



## Economic and Social Council

Distr.: General  
20 May 2009  
English  
Original: French

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### COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Forty-first session

#### SUMMARY RECORD OF THE SECOND PART (PUBLIC)\* OF THE 50th MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 18 November 2008, at 3 p.m.

Chairperson: Mr. TEXIER

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##### OTHER MATTERS

Meeting with the United Nations High Commissioner for Human Rights

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\* No summary record was produced for the first part (closed) of the meeting.

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*The meeting was called to order at 5.30 p.m.*

OTHER MATTERS (agenda item 10)

Meeting with the United Nations High Commissioner for Human Rights

1. Ms. PILLAY (United Nations High Commissioner for Human Rights) said that she was delighted to meet with the Committee on Economic, Social and Cultural Rights, which she undertook to support in its important work, as was the case with the other treaty bodies she had appeared before since recently taking office. Treaty bodies were the guardians of international human rights law, on which Ms. Pillay had based her career as a jurist both nationally and internationally. She was aware of the Committee's specific activities and the complexity of economic, social and cultural rights issues. She strongly recommended universal ratification of the Covenant, and also of its Optional Protocol shortly to be adopted by the United Nations General Assembly. That protocol would, for the first time, enable an international human rights mechanism to review individual complaints in relation to economic, social and cultural rights. As such, it represented a very significant development that was bound to consolidate the principle of legally enforceable rights.

2. The United Nations High Commissioner for Human Rights had asked the General Assembly to set up a working group of the Committee on Economic, Social and Cultural Rights, during the 2010-2011 biennium, to consider complaints received under the Optional Protocol, as was the practice with other treaty bodies that had a similar mechanism. She had also asked the General Assembly to provide adequate funding for the inquiry procedure envisaged in article 11 of the forthcoming Optional Protocol, including visits to the territory of a State Party.

3. Aware that the Committee, like other bodies, had a large and permanently growing workload, Ms. Pillay was ready to help it find more lasting solutions to the difficulties it was facing, particularly in terms of harmonizing treaty-body working methods; and she looked forward to suggestions from Committee members in that regard. She would also be grateful for their point of view on what was hindering full implementation of the Covenant in States parties, and the difficulties involved in turning economic, social and cultural rights into daily reality.

4. The CHAIRPERSON congratulated Ms. Pillay on her appointment as United Nations High Commissioner for Human Rights and thanked her for her presence on behalf of all Committee members, who shared her satisfaction at the forthcoming adoption of the long-awaited Optional Protocol. As the High Commissioner had noted, the Committee had an intensive workload; for example, it had two draft General Comments under preparation, and had recently reformed its guidelines on the writing of reports by States parties. During its forty-first session it had also had to review sensitive issues such as the presentation of the report of the United Nations Interim Administration Mission in Kosovo (UNMIK).

5. In that context, the lack of a secretary during the session — the previous secretary had left in July and had not yet not been replaced— had been a very serious obstacle, resulting in a lack of coordination and a sense of unease among members owing to the permanent risk of oversight and error. The Chairperson therefore insisted on the need for a secretary to be appointed as quickly as possible, before the Committee's next session. As Committee members were occupied on multiple and varied tasks during the inter-session period, when the Committee's

workload was also very substantial, the Chairperson considered it essential for the Committee to maintain a more permanent team in the High Commission, apart from the secretariat. He also drew attention to difficulties caused by the lack of translations: during the current session, for example, the draft final comments on Sweden or UNMIK had only been available in English. The Committee needed to have translations available in at least three of its working languages.

6. In reply to the question raised by Ms. Pillay about what was hindering implementation of the Covenant in the different countries, the Chairperson stressed the ongoing importance of the treaty protection mechanisms, which, in his opinion, allowed for a much deeper dialogue with States than other mechanisms such as the Universal Periodic Review, which often only skimmed over the issues. By devoting up to three meetings to a single State party, the Committee was able to go further in its analysis and propose ways to improve the status of economic, social and cultural rights in the country concerned.

7. Mr. MARCHAN ROMERO thanked Ms. Pillay for her presence, which he viewed as encouraging, and said he agreed with the Chairperson's remarks. He added that Committee Members believed the Chairperson should be present at the Optional Protocol Adoption Ceremony which was to be held the following month in New York.

8. Mr. ABDEL-MONEIM wanted the text of the draft resolution on the Optional Protocol, currently reviewed for adoption by the General Assembly, to be circulated as soon as possible to all Committee members, along with all other documents used for their discussions, where possible.

9. Mr. RIEDEL expressed his agreement with everything said up to that point, and noted that work on procedural rules for the Optional Protocol needed to proceed without delay, and that it would be important to have the High Commissioner's full and unwavering support to resolve the difficulties that had been raised.

10. Ms. BRAS GOMES expressed the hope that the current meeting with the High Commissioner would be the first of many. She considered that if the Covenant's whole force stemmed from promoting all economic, social and cultural rights, its implementation in the future would face two major difficulties: the consequences of the current financial crisis; and the need to consider the economic, social and cultural rights of the most vulnerable and excluded groups in the design of global trade policies.

11. Ms. BARAHONA RIERA thanked the High Commissioner for having restated the importance of economic, social and cultural rights during her travels since taking office. She said that the Committee was about to publish a statement registering its great concern at the financial crisis, which was having a direct effect on government measures being taken to promote economic, social and cultural rights. She also wanted implementation of the Committee's recommendations in individual countries to be more effectively followed up. Lastly she called for stronger communication between the Office of the High Commissioner and the Committee, which, apart from the document translation problem mentioned earlier, would help remove certain obstacles and facilitate mutual understanding.

12. Ms. BONOAN-DANDAN saw the High Commissioner as the best possible "ambassador" for economic, social and cultural rights in the different countries she visited. It should be noted that, while some States had already submitted several

periodic reports, very few really understood what their obligations consisted of, or even the rights in question, and they preferred diplomatic language to action on the ground.

13. Ms. PILLAY (United Nations High Commissioner for Human Rights) said that she expected to meet with Committee members again regularly, not out of obligation, but because she had respect and admiration for their work. She explained, however, that she would need to strike a balance between travelling a lot, at the risk of no longer paying enough attention to treaty bodies and their needs, and not travelling much and risk losing touch with certain realities, particularly budgetary decision-making. For example, when the General Assembly had refused to vote on the human rights budget because of a formulation problem in a programme, it had been essential to be there to defend it. The task of raising everyone's awareness of the work of the committees would require her to be at Headquarters as often as possible.

14. The High Commissioner assured Committee members that the process of recruiting a secretary had concluded, and that the appointee would start work before the next session. She took note of the suggestion to set up a permanent team, which would make it possible to maintain a permanent link between Committee members and the High Commissioner during inter-session periods; she would seek the Secretary-General's opinion on that point. While document translation was the responsibility of United Nations Organization, she would raise the issue with the Chief of Service concerned before bringing it to the Director-General's attention. She thanked members of the Committee for having drawn her attention to the obstacles preventing implementation of the Covenant and she looked forward to further exchanges of that type in the future. It was very important that the Committee Chairperson was present when the General Assembly adopted the Optional Protocol to the Covenant; she would therefore take steps to ensure that happened, and would request that the documents presented on that occasion at the General Assembly be circulated to Committee members immediately afterwards.

15. The CHAIRPERSON reminded the High Commissioner that the Committee was entirely at her disposal to provide any information that might help her fulfil her difficult, but not impossible brief.

*The meeting rose at 6.10 p.m.*