



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Forty-third session

Summary record (partial)* of the 29th meeting

Held at the Palais Wilson, Geneva, on Monday, 2 November 2009, at 10 a.m.

Chairperson: Mr. Romero Marchan

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* No summary record was prepared for the rest 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 forty-third session of the Committee on Economic, Social and Cultural Rights. He welcomed Mr. Salama, Chief of the Human Rights Treaties Branch, Office of the United Nations High Commissioner for Human Rights (OHCHR), and invited him to give an opening address.

Opening statement by the chief of the Human Rights Treaties Branch

2. **Mr. Ibrahim Salama** (Chief, Human Rights Treaties Branch) conveyed the High Commissioner's best wishes for a successful and productive session. He also expressed his gratitude to Mr. Kolosov, who had left the Committee after years of hard work and dedication.

3. Among developments that had taken place since the Committee's previous session, OHCHR had identified six thematic priorities that were of direct relevance to core issues in the work of the treaty bodies, particularly the Committee. Those were: ensuring the realization of human rights in the context of migration; eliminating discrimination; protecting human rights in situations of armed conflict, violence and insecurity; combating impunity and strengthening accountability, the rule of law and democratic societies; protecting economic, social and cultural rights, particularly in the context of the economic, food and climate crises; and strengthening international human rights mechanisms and the progressive development of international law.

4. In a recent statement to the Human Rights Council, the High Commissioner had underscored the importance of treaty bodies in their reporting and individual complaints mechanisms and the universal periodic review (UPR) process. She had welcomed progress made in the human rights protection system, marked by the increase in the number of human rights instruments and corresponding monitoring bodies and greater compliance by States parties with reporting obligations. She had invited all stakeholders to reflect on how to streamline and strengthen the treaty body system to achieve better coordination among those mechanisms and in their interaction with special procedures and the UPR.

5. The High Commissioner had also emphasized the need to promote and protect human rights more effectively, particularly in the context of the economic crisis, the persistence of armed conflicts and the continuing discrimination and violence against women, minorities, migrants and other vulnerable groups.

6. He said that the Committee's active role in enhancing the entire human rights treaty body system was of crucial importance. The forthcoming tenth inter-committee meeting of the human rights treaty bodies (ICM) would focus on a discussion of follow-up to concluding observations and views or decisions of treaty bodies in order to identify best practices and consider possible areas of harmonization. He was sure that Mr. Marchan Romero and Ms. Bras Gomes, who would attend the tenth ICM on behalf of the Committee would make their usual important contributions to the discussions.

7. A total of 70 countries had been examined to date under the UPR exercise, of which Poland, the Republic of Korea and Chad had submitted reports to the Committee that would be considered at its current session. The Democratic Republic of Congo would be reviewed in December 2009 and Madagascar in early 2010. Several other countries, for which the Committee would adopt lists of issues prior to reporting, had already been considered under the UPR.

8. The number of States parties to the Covenant remained at 160, with no new ratifications since the Committee's previous session. Since the Optional Protocol to the

Covenant had been opened for signature and ratification on 24 September 2009, 30 signatures had been submitted and he hoped that ratifications would follow in due time. That was significant for the Committee's work, and the expert seminar held from 28 to 30 October 2009 should provide a useful platform to begin crucial work in the area, including the formulation of rules of procedure for the consideration of individual complaints.

9. Eleven States parties had submitted reports since the Committee's forty-second session: New Zealand, Argentina, Peru, Spain, Slovakia, Ethiopia, Bulgaria, Mauritania, the United Republic of Tanzania, Ecuador and Azerbaijan.

10. An election would be held by December 2009 to fill the ad hoc vacancy left by the departure of Mr. Kolosov from the Committee. The new member elected would join the Committee at its forty-fifth session in May 2010 and serve out Mr. Kolosov's term until December 2010. Meanwhile, general elections would be held for nine seats, including that one, at a session of the Economic and Social Council in April 2010.

11. On 30 July 2009, the Council had adopted the Committee's report on its fortieth and forty-first sessions (E/2009/22). In paragraph 559, the Committee had requested the Council to approve one additional session per year during the period 2010–2011, but that request had not been acted upon by the Council. The Committee might therefore wish to renew its request for additional sessions or additional meeting time for presentation to the Council's 2010 substantive session and, in that respect, to give it greater prominence in the next report.

