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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-first session

SUMMARY RECORD (PARTIAL)* OF THE 48TH MEETING**

Held at the Palais Wilson, Geneva,
on Friday, 21 November 2003, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND
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* No summary record was prepared for the rest of the meeting.

** No summary record was issued for the 47th meeting.

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The meeting was called to order at 10.15 a.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS (continued)

Meeting with the Acting United Nations High Commissioner for Human Rights

1. The CHAIRPERSON welcomed the Acting High Commissioner and said that the Committee looked forward to hearing his views on a number of issues of particular importance.
2. Mr. RAMCHARAN (Acting United Nations High Commissioner for Human Rights) said that the Office of the United Nations High Commissioner for Human Rights valued and supported the work of the Committee, and that he would provide all possible assistance.
3. The CHAIRPERSON said that the Committee looked forward to the meeting of the working group on the draft optional protocol to the Covenant in February; the Committee would appreciate the support of the Office of the United Nations High Commissioner for Human Rights in ensuring that the draft was accepted.
4. The Committee would also welcome the presence of the Acting High Commissioner at its day of general discussion on the right to work, to be held at the current session. The discussion would involve the participation of International Labour Organization (ILO) and other experts, and it was hoped that it would form the basis for a general comment on the right to work.
5. The first meeting of the Joint Expert Group on the monitoring of the right to education, formed by the Committee and the United Nations Educational, Scientific and Cultural Organization (UNESCO), had been highly productive. It had been the first time a treaty body and a specialized agency had examined the common aspects of their work. The objective of the Group was to develop a rights-based approach to education, as, until now, the issue of discrimination in education had been discussed without focusing on the right to education.
6. The Committee was increasingly aware of the need for greater emphasis on follow-up procedures at the national level. The fifteenth meeting of chairpersons of human rights treaty bodies had confirmed that other committees shared that concern. The Committee hoped that the Office of the United Nations High Commissioner for Human Rights would take measures to facilitate follow-up with States parties, with the focus on the implementation of concluding observations.
7. The role of national human rights institutions in follow-up procedures had not been identified, nor were States parties, or the institutions themselves, convinced that such a role existed. In that connection, the Committee proposed holding a workshop in the Asian region on follow-up procedures at the national level, with participation by States parties and national human rights institutions. Perhaps China would undertake to provide a venue, as by 2005 the Committee would have considered its initial report.

8. The Committee was preparing a statement on the voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security, and hoped to adopt it at the current session. The Committee also hoped to send two members to the next meeting of the Intergovernmental Working Group.

9. Mr. TEXIER said that the establishment of the open-ended working group on the draft optional protocol to the Covenant was an important step. It had been seven years since the Committee had submitted its preliminary draft of the optional protocol, and progress since then had been slow. It appeared that there was a growing mobilization of civil society and, at the recent European Social Forum, various non-governmental organizations had spoken in favour of the adoption of an optional protocol and offered to collaborate with the working group. Although the Committee had completed its own work on the draft protocol, it remained available for consultation by the working group, as it understood that conceptual problems, such as the progressive nature of the rights and their justiciability, might arise.

10. He hoped that the day of general discussion on article 6 of the Covenant would lead to the adoption of a general comment on the right to work, and that the Committee would also progress to a series of comments on articles 7, 8 and 9. It was anomalous that in its 17 years of existence the Committee had not yet drafted any comments on social rights.

11. Mr. RIEDEL said, with regard to the draft optional protocol, that it was important that the various options being discussed should be analysed carefully. The Committee had taken a comprehensive approach, but flexibility was required. It was essential to ensure that adoption of the optional protocol was not deferred indefinitely. Given the reticence of certain developed countries, and increasingly of some developing countries, the process of adopting the optional protocol to the Covenant was expected to take up to five years. The assistance of the Office of the High Commissioner would be crucial in that regard.

12. The next task for the Committee was the preparation of general comments on the social and cultural rights protected by the Covenant. A general comment on intellectual property under article 15 was in progress, and a preliminary draft should be available by the end of the session. Within the next two to three years the Committee would have prepared general comments on the most relevant articles of the Covenant, which would facilitate the working group's decisions on which areas required direct applicability.

13. Regarding the voluntary guidelines on the right to adequate food, it was imperative that they should not merely reflect the issue of food security; a rights-based approach was needed. There was a tendency on the part of the specialized agencies to neglect the human rights aspect. The domestic level must also be taken into consideration. The Committee would gladly provide support to the Intergovernmental Working Group if the necessary finances could be found to ensure ongoing input.

14. Mr. SADI said that he would be interested to hear the Acting High Commissioner's views on what the prospects were of the draft optional protocol being adopted.

15. Mr. RAMCHARAN (Acting United Nations High Commissioner for Human Rights) said that he would submit his comments to the working group on the draft optional protocol to the effect that the Committee had done the necessary technical work and that he hoped that the

process of adoption would be accelerated. The Committee could count on the full technical support of his Office. All parties must continue to persuade States parties of the benefits of the draft optional protocol. In his own statements, he had emphasized consistent patterns of gross violations of economic, social and cultural rights.

16. Unfortunately he would not be able to attend the general day of discussion, as he would be chairing a conference on the role of judges in the protection of human rights. However, when addressing the conference, he would draw attention to the role of judges in the implementation of economic, social and cultural rights. He would send a message to the Committee on the importance of the right to work in connection with its day of general discussion.

17. Regarding the Joint Expert Group on the right to education, emphasizing a rights-based approach to education was an important orientation. Perhaps the Group should consult the Special Rapporteur of the Commission on Human Rights on the right to education, who had also been emphasizing various aspects of a rights-based approach. His Office would consider the possibility of preparing a technical paper on a rights-based approach to education and the right to education as a human right.

18. He noted the comments on the importance of facilitating follow-up at the national level and of promoting awareness of economic, social and cultural rights. The Secretary-General attached particular importance to cooperation between the United Nations system and States parties on the establishment or enhancement of national protection systems. His Office had discussed the issue in detail with the United Nations Development Programme (UNDP) and other agencies, and had agreed on a joint action plan. There was interest in developing partnerships with United Nations country teams on activities at the national level, and follow-up to recommendations of treaty bodies would be an integral part of those activities. It had been proposed that a summary of the principal recommendations of each treaty body for each country should be prepared and brought to the attention of country teams, which could work with national institutions and government authorities on their implementation.

19. He supported the idea of a workshop and would ask his Office to consult the Government of China regarding the possibility of hosting such an event. His Office would prepare a concept paper and cost estimates and investigate funding.

20. Regarding the voluntary guidelines on the right to adequate food, to which his Office attached great importance, the necessary resources would be found to send two members of the Committee to the next meeting in Rome.

21. The CHAIRPERSON said that the Committee greatly appreciated the Acting High Commissioner's support, both in terms of financial resources and overall commitment to the promotion of economic, social and cultural rights.

The meeting rose at 11.45 a.m.