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Committee on Economic, Social and Cultural Rights

Fifty-first session

Summary record of the first part (public)* of the 29th meeting

Held at the Palais Wilson, Geneva, on Monday, 4 November 2013, at 10 a.m.

Chairperson: Mr. Kedzia

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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 10.05 a.m.

Opening of the session

1. **The Chairperson** declared open the fifty-first session of the Committee on Economic, Social and Cultural Rights. Since the previous session, Haiti had acceded to the International Covenant on Economic, Social and Cultural Rights, bringing the total number of States parties to 161. Montenegro had ratified the Optional Protocol and two other countries had stated their intention to do likewise in the near future.

Statement by the Deputy High Commissioner for Human Rights

2. **Ms. Pansieri** (Deputy High Commissioner for Human Rights) paid tribute to the work done by the Committee, which had managed to double its working capacity, notably thanks to improvements in its working methods and the additional weeks of meeting time granted by the General Assembly in 2012. The additional meetings had, however, placed significant pressure on the secretariat, and it was hoped that the treaty body strengthening process would yield a sustainable solution to the problem, enabling the Committee, with the support of the secretariat, to implement its mandate without accumulating a backlog in the consideration of reports.

3. She welcomed the entry into force, in 2013, of the Optional Protocol, which would enable the Committee to consider individual communications and thereby assist victims of violations to seek reparation, but also to strengthen the justiciability of economic, social and cultural rights. She trusted that the Petitions Unit would provide the Committee with all the support needed to develop working methods for the purpose of implementing the Optional Protocol.

4. Several issues of relevance to the Committee's work had been at the heart of discussions within the international community in 2013; in September, for instance, the General Assembly had organized a Special Event towards achieving the Millennium Development Goals (MDGs), whose outcome document had mirrored the Committee's suggestions concerning MDGs, particularly with regard to the need to promote equality, non-discrimination and gender equality with a view to achieving the Goals. It was worth noting that discussions had been held in the context of the International Conference on Population and Development beyond 2014, but also by the Human Rights Committee and the Committee on the Elimination of Discrimination against Women, which had taken a keen interest in the work of the Committee on Economic, Social and Cultural Rights in the field of sexual and reproductive health. Nevertheless, in a time of austerity and policies that tended to undermine economic, social and cultural rights, there was still much to be done in order to ensure the full realization of all such rights.

5. Turning to the treaty body strengthening process, she said that, since the Committee's previous session, the co-facilitators of the process had circulated a revised set of elements for a General Assembly draft resolution. Although the text had been well received by the High Commissioner, agreement on the elements among all Member States had proved elusive. In September 2013, the co-facilitators had presented a draft resolution requesting the Secretary-General to prepare a comprehensive and detailed cost assessment of the draft elements by 15 November 2013, and extending the intergovernmental process until February 2014. The General Assembly had adopted the resolution by consensus on 20 September 2013.

6. A growing number of States appeared to accept the need to invest additional regular-budget resources in the treaty body system. It was encouraging, in that regard, that the General Assembly was giving importance to issues such as capacity-building for reporting, additional meeting time for the committees, webcasting, videoconferencing and issues of

accessibility. She hoped that the General Assembly would reach a comprehensive agreement in February 2014 and grant additional regular-budget resources to enable treaty bodies to fully discharge their mandate and, in particular, address the backlog of reports and communications.

7. **Mr. Sadi** asked the Deputy High Commissioner for Human Rights what, in her view, the most effective human rights mechanisms were. The treaty bodies, composed of experts, seemed to be better equipped than the Human Rights Council, which was composed of diplomats and politicians and whose discussions were not always based on human rights principles and treaties.

8. **Ms. Pansieri** (Deputy High Commissioner for Human Rights) said that the standard-setting activities undertaken by the various treaty bodies and the Human Rights Council were important when they brought about a change in the situation on the ground. Thus, the Office of the United Nations High Commissioner for Human Rights (OHCHR) supported the treaty bodies while maintaining an operational presence on the ground. The two areas of activity were complementary. The composition of the Human Rights Council enabled States parties to express their will. Moreover, States parties often seconded their own human rights experts to the Council. Good use should be made of all the positive aspects of the work carried out by the Council and treaty bodies in order to develop the understanding and implementation of human rights.

