of Estonia. The Committee would also focus on the situation of economic, social and cultural rights in Greece, which had not submitted a report.

STATEMENTS BY REPRESENTATIVES OF UNITED NATIONS SPECIALIZED AGENCIES, FUNDS AND PROGRAMMES

14. Mr. SINGH (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that the establishment of a joint expert group of UNESCO and the Committee on Economic, Social and Cultural Rights on the right to education marked a new phase in the relations between UNESCO and the Committee. UNESCO attached great importance to basic education for all and was trying to integrate the right to education more effectively into the educational system as a whole by making it a catalyst for development. That said, realizing the ideal of the right to education for all was a challenge that called for broad action on the part of the international community. He was pleased that the Committee and UNESCO would be working together to assist States in making access to education available to all. In that regard, certain basic principles embodied in the Convention against Discrimination in Education (1960) and inherent to UNESCO's constitutional mandate, such as non-discrimination and equality of educational opportunities, should be fully respected.

15. In order to meet the requirements of the right to education for all, States had to fulfil their obligations. Accordingly, the International Centre of Sociological, Penal and Penitentiary Research and Studies had worked together with UNESCO to organize an international symposium on the fundamental right to education, which had focused on the question of strengthening the implementation of international and regional instruments. The conclusions formulated at the symposium highlighted the importance of the role of teachers and parents and the need, in response to human rights violations, to emphasize the obligations of States under international law. With a view to promoting a law-based approach, UNESCO was formulating a strategy to integrate human rights into its activities, while attaching great importance to the monitoring by States parties of the implementation of their obligations.

16. In the area of cultural rights, UNESCO was strengthening its normative activities with a view to preserving and enhancing the wealth of cultural diversity. To that end, it had organized, a meeting of experts on 20 March 2002 on the draft international convention on the intangible cultural heritage. The new convention should include a mechanism for informing public opinion about the various aspects of the intangible cultural heritage. It was hardly necessary to point out the crucial importance of such initiatives and the contribution they would make to the enjoyment of cultural rights, particularly the right to participate in cultural life, as provided for in article 15 of the Covenant. In the context of its medium-term strategy 2002-2007, UNESCO would also be focusing its efforts on the promotion and exercise of cultural rights.

17. Ms. ANGARITA (United Nations Population Fund (UNFPA)) said that the promotion of human rights was one of the Fund's main priorities. In order to promote justice and equality between the sexes, the legal and institutional context should be strengthened to recognize procreative and sexual rights as fundamental rights and to respond to the needs of everyone. UNFPA welcomed the opportunity to share its concerns with the Committee about what it regarded as a fundamental right: women's access to reproductive health services. Girls and women must be empowered in order to protect them from unprotected and undesired sexual relations. It was also important to provide adolescents with access to reproductive health care. Generally speaking, it was essential to combat poverty and discrimination against women by educating them and offering them prospects for better lives.

18. Since November 2001, the date of its previous appearance before the Committee, UNFPA had been working on several fronts. In January 2002, it had convened a two-day seminar on new reproductive health issues, such as ethics, sexuality and sex-based violence. It was currently drafting guidelines for a rights-based approach to reproductive health and sexuality. It was also working to strengthen its institutional capacities in order better to take account of the work of the Committee on Economic, Social and Cultural Rights in its field activities. In May 2002, in collaboration with the Office of the United Nations High Commissioner for Human Rights and the Inter-American Institute of Human Rights, it would hold a regional meeting in Costa Rica on the promotion and protection of women's procreative rights by national institutions.

19. Lastly she said experience had shown that empowering girls and women by adopting laws to promote their rights and to guarantee their access to health care and education also helped to improve the lot of families, communities and nations.

20. Ms. MALUWA (Joint United Nations Programme on HIV/AIDS (UNAIDS)) recalled that the Commission on Human Rights had recently adopted two resolutions. In the first, entitled "Access to medication in the context of pandemics such as HIV/AIDS" (E/CN.4/2002/L.48), the Commission recognized that access to medication was a fundamental element for achieving progressively the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. It called on States to promote availability in sufficient quantities of pharmaceuticals and medical technologies used to treat pandemics such as HIV/AIDS and to offer all persons, including the most vulnerable members of the population, without discrimination, pharmaceuticals and medical technologies. It also invited the Committee on Economic, Social and Cultural Rights, when considering the human rights dimension of combating pandemics such as HIV/AIDS, to give attention to the issue of access to medication and invited States to include appropriate information thereon in the reports they submitted to the Committee. In the second resolution, entitled "The right of everyone to the enjoyment of the highest attainable standard of physical and mental health" (E/CN.4/2002/L.47), the Commission decided to appoint, for a period of three years, a special rapporteur who would be expected to develop a regular dialogue with all relevant actors, including the United Nations specialized agencies, in particular the World Health Organization (WHO) and UNAIDS. On the occasion of the fifty-eighth session of the Commission and in cooperation with the Office of the High Commissioner for Human Rights and WHO, UNAIDS had organized a debate on access to medication as a fundamental right.

21. At the national and regional levels, UNAIDS was determined to facilitate the integration of questions relating to human rights into national strategies to combat HIV/AIDS and to strengthen the capacity of communities to participate in the dialogue on human rights and HIV/AIDS. For example, two regional meetings had been held in Lomé, Togo, and Melbourne, Australia, with a view to emphasizing the role of national institutions for the promotion of human rights in action to combat HIV/AIDS. In cooperation with other bodies, the UNAIDS secretariat had also given priority to combating discrimination against sick persons, and to training national partners, including NGOs working to combat AIDS and to defend human rights, political leaders and persons with HIV/AIDS.

22. She informed the members of the Committee that the UNAIDS secretariat had prepared some briefing notes for them which focused on certain countries where the situation was especially disturbing and which raised a number of questions that the members might wish to ask the delegations concerned. For the current session, UNAIDS had prepared notes on Trinidad and Tobago and Benin.

23. The CHAIRPERSON expressed the gratitude of the members of the Committee to the representatives who had spoken for the valuable support their organizations had provided and the interest they took in its work.

24. Mr. SADI asked the representative of UNAIDS what the specific effects of the Programme's work had been. With regard to UNESCO, he would like to know whether it was possible to evaluate the content of human rights education programmes. He asked the representative of UNFPA what main factors hindered the empowerment of women and girls in developing countries.

25. Ms. MALUWA (UNAIDS) said that the Programme did very specific work designed to inform persons with HIV/AIDS of their rights. One of the most tangible results of that policy had been the sharp increase in the number of legal proceedings instituted by sick persons in South Africa and Namibia for access to medication or compensation, for example, after having been wrongfully dismissed from their jobs. The Programme had also found that, as a result of its work, many countries were changing their policies for combating and preventing HIV/AIDS.

26. Mr. SINGH (UNESCO) said that it was difficult to evaluate the relevance of human rights education programmes and that much remained to be done in that regard. UNESCO nevertheless had a network of national commissions that worked with schools and national institutions to help them better reflect universal human rights values in school curricula and textbooks.

27. Ms. ANGARITA (UNFPA) said that the factors hindering women's empowerment were essentially cultural and religious. UNFPA country offices were now carrying out a field evaluation to identify the problems encountered by women, to hear their concerns and to draft guidelines which would enable the Fund and its partners to target their actions accordingly.

The meeting rose at 11.30 a.m.