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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Forty-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)\*  
OF THE 27th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 3 November 2008, 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 10.15 a.m.

#### OPENING OF THE SESSION

1. The CHAIRPERSON declared open the forty-first session of the Committee on Economic, Social and Cultural Rights. He announced that Mr. Paulo David had been acting as Secretary of the Committee following the temporary absence of Ms. Wan-Hea Lee, and would continue to do so until the post was filled in the near future.

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

2. Mr. DAVID (Representative of the United Nations High Commissioner for Human Rights) conveyed the High Commissioner's best wishes for a productive session. The High Commissioner regretted not being able to open the session herself, but looked forward to meeting the Committee shortly.

3. Among important developments of relevance to the Committee, on 18 June 2008 the Human Rights Council had adopted resolution 8/2, containing the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It was expected that the Optional Protocol would be adopted by the United Nations General Assembly in the following weeks.

4. The High Commissioner attached great importance to economic, social and cultural rights. In addition to the recent organization of a seminar in Panama City on follow-up to United Nations treaty body recommendations, which had featured a workshop on the right to health, the Office of the High Commissioner for Human Rights (OHCHR) would be holding an expert seminar on the impact of anti-terrorist measures on the enjoyment of economic, social and cultural rights from 5 to 7 November 2008; he understood that one of the Committee members would be able to attend at least part of that seminar. The Office was also organizing a seminar, in conjunction with the Inter-Parliamentary Union, to mark the sixtieth anniversary of the Universal Declaration of Human Rights. One of the subjects to be covered was the implementation of economic, social and cultural rights in the context of globalization. The forthcoming annual meeting of the heads of OHCHR field presences would also be discussing how to improve the effective implementation of economic, social and cultural rights at national level.

5. A total of 32 countries had been examined to date under the universal periodic review exercise, with a further 18 scheduled for consideration in December 2008. Economic, social and cultural rights were systematically addressed in the context of that exercise.

#### ADOPTION OF THE AGENDA (E/C.12/41/1)

6. The agenda was adopted.

#### ORGANIZATION OF WORK (E/C.12/41/1)

7. The CHAIRPERSON introduced the programme of work contained in document E/C.12/41/1. He drew attention to the need to adopt the revised guidelines for the preparation of reports by States parties by the end of the current session.

8. Mr. RIEDEL said it was important that the universal periodic review should not negatively affect the quality of the treaty bodies' work, which should continue to consist of in-depth analysis.

9. Ms. BONOAN-DANDAN said that, the universal periodic review was a political exercise, and did not duplicate the work of the treaty bodies. She expressed her deep concern that the paper prepared by Mr. Marchán Romero in connection with the review of draft general comment No. 21 on the right to take part in cultural life, to which she had intended to contribute, had not yet been translated into English. Such a situation could not be allowed to continue, as it was affecting the Committee's work.

10. Mr. ABDEL-MONEIM said that it would be useful for the Committee to be provided with Human Rights Council documents on a consistent and regular basis, in order to facilitate mutual input by the two bodies. In his view, the Committee should issue a statement on the current international economic crisis, in the same way as it had done in May 2008 in response to the world food crisis, since the implications of the economic crisis for the exercise of economic, social and cultural rights were potentially serious and far-reaching. In addition, general comment No. 2 on international technical assistance measures should be revised, in order to reflect the broader concept of economic assistance and cooperation contained in article 2 of the Covenant.

11. Ms. BRAS GOMES expressed doubt that the Committee's workload would allow it to prepare a statement on the international economic crisis or embark on revision of general comment No. 2. She concurred with the Chairperson that it was necessary to adopt the revised guidelines for the preparation of reports by States parties by the end of the current session. In her view, the information requested under those guidelines, as they stood, was too detailed to be covered in a 40-page periodic report, as had been confirmed by a "test run" drafting exercise she had had carried out. It was necessary to reduce the amount of information requested under the guidelines; by way of compensation, additional questions could be included in the list of issues, and raised during the dialogue with Member States.

