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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 31st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 5 November 2007, at 10 a.m.

Chairperson: Mr. TEXIER

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* No summary record was prepared for the second part (closed) of the meeting.

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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 thirty-ninth 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. SALAMA (Office of the United Nations High Commissioner for Human Rights (OHCHR)) reported on a number of recent developments since the Committee's thirty-eighth session. On 13 September 2007, the General Assembly of the United Nations had adopted the Declaration on the Rights of Indigenous Peoples, which expressly prohibited discrimination against such peoples, encouraged their participation in the consideration of all matters affecting them and recognized their right to be different and to secure their economic, social and cultural development in accordance with their aspirations. The Declaration was an important contribution for the Committee in that it would help it to define more clearly the nature and scope of cultural rights, as well as the obligations of States parties in that regard, with a view to drafting a general comment on those issues.

3. On 18 June 2007, by its resolution 5/1, the Human Rights Council had established the Universal Periodic Review and defined its principles, objectives, periodicity and modalities. At its sixth session, it had adopted General Guidelines for the preparation of information under the Universal Periodic Review (decision 6/102 of 27 September 2007). It had also decided to take the concluding observations, views and recommendations of treaty bodies into account in conducting the Universal Periodic Review.

4. On 28 September 2007, by its resolution 6/17, the Council had requested the Secretary-General of the United Nations to establish a universal periodic review Voluntary Trust Fund to facilitate the participation of developing countries, particularly least developed countries, in the review process. It had also requested him to establish a new financial mechanism, called the Voluntary Fund for Financial and Technical Assistance, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the Universal Periodic Review in consultation with, and with the consent of, the country concerned.

5. Lastly, by its decision 6/102 of 27 December 2007, the Council had adopted technical and objective requirements for eligible candidates for mandate-holders, as well as technical and objective requirements for the submission of candidatures for the Human Rights Council Advisory Committee, a new body that was to replace the Sub-Commission on the Promotion and Protection of Human Rights.

6. No substantive objections had been raised to the proposed adoption of an optional protocol to the Covenant. There was wide support for the initiative, even though different positions had been expressed on some proposals in the draft Protocol. After Europe and Latin America, a third round of regional consultations would be held in early 2008 in Egypt, with the participation of Mr. Riedel acting as the Committee's representative. The Open-ended Working Group on an optional protocol would submit its latest report to the Human Rights Council in December 2007, during the second part of the sixth session. At the same session, the

Council would consider the issue of a possible change in the Committee's status and would be discussing that issue with Mr. Texier on International Human Rights Day. The Council would have before it a report presenting the Committee's views and an OHCHR report setting out the views of States and the opinion of the Office of Legal Affairs. That report would be distributed to Committee members shortly. Turning to other international instruments, he noted with satisfaction the ongoing institutionalization of the Convention on the Rights of Persons with Disabilities: thus far, 118 countries had signed the Convention and 66 countries had signed its Optional Protocol.

7. With regard to the Committee's work, a number of non-governmental organizations (NGOs) and United Nations bodies were awaiting with impatience the Committee's adoption of its general comment on the right to social security and, subsequently, its general comment on non-discrimination. He welcomed the Committee's intention to hold a general discussion on cultural rights at its May 2008 session. Concerning the harmonization of treaty bodies' working methods, OHCHR had recently sent a note verbale to all Permanent Missions to the United Nations recommending that States parties apply the harmonized reporting guidelines, including those relating to the common core document and the treaty-specific document. Information meetings would be organized with States parties to publicize the guidelines. Technical assistance had already been provided to several States parties in drafting common core documents. In general, OHCHR spared no effort to raise the profile of treaty bodies and promote national implementation of their recommendations. To that end, it held regular training workshops on the treaty bodies' work and on the ways in which all stakeholders (national human rights institutions, NGOs, the media, etc.) could help in the drafting of reports and the application of treaty body recommendations. Those workshops also provided an excellent opportunity for strengthening cooperation among treaty bodies. OHCHR also intended to enhance its technical cooperation activities, using such tools as DVDs and CD-ROMs, updated e-bulletins on the treaty bodies and new, online compilations of concluding observations. It would also be setting up a web page with information on all its activities and on the follow-up to treaty bodies' concluding observations, the aim being to increase the effectiveness of their action in order to ensure still greater human rights protection at the national level.

8. On 27 September 2007, Bahrain had become the 157th State party to the Covenant. Since May, reports, some of them long overdue, had been submitted by Nicaragua, the Republic of Korea, Brazil, Cyprus, the United Kingdom, Chad, the Democratic Republic of the Congo, Poland, Madagascar and Australia. Lastly, he reiterated the support of OHCHR for Committee members and their work.

9. Ms. BONOAN-DANDAN said that at its thirty-ninth session, the Committee would have to think about the place it intended to give national human rights institutions in its work. She echoed the views of many Asian national institutions that did not know how to cooperate with the Committee. Most of them wanted to preserve their independence and did not want to sit down at the same table as States parties' delegations. At the same time, such institutions could not be treated as NGOs.

10. The CHAIRPERSON said that the issue raised by Ms. Bonoan-Dandan was entirely apposite, for the National Human Rights Commission of Ukraine had informed OHCHR that it wished to make a statement on the occasion of the

consideration of that State party's second periodic report. In the absence of any established practice in that regard, the Committee might envisage holding informal consultations with the Commission in between two public meetings. In any case, the Committee would have to consider the issue of the status to be given to national human rights institutions during its session.

11. Mr. SADI suggested that the Committee should hold discussions with representatives of national human rights institutions at public meetings, so that everyone could benefit from their contributions.

12. Ms. BARAHONA RIERA welcomed the interest shown by the representative of OHCHR in the Committee's general comments.

13. Mr. SALAMA (OHCHR) thanked Committee members for their comments and said that he hoped to have the opportunity to pursue the discussion at an informal meeting.

ADOPTION OF THE AGENDA (E/C.12/39/1/Rev.1)

14. *The agenda was adopted.*

The first part (public) of the meeting rose at 10.50 a.m.