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SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE IMPLEMENTATION
OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 17th MEETING

Held at Headquarters, New York,
on Friday, 29 April 1983, at 10.30 a.m.

Chairman: Mrs. KUROKUCHI (Japan)

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consolidated in a single corrigendum, to be issued shortly after the end of the
session.

The meeting was called to order at 10.50 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 13 TO 15
(continued)

Libyan Arab Jamahiriya (continued) (E/1982/3/Add.6)

1. Mr. ALKALBASH (Libyan Arab Jamahiriya), replied to questions put by members of the Working Group said that, where cultural affairs were concerned, the aim of the Libyan Government was to establish cultural centres and various mobile services, including mobile libraries and theatre and folk troops, to disseminate culture in remote areas of the country. With regard to the government's programme to eradicate illiteracy, in 1975 there had been 203,000 illiterate males and 436,000 illiterate females, and it was expected that by 1985 those totals would have been reduced to 166,000 and 405,000 respectively. Finally, with respect to the budget allocation for education, whereas some \$US 45 million had been spent on education in 1970, by 1982 the total had risen to approximately \$3 billion, representing 6.4 per cent of the total budget.
2. Mr. FUJII (Japan) asked what percentage of the population of primary-school age actually attended school, and what the precise content of the programme to eradicate illiteracy was. Also, it was not clear whether the material contained in the report from page 7 onwards was intended to relate to article 13 or to article 14 of the Covenant.
3. Mr. ALKALBASH (Libyan Arab Jamahiriya) said that in 1970 almost 30 per cent of the male population had been illiterate, but that that figure would decline to 15 per cent by 1985. In 1970, some 73 per cent of women had been illiterate; it was anticipated that by 1985 only 38 per cent of the female population would be illiterate. Education at the primary level was compulsory and free.
4. Mr. FUJII (Japan) said it was still not clear whether all children of primary-school age actually attended school; no figures were given in the report. Nor was it clear exactly how the programme to eradicate illiteracy operated, or what the precise teaching methods employed were.
5. Mr. ALKALBASH (Libyan Arab Jamahiriya) said that he would endeavour to obtain the detailed information requested by the representative of Japan.
6. The CHAIRMAN said that the Working Group had concluded its consideration of the report of the Libyan Arab Jamahiriya (E/1982/3/Add.6).
7. Mr. Alkalbash (Libyan Arab Jamahiriya) withdrew.

SUGGESTIONS AND RECOMMENDATIONS (E/1983/WG.1/L.2 and Add.1-3)

8. Mr. BOUZIRI (Tunisia), introducing the suggestions and recommendations contained in document E/1983/WG.1/L.2, said that paragraph 1 attempted to resolve

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the problem of the late submission of reports, which was probably due in many cases to the pressure of day-to-day events and to bureaucratic dilatoriness. In addition, there were countries which had difficulties in drafting their reports and which should perhaps appeal to the Economic and Social Council for assistance. In any event, States parties should be reminded of their reporting obligations.

9. Paragraph 2 dealt with the drafting and presentation of reports. It would be inappropriate to seek to establish limits on the length of reports, since, for example, countries with a federal system of government were obliged to provide details of both federal and state legislation. The main consideration should be to encourage States to submit reports which were balanced and reasonable and which members of the Working Group could profitably read and relate to the Covenant.

10. Paragraph 3 had been inspired by the frequent inability of representatives to answer questions without further research or reference to their Governments. If the Working Group was to maintain a dialogue with States parties and be in a position to assess whether the provisions of the Covenant were being implemented, it was essential that reports should be introduced by properly qualified representatives, especially when a report was lacking in clarity. It disrupted the flow of the Working Group's proceedings if representatives had to consult their Governments.

11. With regard to paragraph 4, he said that reports often contained summaries of legislation which were unclear to those not familiar with the particular legal system. A State party could not be considered to have fulfilled its obligations under the Covenant unless its report was quite explicit. In such cases, the Council should request countries to submit a supplementary report providing the necessary information within a certain period, perhaps one year.

