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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 1 May 2006, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/2006/SR.1/Add.1.

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The meeting was called to order at 10.20 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the thirty-sixth session of the Committee on Economic, Social and Cultural Rights.

STATEMENT BY THE REPRESENTATIVE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. BRUNI (Office of the United Nations High Commissioner for Human Rights) said that important developments relating to the reform of the United Nations human rights system had taken place since the Committee's last session. Pursuant to General Assembly resolution 60/251 of 15 March 2006, the Human Rights Council would replace the Commission on Human Rights, which would be abolished on 16 June 2006. The Human Rights Council would hold regular sessions three times a year in Geneva; special sessions could be held with the agreement of one third of its members. The Council would retain the current system of independent special procedures and would also establish a new system of universal human rights reviews of member States that would be based on independent assessments made by international expert bodies.

3. In keeping with the High Commissioner's objective of improving the tools for monitoring human rights, a concept paper on the proposed establishment of a unified standing treaty body had been prepared following extensive consultations with stakeholders. The concept paper described the possible forms, modalities of operation and functions of a unified standing treaty body; other background papers were being prepared to explore the legal aspects of such a body, its possible membership and its resource requirements. At briefings on the concept paper organized for stakeholders, representatives of States parties had emphasized the importance of further exploring the legal options, as well as of streamlining reporting guidelines and harmonizing the working methods of the various treaty bodies.

4. A number of meetings had been scheduled for 2006 to discuss the High Commissioner's proposal on a unified standing treaty body, and the concept paper would be discussed at the Fifth Inter-Committee Meeting and the eighteenth meeting of chairpersons of the human rights treaty bodies to be held in June. The Government of Liechtenstein had offered to host brainstorming meetings in July 2006, and an intergovernmental meeting of States parties would be convened to consider the proposed unified treaty body in December.

5. Independently of the discussion on the proposed establishment of a unified standing treaty body, a second major monitoring tool was being developed, namely harmonized guidelines for reporting under United Nations human rights treaty bodies. A technical working group, consisting of representatives from each treaty body, had been convened in December 2005 and February 2006 to review the secretariat's draft of new guidelines for core documents. At its current session, the Committee might wish to discuss that review in order to present its position at the Fifth Inter-Committee Meeting and the eighteenth meeting of chairpersons of human rights treaty bodies. The adoption of the revised guidelines would be a significant step towards rationalizing the reporting obligations of States parties.

6. Several countries had already begun to draft an expanded core document. One core document, prepared according to the 2005 draft guidelines, had been submitted by the United Nations Interim Administration Mission in Kosovo (UNMIK), together with a treaty-specific report, to the Human Rights Committee for consideration at its upcoming session in July 2006. UNMIK was currently preparing to submit a treaty-specific report to the Committee on Economic, Social and Cultural Rights.

7. With a view to assisting treaty bodies in analysing statistical information presented in States parties' periodic reports, the Fourth Inter-Committee Meeting and the seventeenth meeting of chairpersons of human rights treaty bodies had requested the secretariat to prepare a background paper on the possible uses of indicators for monitoring compliance with international human rights treaties. A panel of experts had agreed on a conceptual and methodological framework for indicators relating to four pilot rights: the right to life, judicial control of detention, the right to food and the right to health. Experience in the use of the indicators would be gained when core documents were prepared according to the draft guidelines for an expanded core document.

8. Another tool for improved monitoring was the proposed optional protocol to the Covenant, which would allow the provision of remedies for victims. Many aspects of the protocol had been discussed at the third session of 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. Such options included legal issues, admissibility criteria, examination of the merits of admissible communications and the amicable settlement of disputes. Other issues discussed were the inclusion of an inquiry procedure, and the relationship between a communications procedure under the Covenant and existing regional and international procedures. A clear majority of the delegations at the third session had expressed the view that the working group had fulfilled its mandate, and that it was time to proceed with the drafting of the optional protocol.

9. Human rights standards were rapidly becoming more numerous and complex: two new draft treaties - a convention on the rights and dignity of persons with disabilities, and a convention on enforced disappearances - were currently under consideration; the consolidated Maritime Labour Convention on the rights of seafarers to decent employment had been adopted by the International Labour Conference (Maritime) in February 2006; and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and the Universal Declaration on Bioethics and Human Rights had been adopted in October 2005 by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

10. On behalf of the High Commissioner, he commended the Committee on the progress it had made in adopting general comments at its most recent sessions and urged it to continue its work in that area. He hoped that, in preparing for the Fifth Inter-Committee Meeting and the eighteenth meeting of chairpersons of the human rights treaty bodies, the Committee would find time at its current session to consider questions of methodology.