9. **Mr. Schrijver** enquired about the steps that could be taken to expedite the process of ratification of the Optional Protocol. He asked whether the Committee or its members could stimulate the process.

10. **Ms. Pansieri** (Deputy High Commissioner for Human Rights) said that, far from limiting itself to providing financial and technical support, OHCHR was active on the ground. One of the objectives of every visit conducted on its behalf was to invite countries to ratify human rights treaties, which she did routinely in the countries to which she travelled. Treaty body members were both human rights experts and nationals of a country who could, in their personal capacity, promote the ratification of international instruments, an approach she encouraged them to take.

11. **Ms. Bras Gomes** asked about progress achieved in the harmonization of treaty body working methods, and about possible unresolved issues. She hoped that the General Assembly would adopt a resolution on treaty body strengthening in February 2014.

12. **Ms. Pansieri** (Deputy High Commissioner for Human Rights) said that the various treaty bodies, which each had their own working methods, would benefit from sharing their experiences. The annual meeting of treaty body chairpersons provided the opportunity to review best practices. One of the good practices adopted by some committees involved meeting in two separate chambers in order to clear their backlog.

13. **Ms. Shin** said the co-facilitators of the treaty body strengthening process proposed that responsibility for electing members of the present Committee should lie with a meeting of States parties rather than the Economic and Social Council. She asked whether the Council had been consulted regarding the proposal and whether it was in favour of it. She hoped that the proposal would make it possible to guarantee the independence and impartiality of Committee members, in accordance with the Addis Ababa guidelines.

14. **Ms. Pansieri** (Deputy High Commissioner for Human Rights) said that the elements of the proposal put forward by the co-facilitators had not yet been approved. The co-facilitators were in New York and kept in constant contact with regional groups and Member States. It appeared increasingly likely that the proposal would be accepted.

15. **Mr. Abdel-Moneim** stressed the need to take into account the contribution of treaty bodies during the strengthening process, which should be conducted progressively in the interests of the overall efficiency of the United Nations human rights mechanisms.

16. **Ms. Pansieri** (Deputy High Commissioner for Human Rights) said that if OHCHR managed to increase the number of ratifications, the workload of the human rights mechanisms would also grow. Even if a resolution were adopted by the General Assembly and the current system strengthened, priorities would have to be redefined as the situation evolved. Human rights mechanisms must be efficient and aim for sustainable results. Excessive time limits for the consideration process, for instance, did not encourage the States parties in question to submit new reports or keep to deadlines, which undermined the efficiency of the treaty bodies. Given that Member States had decided to reduce the United Nations budget by around US\$ 100 million, emphasis had been placed on savings achieved through the rationalization of working methods. It had been decided that every saving made would directly benefit the mechanisms. The cost of each proposal to strengthen the human rights mechanisms had been calculated to enable Member States to reach informed decisions.

17. **Mr. Abdel-Moneim**, recalling that the Committee had recently considered and approved a short document on the right to development, he said that, he had subsequently been surprised to note that a D2 post, of which there was no mention in the document, had been created. The creation of the new post, which would involve additional expenditure, was surprising at a time of budgetary stringency in the United Nations.

18. **Ms. Pansieri** (Deputy High Commissioner for Human Rights) said that it was not a new post but rather the post of chief of the Research and Right to Development Division, which was vacant and urgently needed to be filled.

19. **The Chairperson** thanked the Deputy High Commissioner for Human Rights. If a decision was taken in February 2014, it would have budgetary implications for OHCHR from 2016 onwards; it was therefore important to act promptly.

Adoption of the agenda (E/C.12/51/1)

20. *The agenda was adopted.*

The first part (public) of the meeting rose at 11.05 a.m.