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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-fourth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 25 April 2005, at 10 a.m.

Temporary Chairperson: Mr. RIEDEL

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The meeting was called to order at 10.35 a.m.

#### OPENING OF THE SESSION

1. Mr. BRUNI (Representative of the Secretary-General) declared open the thirty-fourth session of the Committee on Economic, Social and Cultural Rights and welcomed the members of the Committee. He expressed thanks to those former Committee members whose terms of office had ended on 31 December 2004.

#### Solemn declaration

2. In accordance with rule 13 of the Committee's rules of procedure, Mr. Abdel-Moneim, Ms. Barahona Riera, Mr. Malinverni, Mr. Rzeplinski, Mr. Sadi, Mr. Texier and Mr. Shen Yongxiang, newly elected or re-elected members, solemnly declared that they would perform their duties as members of the Committee impartially and conscientiously.

#### STATEMENT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

3. Mr. BRUNI (Representative of the Secretary-General) said that the United Nations High Commissioner for Human Rights had continually stressed the importance of economic, social and cultural rights and their equal status with civil and political rights since she had taken office in July 2004. The High Commissioner was strongly committed to ensuring that the Committee's work received all the support it needed from her Office.

4. The work of the Office of the High Commissioner for Human Rights was guided by the Secretary-General's agenda for the reform of the United Nations. In his latest report, entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005), the Secretary-General had stressed the importance of finalizing and implementing harmonized guidelines on reporting to all treaty bodies. All treaty body Committees were urged to carefully consider the draft guidelines on an expanded core document and on treaty-specific targeted reports examined by the third inter-committee meeting in June 2004. The Committee should continue discussions on the issue and submit its comments and suggestions to the rapporteur appointed by the inter-committee meeting.

5. Other aspects of the Secretary-General's agenda for reform included strengthening system-wide action to implement human rights, in particular, by strengthening the capacity of the Office of the High Commissioner for Human Rights. To that end, initiatives had been taken by the Office to improve human rights treaty monitoring and to enhance the capacity of the United Nations system to assist States in strengthening their national human rights promotion and protection systems. Furthermore, in his report, the Secretary-General had recommended that the current Commission on Human Rights should be replaced by a smaller standing Human Rights Council - a proposal that would be discussed in greater detail by the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights, which was scheduled to meet in June 2005.

6. At its recently concluded sixty-first session, the Commission on Human Rights had adopted 16 resolutions on economic, social and cultural rights. The Commission had encouraged the Committee to continue its work of assisting and promoting the implementation

by States parties of the Covenant through the drafting of general comments. It had commended the Committee's efforts to strengthen collaboration in monitoring the right to education and had invited the Committee to pay particular attention to the gender aspect of access to adequate housing and to medication in the context of pandemics, as well as to the question of extreme poverty and human rights. The Commission had decided to extend for a period of three years the mandate of the Special Rapporteur of the Commission on Human Rights on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Commission had also endorsed the decision of the Sub-Commission on the Promotion and Protection of Human Rights to appoint a Special Rapporteur to undertake a study on affirmative action, which had been requested by the Committee.

7. At its second session, held in January 2005, the open-ended working group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights had discussed the draft optional protocol proposed by the Committee and would submit its final recommendations to the Commission on Human Rights at its sixty-second session. In her address to the working group, and subsequently to the Commission on Human Rights, the High Commissioner, along with many delegations, had expressed support for such an optional protocol.

8. The meeting with States parties, to be scheduled by the Committee during the current session to discuss the draft optional protocol, would be a valuable contribution to the work under way at the Commission on Human Rights. He commended the Committee's ongoing efforts to clarify the nature and scope of the provisions of the Covenant through the drafting of its general comments. The Office would follow with interest the Committee's work in that regard.

#### ELECTION OF OFFICERS

9. Mr. RIEDEL said that in view of the fact that the Chairperson at the previous session and several other Committee members were not present, the Committee should postpone the election of officers. As a former vice-chairperson, he proposed to chair today's meeting himself.

10. Mr. BRUNI (Representative of the Secretary-General) said that the Committee would postpone the election of officers; Mr. Riedel would act as temporary Chairperson.

11. Mr. Riedel took the Chair.

#### ADOPTION OF THE AGENDA (E/C.12/2005/1)

12. The agenda was adopted.

#### ORGANIZATION OF WORK (E/C.12/2005/L.1)

13. Mr. TEXIER said that he had sent the secretariat a number of changes concerning the draft general comment on article 6 of the Covenant, for which he had been appointed rapporteur. The Committee should be able to adopt the draft general comment at its current session.

14. The TEMPORARY CHAIRPERSON said that four draft general comments were under consideration by the Committee, including a preliminary draft general comment on article 2.2 of the Covenant regarding non-discrimination.