12. In practice, it was difficult to draw a clear distinction between social and cultural rights and political rights. Nevertheless, reports could be drafted in a style which avoided polemics, as recommended in paragraph 5. The Working Group was concerned with whether certain rights were enjoyed, and not with the ideological background in a particular country. It was not a proper forum for polemics.

13. With reference to paragraph 6, he noted that the questions considered by the Working Group were of importance but received very little publicity. The United Nations had a role to play in human rights, and press coverage of the Group's proceedings should be arranged by the Secretariat.

14. The recommendation in paragraph 7 was proposed because of the great importance of receiving reports in good time. Members should be able to study the documents in their own working language and in a tranquil environment before leaving home to attend sessions of the Working Group, which meant that adequate time must be allowed for the reports to be translated and distributed.

15. The title "Working Group" gave the impression of a body holding private meetings. That was not, of course, the case, and the title suggested in paragraph 8 would be more in keeping with the prestige and role of the experts serving in the Group.

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16. When members of the Working Group met to consider reports, they were there not to defend particular policies of their respective Governments but to work in an independent capacity to promote the cause of human rights on behalf of the United Nations and of the peoples of the States parties. It was therefore appropriate to regard the Working Group as a committee similar to the Human Rights Committee established under the International Covenant on Civil and Political Rights. The recommendation contained in paragraph 9 reflected that consideration. Civil and political rights and economic and social rights being in fact inseparable, their consideration by two separate bodies at the United Nations was somewhat arbitrary but had no doubt been necessitated by the amount of work involved. In any event, the members of the Working Group really acted as independent experts and should be paid by the United Nations, not by their Governments.

17. Mr. JOHNSON (Ecuador), introducing the comments and suggestions in document E/1983/WG.1/L.2/Add.1, said that the purpose was to remind the Working Group of ideas that had been put forward at previous sessions for improving its methods of work and helping States parties to fulfil their obligations under the Covenant.

18. Section A of the paper referred to the steady increase in the number of countries acceding to the Covenant and to the importance of restructuring the Group to enable it to function more effectively. In that connection, it would be advisable for the Council to convert the Group into a committee of experts serving in their individual capacity, as was also suggested in the Tunisia paper. Moreover, the representative of Denmark had drawn attention at a previous meeting to the fact that, when a State party which was represented in the Working Group submitted a report, the governmental expert from that State was automatically barred from participating in the discussions because his country's name-plate had been removed.

19. The idea expressed in section D of the working paper was that the Group should consider the possibility of making substantive recommendations to States parties, through the Economic and Social Council, regarding the implementation of the various provision of the Covenant. The Group should also be able, through the Council, to ask for supplementary information.

20. Sections B and C resulted from the problems encountered by the Working Group at the current session, including the delay in receiving documents which had prevented members from studying them thoroughly in advance. The suggestions in those two sections would make it possible to schedule the work of the Group better and thus save time.

21. Mr. FUJII (Japan) said that the suggestions and recommendations put forward by Japan (E/1983/WG.1/L.2/Add.2) were largely self-explanatory. Paragraph 1, which was similar to the first paragraph of the Tunisian paper, related to the obligations of States parties to the Covenant. The failure of States to comply fully with that instrument, if only with its procedural provisions, should not be taken lightly. Paragraph 2 was based on the experience of the Working Group; if the members of the Group could not obtain the additional information they had

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requested in the course of the session, they could not complete their consideration of a report. Paragraph 3 also arose out of the Working Group's experience. As the number of reports increased, steps would need to be taken to facilitate the work of the Group. The Japanese suggestion could be combined with paragraph 2 of the Tunisian recommendations, or with the suggestion in paragraph 1 of the Spanish paper (E/1983/WG.1/L.2/Add.3).