12. At its current session the Committee would, inter alia, consider the periodic reports of the Democratic Republic of Congo, Chad, Madagascar, Poland and the Republic of Korea; hold a meeting with representatives of United Nations agencies, national human rights institutions and non-governmental organizations; continue its deliberations with a view to adopting draft general comment No. 21 on the right of everyone to take part in cultural life; pursue its discussions on the working methods of the Committee; participate in an information session organized by the United Nations Population Fund on the right to reproductive and sexual health; meet with the ILO Committee of Experts on the theme of social security; and adopt lists of issues for Uruguay, Afghanistan, the Netherlands and the Netherlands Antilles, Switzerland and the Dominican Republic.

13. A difficult issue for the secretariat was the editing and translation of documents, as the relevant services of the United Nations Office at Geneva lacked the capacity to process the increasing number of documents required by the Committee. Ways and means to address the problem, which was not unique to the Committee, must be discussed and ICM would be a good forum for such deliberation.

14. He assured the Committee of OHCHR's and full assistance in carrying out its mandate and of the secretariat's commitment to maintaining a dialogue with the Committee at all times with a view to identifying long-term solutions to current and future difficulties.

15. **Mr. Sadi** asked whether OHCHR was conducting a campaign to invite countries to ratify the Optional Protocol. He also asked why the Committee's request to the Economic and Social Council for an additional annual session in 2010 and in 2011 had not been acted upon. Had it simply been overlooked in the Committee's rather lengthy report?

16. **Ms. Bonoan Dandan** expressed concern that the Committee's request for additional sessions had not been acted upon, as it was becoming crucial to have more time to review the growing number of reports being submitted.

17. **Mr. Riedel** echoed the concerns of the previous speakers on the lack of response to the request regarding additional sessions. He welcomed the six thematic priorities identified by OHCHR, especially the increasingly important subject of human rights in situations of armed conflict. He requested further information on the establishment and development of

the thematic priorities and suggested that the organization of workshops and treaty body consultations might be useful in that respect.

18. **Ms. Barahona Riera** requested further information on strategies to protect economic, social and cultural rights in times of crisis, especially in the context of a campaign to encourage ratification of the Optional Protocol. How did OHCHR envisage dealing with the different characteristics and needs of each region? She also asked whether there was a specific proposal for a treaty body coordinating mechanism which could be discussed at the tenth ICM. Finally, she shared the views expressed by previous speakers on the lack of response to the request for additional sessions.

19. **Mr. Salama** (Chief, Human Rights Treaties Branch) underscored the importance of the tenth ICM and acknowledged that further efforts could be made to improve the way in which issues were addressed. One option might be to set up working groups to focus on individual topics in advance before experts came to discuss them at ICM.

20. Turning to the six thematic priorities mentioned, he said that two working groups had translated each priority into areas for action by OHCHR and the 11 stakeholders and had identified the protection of economic, social and cultural rights as a high-priority area.

21. He agreed that, due to historically complex negotiations and the issue of indivisibility, a campaign was needed to encourage ratification of the new Optional Protocol. OHCHR was committed to playing its part. He would welcome the Committee's suggestions as to its role in that process and its advice on how best to achieve ratification, given its wealth of relevant experience.

22. The real challenge of having so many priorities in a zero-growth situation was to accept that doing less could actually achieve more. OHCHR was struggling with the notion, which called for a sharpened focus on individual priority areas. With regard to economic, social and cultural rights, the existence of a new instrument which was very progressive in asserting indivisibility was a distinct advantage. Henceforth it was the responsibility of Member States, OHCHR and the Committee to convince all concerned to accept it.

23. As to why the Committee's request for one additional session per year during the period 2010–2011 had not been acted upon, he said that there had probably been a breakdown in communication between the different secretariats. He assured the Committee that any new request of that kind would be treated differently so as avoid any future misunderstandings.

24. **Mr. Tirado Mejia** expressed regret that important documents on States parties to be reviewed by the Committee were no longer sent in printed form to Committee members prior to sessions. He pointed out that not all members had access to the Internet and printing facilities needed to download and print lengthy documents, yet it was essential for members to analyse such documents in advance in order to prepare themselves properly.

25. **The Chairperson** said that there would be a further opportunity later in the session to discuss all issues raised at the current meeting.

Adoption of the agenda (E/C.12/43/1)

26. *The agenda was adopted.*

The discussion covered in the summary record ended at 10.35 a.m.