15. Mr. MALINVERNI requested that Committee members should provide him with their comments and suggestions on the preliminary draft on article 2.2. In view of the fact that articles 2.2 and 3 of the Covenant were closely related, perhaps the draft general comments on these articles should be considered jointly. The Committee should aim to adopt the draft general comment on article 2.2 at its November session.

16. Mr. MARCHÁN ROMERO said that while significant progress had been made at the Committee's previous session towards drafting a general comment on article 15, it had become clear that the issues involved were complex. Further consideration of the document would take place after consultation with non-governmental organizations (NGOs).

17. The TEMPORARY CHAIRPERSON said that, since most progress had been made on the draft general comments on articles 3 and 6 of the Covenant, those documents should be adopted first.

18. The Committee should also consider the issue of reforms within the United Nations, particularly in the light of the Secretary-General's recent report on development, security and human rights for all (A/59/2005). Many States parties had attended the meeting of the open-ended working group to consider options regarding the elaboration of an optional protocol to the Covenant. Those options were outlined in paragraph 109 of the working group's report (E/CN.4/2005/52), and should be discussed by the Committee at the current session.

19. Mr. SADI said that NGOs and national human rights institutions should be encouraged to persuade States parties currently opposed to the adoption of an optional protocol of the need for such an instrument.

20. Mr. TEXIER said that France had changed its position regarding an optional protocol, and planned to hold a meeting of high-level experts in 2005 to discuss the challenges to the elaboration of such an instrument. An increasing number of States parties had shown support for an optional protocol, as issues such as the justiciability of economic, social and cultural rights had been demonstrated to be less complex than had previously been believed.

#### RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES

21. The TEMPORARY CHAIRPERSON said that reports had been received from Canada, Morocco, El Salvador, Albania and Mexico since the previous session. At its thirty-fifth session, the Committee would examine the initial reports of Slovenia, Uzbekistan and Monaco, the third periodic report of Austria and the second periodic report of the Libyan Arab Jamahiriya. The Committee would also review the status of the Covenant in San Marino, a non-reporting State.

22. Ms. DONDERS (United Nations Educational, Scientific and Cultural Organization) said that the United Nations Educational, Scientific and Cultural Organization (UNESCO) had pointed out to the open-ended working group to consider options regarding the elaboration of an optional protocol to the Covenant that there was no overlap between the procedures in place at UNESCO and those proposed in the draft optional protocol. At UNESCO, the Committee on Conventions and Recommendations was composed of member States, not independent experts, and focused on a number of specific rights, not all of those covered by the Covenant.

23. The Executive Board of UNESCO had made progress towards the elaboration of a declaration on universal norms for bioethics, which would emphasize the links between bioethics and human rights, particularly the right to health, the right to food, and several general development issues. A draft declaration should be submitted to the General Conference of UNESCO in October 2005. Another normative instrument under development was a convention on cultural diversity, which had important links with the work of the Committee.
24. Research networks were being developed at the regional level in Latin America and Africa. National human rights institutions in Africa had also demonstrated a great deal of interest in developing such networks.
25. Ms. BARAHONA RIERA requested further information on the research networks, particularly regarding the rights concerned, the research methods employed and the objectives pursued.
26. Mr. SADI asked whether the procedure used by UNESCO for considering complaints was effective.
27. Ms. DONDERS (United Nations Educational, Scientific and Cultural Organization) said that 11 Latin American offices of ombudspersons were currently participating in the research networks. Staff had been appointed to those offices to set up projects with UNESCO, focusing initially on the right to education. Efforts were being made to expand the networks to more countries in the region, and to establish links between the offices of the ombudspersons and Latin American educational experts. A common methodological approach had been sought, and policy proposals from the different offices were expected in 2006.
28. Given that the complaints procedure at UNESCO was totally confidential, it was difficult to judge the effectiveness of the system. A proposal had been made to publish the decisions reached in cases. About 60 per cent of cases brought before the Committee on Conventions and Recommendations were currently resolved. UNESCO did not hand down judgements, but, rather, sought amicable settlements, and cases stayed on the Committee's agenda until they were resolved.
29. The TEMPORARY CHAIRPERSON said that it was useful to hear how much that procedure differed from that under the proposed optional protocol, given that some States parties had argued that the optional protocol to the Covenant would duplicate existing mechanisms in other international instruments.
30. Mr. KERDOUN asked to what extent UNESCO involved NGOs in consideration of the right to education.
31. Ms. DONDERS (United Nations Educational, Scientific and Cultural Organization) said that NGOs played an important role at the local and national levels, particularly on the ground, where they were fundamental to the work of the UNESCO field offices.

The meeting rose at 11.50 a.m.