22. Mrs. de los ANGELES GIMÉNEZ BUTRAGUENO (Spain) said that the suggestions and recommendations of Spain (E/1983/WG.1/L.2/Add.3) were all intended to facilitate the work of the Group, which she agreed ought to be converted into a committee of individual experts. Paragraph 1 suggested specific maximum and minimum page limits for reports. Paragraph 2, which called for the use of headings, would make reports easier to read, as would the suggestion in paragraph 3 that paragraphs should be numbered.

23. She entirely agreed with the Tunisian suggestion that Governments should be asked to avoid polemics, and explained that her use of the word "políticas" in the Spanish text of paragraph 4 should be understood in its meaning of "policy" rather than "political". The overall statistics and significant macro-economic data referred to in that paragraph would help to give a clearer picture of social and economic conditions, which had so great an influence in the implementation of human rights.

24. Paragraph 5 suggested that lengthy transcriptions of legislation and detailed statistics should be annexed to reports, rather than included in them. The suggestion in paragraph 6 had been prompted by experience with the report of Spain itself; it would have been very useful for the Working Group to have the full text of the statement by the expert introducing the report. The last suggestion, regarding the Group's methods of work, was intended to give the persons introducing reports time to prepare their answers to questions.

25. Mr. BENDIX (Denmark) said that the four sets of suggestions and recommendations introduced were all very useful and thought provoking. It would facilitate the discussion of them if the various problems they dealt with could be grouped under three or four headings.

26. The Working Group would have to consider its working methods within the framework of Economic and Social Council resolution 1982/33, under which it had been reorganized. In addition, it would have to consider the status of ratifications or accessions to the Covenant and the consequent rate of submission of reports by States parties. It would also need to reflect on the nature and purpose of its own report. Lastly, as the structure of the Working Group was to be reviewed by the Council in 1985, it was not too soon for the Group to consider recommendations in that connection.

27. The CHAIRMAN said that she intended to prepare for the Group a working paper summarizing under specific headings the various points raised in the suggestions and recommendations. That would make it possible to identify the suggestions on which agreement already existed and those on which more discussion would be needed.

28. Mr. KORDS (German Democratic Republic) agreed that it would be helpful to group the suggestions under two or three headings. He had the impression, that after a preliminary reading of the four working papers that most of the suggestions and recommendations could be accepted, that on some there was minor disagreement which could probably be overcome through discussion and that some were not acceptable, as they were contrary to decisions and resolutions already adopted by the Economic and Social Council. It was important that the Group should be able to work out a set of agreed recommendations for submission to the Council, and all the proposals that had been made would have to be carefully studied and compared with the records of discussions at earlier sessions regarding, for example, the role of the specialized agencies, and with the provisions of the relevant Council resolutions and decisions. He therefore suggested that the members of the Working Group should be given more time to study the proposals and that detailed discussion of the various paragraphs of the four working papers should be postponed until Monday, 2 May.

29. Mr. TEXIER (France) said he thought that the Chairman's plan to arrange the suggestions and recommendations under headings was an excellent idea. One point that had been stressed by all members of the Working Group was the importance of urging States parties to submit their reports well before the deadline. He intended to press his own Government to be on time with its next report, and his experience in the Working Group would enable him to offer advice on how it ought to be drafted. Another point on which there was agreement was the importance of having reports introduced by representatives who were qualified in the field covered by them. With regard to the Working Group's own methods of work, he endorsed the suggestion of Spain that a system should be worked out to allow the representatives of States parties time to prepare their replies to questions more fully.

30. It would also be desirable to recommend to States represented on the Working Group that they should, so far as possible, designate experts from their countries in accordance with Council resolution 1982/33. It was important that members of the Group should be fully available throughout the session, and if they were also members of permanent missions they might have other obligations.

31. The issue on which difficulties were likely to arise was the future of the Working Group and its possible transformation into a committee of experts similar to the Human Rights Committee. That involved the question of the view taken by members of the Working Group, States Members of the United Nations and States parties to the Covenant of the balance between different categories of human rights, which had been somewhat arbitrarily divided into two Covenants even though they were complementary. It was a complex legal issue which should not be considered in detail at the present stage because, in accordance with Council resolution 1982/33, questions of the composition, organization and administrative arrangements of the Working Group were to be reviewed at the Council's first regular session of 1985; thus, the Working Group had two sessions at which to discuss the question. It should, of course, devote some time to it, but separately from other more straightforward matters, which it should take up first.