12. Ms. BARAHONA RIERA supported the proposal by Mr. Abdel-Moneim to issue a statement on the international economic crisis. She was not in favour of reducing the amount of information requested under the reporting guidelines, which had been carefully drafted. In her view, the universal periodic review was a very different exercise to the work carried out by treaty bodies; one was political, while the other consisted of in-depth analysis by experts. It was important not to confuse the two.

13. Mr. SA`DI supported the proposal to issue a statement on the current international crisis. Drafting the statement should not take too much time. It was a financial crisis, however, not an economic crisis.

14. Ms. BRAS GOMES said that the reporting guidelines needed to be considered in a different manner because of the introduction of the 40-page limit on periodic reports and the common core document containing cross-cutting issues of relevance to the different treaty bodies. It was necessary to reflect those two developments in the revised guidelines.

15. Mr. ZHAN Daode supported the proposal to issue a statement on the current international crisis. He expressed concern that the decline in the value of the United States dollar had not been taken into account in the financial limits applying to Committee members' travel allowances, and asked for consideration to be given to that matter.

16. Mr. RIEDEL said he sympathized with both points of view expressed regarding the reporting guidelines. On the one hand, streamlining was essential given that States parties were now being asked to provide multiple documents. On the other, the work of the Committee was intricate and detailed, as was demonstrated by its decision, contrary to the practice of other treaty bodies, to revert to nine hours of dialogue with reporting States instead of the six hours recommended by an Inter-Committee Meeting, after having tried six hours for a two-year period. Members should reflect on the revised guidelines before they were discussed in plenary, as the issue was a complex and important one. It would be helpful to hold an informal meeting beforehand.

17. Regarding draft general comment No. 20 on the right to non-discrimination, he recalled that at its previous session the Committee had decided that the draft of 7 May 2008 should be circulated to all Committee members in the working languages, and a number of helpful comments on the draft had been received. An intensive workshop had been held in Berlin in September 2008 on the issue. He urged members to participate actively in the general discussion to be held on the draft later in the session, at which it was essential to have proper regional representation. After any changes had been incorporated, the text would be translated and made ready for adoption, preferably in May 2009. As to the content of the draft, the issue of multiple discrimination, which had already been addressed in general comment No. 16 on article 3 of the Covenant, should be re-examined. Sufficient attention had been paid to all the factors listed under article 2, paragraph 2, except "other status", with more work required in the following areas: age, nationality, marital and family status, sexual orientation, health status, place of residence and civil, cultural, economic and social status.

18. The CHAIRPERSON said that an informal meeting on the revised guidelines would indeed be useful, and requested the Secretariat to make the necessary arrangements.

19. Mr. MARCHÁN ROMERO, referring to draft general comment No. 21 on the right to take part in cultural life in relation to article 15 of the Covenant, expressed disappointment that his draft, which had been prepared in Spanish, had not been translated into the working languages of the Committee in time for the current session. The draft was the culmination of a long process within the Committee's work. It had been submitted to the Secretariat in July 2008 with a request that it should be given priority attention as it was to be discussed at the current session, and several reminders had been sent since. Not only did the absence of translated versions and the consequent difficulties affect the work of the Committee, but it sent out the unfortunate message that cultural rights were to be regarded as less important than other rights. He requested the Secretariat to give the draft the attention it deserved.

20. He supported the suggestion by Mr. Abdel-Moneim that the Committee should issue a statement on the international economic crisis.