11. Since the Committee's November 2005 session, the Covenant had been ratified by Kazakhstan and Indonesia, which brought the total number of States parties to 153. Despite the progress made towards universal ratification, many States had not submitted reports. The

secretariat was preparing to send out consolidated reporting reminders to all States whose reports were overdue. He hoped that the interest that had been expressed by States parties in an expanded core document was an indication of their commitment to preparing treaty-specific reports. The growing number of country offices of the Office of the United Nations High Commissioner for Human Rights was actively encouraging reporting under the various United Nations treaties. He had taken note of requests received from several countries for training workshops on reporting. There was reason to be confident that the new guidelines for core documents and the criteria for membership of the Human Rights Council would create additional incentives for States to be up to date with their reporting obligations.

12. The CHAIRPERSON said that the High Commissioner's message had major implications for the work of the Committee. It was propitious that the first meeting of the Human Rights Council would coincide with the Fifth Inter-Committee Meeting and the eighteenth meeting of chairpersons of the human rights treaty bodies. She hoped that that would allow for an exchange of ideas between the participants in the various meetings.

13. Mr. SADI asked when the unified standing treaty body would be established. The issue of harmonized guidelines for reporting under the United Nations human rights treaties could not be discussed independently of the question of establishing a unified standing treaty body. He enquired whether the draft treaties under consideration could be incorporated into existing instruments in order to avoid a proliferation of treaties.

14. Mr. BRUNI said that it was likely that no decision would be taken on the proposed unified standing treaty body before the end of 2006. The secretariat would have a clearer idea of the direction that States wanted to take after the Human Rights Council had held one or two sessions.

15. Although there was a definite connection between the harmonization of reporting guidelines for an expanded core document and the establishment of a unified standing treaty body, the guidelines - if adopted - could be used by States parties regardless of the monitoring mechanism in force.

16. While it was generally desirable to limit the development of new treaties, it was often difficult to prevent the introduction of treaties when States were firmly convinced of their necessity.

ADOPTION OF THE AGENDA (E/C.12/36/2)

17. The agenda was adopted.

ORGANIZATION OF WORK (E/C.12/36/1/CRP.1)

18. The CHAIRPERSON announced that Canada had submitted its fourth and fifth periodic reports for consideration at the current session. The Committee would also consider its draft general comment on article 2, paragraph 2, of the Covenant regarding non-discrimination, and the session would include a day of general discussion on article 9 of the Covenant regarding the right to social security.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES

19. Mr. SINGH (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that, while UNESCO accorded high priority to the right to basic education, education for all was far from being a reality throughout the world. At the 2006 UNESCO Education for All Summit of Nine High-Population Developing Countries, ministers of education had recognized the need to increase education funding to 6 per cent of the gross domestic product (GDP). Most of that sum would be spent on basic education. The Jakarta Declaration, adopted at the 2005 International Conference on the Right to Basic Education as a Fundamental Human Right and the Legal Framework for its Financing, addressed the problems of financing education, recognizing that education was an investment in future economic growth and development.

20. In April 2006, the UNESCO Committee on Conventions and Recommendations had considered ways to improve monitoring of the right to education. The fourth meeting of the Joint Expert Group on the monitoring of the right to education, which would take place during the Committee's current session, would consider issues raised by the High Commissioner for Human Rights in Jakarta in December 2005, particularly the international community's responsibility to promote free basic education. The Joint Expert Group would also consider national and international jurisprudence that demonstrated that the right to education was a legally enforceable entitlement.

21. In April 2006, the Executive Board of UNESCO had considered developing a network of specialists to make a comparative analysis of constitutions, legislation and policy on the right to education. UNESCO had continued to provide technical assistance to member States to enable them to develop and update their domestic legislation on the universal right to basic education. Legislation adopted by Brazil in February 2006 recognized that basic education was free and compulsory, and similar legislation was currently under consideration in Kenya.

22. On the occasion of the sixtieth anniversary of UNESCO, a high-level meeting of experts had considered the right to education, focusing on education for all and the fundamental principles of equal opportunity and non-discrimination. The experts had highlighted the impact of international instruments adopted by UNESCO and its standard-setting practice.

23. A regional conference on human rights education, held in Tunis in February 2006 in cooperation with the Office of the United Nations High Commissioner for Human Rights, had focused on encouraging national authorities to analyse and improve the current situation of human rights education in schools.

24. UNESCO recognized the relevance and importance of the educational dimensions of the other rights contained in the Covenant, since the right to education was essential for the realization of all other human rights.

The public part of the meeting rose at 11.20 a.m.