32. He noted that, while the Human Rights Committee was provided for specifically in the International Covenant on Civil and Political Rights, which, specified that the members of the Committee should serve in their personal capacity, there was no such provision in the other Covenant. It was true that the Working Group's mode of

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operation was changing and improving and that new requirements for membership had been introduced, but it was not clear how far the Working Group was empowered to propose changes and what the decision-making powers of the Council were under the Covenant.

33. Mr. BENDIX (Denmark) said that at its first regular session of 1982 the Council had approved quite a number of changes in the composition and working methods of the Working Group. It had been envisaged that governmental experts would be sent to serve as members of the Group, and for that reason the Group had been scheduled to convene two weeks before the opening of the regular session of the Council; despite that, a number of members of the Group were attached to permanent missions and had not been able to attend meetings regularly because of other obligations.

34. The Working Group should make a start on considering questions to be taken up at the first regular session of the Council in 1985; it should also consider its own working methods. A number of improvements had already been made, and the Council should be recommended to request the secretariat and Governments to bring about further improvements within the framework of resolution 82/33.

35. One question that had been raised was whether the consideration of a report could be concluded when the replies provided by the State party were superficial or incomplete. In such cases, the Working Group could decide to conclude its consideration of the report on the understanding that supplementary information would be available within a fairly short time-limit, such as six months, so that the report could be finally disposed of at the next session of the Group.

36. Improvements were clearly needed in the preparation of reports by States parties. They should be limited to a certain length - for example, 20 pages - since it was impossible to discuss voluminous reports. The Secretariat and the Centre for Human Rights should take into account the length of reports when planning the programme of work and should also ensure an even distribution of reports covering not only articles 13 to 15 but also other articles of the Covenant. It would be appropriate for reports to be made available to members of the Working Group six weeks before the session; that would give the experts time to study them thoroughly and enable them to ask appropriate questions.

37. The Working Group should consider what form of report it wished to make to the Council. A strictly organizational report listing the reports from States parties which had been considered and referring to the summary records without reflecting what had been said did not really help the Council to fulfil its tasks or give an idea of the problems encountered during the consideration of reports. An indication should be given of the matters on which representatives of States parties had provided supplementary information in response to questions from members of the Working Group.

38. Mr. BOUZIRI (Tunisia), speaking on a point of order, said that the Chairman had made the very wise proposal that the suggestions and recommendations put

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forward in the working papers should be grouped under headings to facilitate their consideration. The representative of the German Democratic Republic had also asked for some time to consider those suggestions. It was therefore inappropriate for the Working Group to go into a detailed consideration of the suggestions at the current meeting.

39. Mr. SOFINSKY (Union of Soviet Socialist Republics), speaking on a point of order, said that the Committee should have taken a decision on the proposal of the representative of the German Democratic Republic that consideration of the suggestions and recommendations should be postponed until the following Monday.

40. Mr. BENDIX (Denmark) said that he himself had put forward the idea that the suggestions and recommendations should be grouped under headings; however, he had felt that the time remaining at the current meeting could be used to express some general views.

41. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that there were many suggestions and recommendations on which it would be easy to reach a consensus; they related to such matters as the time-limit for submission of reports, the form and length of reports and the level of representatives sent by Governments to introduce their reports. However, he urged members of the Working Group to withdraw any proposals which contradicted decisions previously adopted by the Council, including resolution 1982/33.

42. The CHAIRMAN said that the discussion of suggestions and recommendations would be resumed at the next meeting, on Monday morning.

OTHER MATTERS

43. Mrs. KOLAROVA (Bulgaria) suggested that copies of the introductory statement made by the representative of the Centre for Human Rights at the 1st meeting of the session should be made available to members of the Working Group.

The meeting rose at 1.15 p.m.