21. Ms. WILSON expressed concern that draft general comment No. 21 had not been translated. Noting that it would be difficult for the work of the Committee to progress without the draft, she asked whether translated versions would be available before the planned half-day discussion on the subject.
22. She endorsed the proposal that the Committee should issue a statement on the international economic crisis, in order to address the risk of serious violations of economic, social and cultural rights in all countries, but especially in developing countries. A small working group should be established to prepare a text.
23. She agreed that the reporting guidelines should be streamlined, and supported the idea of holding an informal meeting on the subject.
24. Regarding draft general comment No. 20 on the right to non-discrimination, she said that work was progressing slowly, and active participation and comments from Committee members during the half-day discussion would be essential.
25. The CHAIRPERSON, having consulted with the Secretariat, informed the Committee that insufficient priority appeared to have been given to the translation of draft general comment No. 21, as a result of other work related to the universal periodic review mechanism. A translation should be available by the end of the second week of the session.
26. Ms. BARAHONA RIERA asked whether a report on the recent seminar on follow-up to United Nations treaty body recommendations held in Panama City was available. She also inquired whether a second, shorter draft of the revised reporting guidelines had been prepared in order to facilitate the Committee's work. Furthermore, she noted that many States had asked why the limit of 40 pages for periodic reports had been chosen.
27. She too expressed deep concern regarding the failure to translate draft general comment No. 21. Translation of draft general comments was indispensable to the Committee's discussions, and, while translations for the universal periodic review mechanism were important, they did not constitute an excuse.
28. Ms. BONOAN-DANDAN expressed the view that it would be possible to shorten the revised reporting guidelines. She requested clarification from the Secretariat as to where to locate the various documents relevant to the Committee's work: the reporting guidelines, the latest versions of the draft general comments and the annual report.
29. Mr. TIRADO MEJÍA requested further information on the recent Panama City seminar. He expressed support for the comments made earlier regarding travel problems. It was becoming increasingly difficult to obtain a ticket to travel from Colombia to Europe within the budget limit. Moreover, he pointed out that hotel reservations made well in advance were much less costly than those made at the last minute.
30. He expressed support for the suggestion by Mr. Abdel-Moneim that the Committee should issue a statement on the international economic crisis, and for the idea of establishing an informal group on the matter.

31. He was perplexed at the problem regarding translation of the draft general comments, and recalled that similar difficulties had been encountered at the previous session.
32. He called for the vacant post of Secretary of the Committee to be filled as quickly as possible so as to avoid giving the false impression that economic, social and cultural rights were of secondary importance.
33. Ms. BRAS GOMES noted that the decision to advise States parties to limit their reports to 40 pages had been taken at the fifth Inter-Committee Meeting and the eighteenth meeting of chairpersons of the human rights treaty bodies in 2006. She had not prepared a second draft of the reporting guidelines, as some provisions had already been adopted, but she would be prepared to work with members on an informal basis. She was not suggesting that any particular guideline should be discarded, but that the detail of information requested in each guideline should be examined.
34. The CHAIRPERSON noted that two new drafting groups had been proposed: one to work on the revised reporting guidelines and one to prepare a statement on the global economic crisis.
35. Mr. ABDEL-MONEIM, with reference to the translation issue, noted that it was fortunate that documents had to be translated into the working languages of the Committee only, and not all six official languages of the United Nations.
36. Mr. RZEPLINSKI, on the subject of the revised guidelines, noted that a 40-page report limit could be observed, but not at the expense of quality. For example, general information could be given in the report, and an Internet link to more detailed information provided for the benefit of those Committee members responsible for preparing the list of issues and drafting the concluding observations who required further information.
37. Mr. DASGUPTA, noting that air travel was generally cheaper if booked early, asked if the Secretariat could make it possible for bookings to be made at least one month in advance of travel. Such action would help the United Nations to save money and give travellers more options.
38. Ms. BONOAN-DANDAN echoed the comments of other members regarding travel problems and the need for them to be resolved in the interests of the Committee's work. She volunteered to participate in the working group on the revised reporting guidelines.
39. The CHAIRPERSON asked members to reflect on possible ways of addressing the travel problems mentioned, such as a general letter, that he would sign, stating that, while members understood the budgetary restrictions, a certain standard should be maintained for those travelling a great distance to undertake voluntary work for the Committee.
40. The draft programme of work contained in document E/C.12/41/1 was adopted.

The public part of the meeting rose at 11.40 a.m.