

Note on the 38th session of the Committee on Economic, Social and Cultural Rights, 30 April-18 May 2007, and its Pre-Sessional Working Group, 21-25 May 2007

1. The Committee considered and adopted concluding observations on the following States parties' reports: The initial report of **Latvia** (E/C.12/LVA/CO/1), the second periodic report of **Nepal** (E/C.12/NPL/CO/2), the third periodic reports of **Hungary** (E/C.12/HUN/CO/3) and the **Netherlands (Antilles)** (E/C.12/NLD/CO/3/Add.1), and the fifth periodic report of **Finland** (E/C.12/FIN/CO/5).

A. Election of new Officers of the Committee

2. At the beginning of the session, the Committee, under agenda item 1, elected its **Bureau** for a term of two years as follows:

Chairperson: Mr. Philippe TEXIER (France);

Vice-chairpersons: Ms. Rocio BARAHONA RIERA (Costa Rica); Mr. Ariranga Govindasamy PILLAY (Mauritius); Mr. Walid SADI (Jordan); and

Rapporteur: Mr. Andrzej RZEPLINSKI (Poland).

B. New Members of the Committee

3. At the present session, the Committee also welcomed three new Members, as follows: Mr. Chandrashekhar DASGUPTA (India), Ms. Barbara WILSON (Switzerland), and Mr. Daode ZHAN (China).

C. Relations with United Nations organs and other treaty bodies

4. At its 17th meeting, on 10 May 2007, under agenda item 6 (Relations with United Nations organs and other treaty bodies), the Committee held a teleconference with Ms. Catarina de Albuquerque, Chairperson-Rapporteur of the **open-ended working group** on an **optional protocol to the International Covenant on Economic, Social and Cultural Rights**. Ms. de Albuquerque briefed the Committee members on the draft Optional Protocol (A/HRC/7/WG.4/2) that she had prepared as a basis for the negotiations during the fourth session of the open-ended working group to be held from 16 to 27 July 2007.

D. Meeting with States parties

5. At its 18th meeting, on 10th May 2007, the Committee, under agenda item 7, held a **meeting with States parties** to the Covenant (attended by 59 States parties). Among the issues discussed were the proposal to establish a unified standing treaty

body; resolution 4/7 of the Human Rights Council on rectification of the legal status of the Committee; the Committee's contribution to the elaboration of an optional protocol to the Covenant establishing a complaint procedure, the newly adopted statement on resource allocation; follow-up to the Committee's concluding observations; and the revision of the treaty-specific reporting guidelines and harmonization of the working methods of treaty bodies.

E. Substantive issues arising in the implementation of the Covenant

6. At its 19th and 20th meetings, on 11 May 2007, the Committee, under agenda item 4 (Substantive issues arising in the implementation of the Covenant), continued its consideration and adopted part of **draft General Comment 19** on article 9 of the Covenant (the right to social security, including social insurance).

7. On 9 May 2007, the **Joint Expert Group UNESCO (CR)/ECOSOC (CESCR)** on the Monitoring of the Right to Education (JEG) held its sixth meeting to continue its discussion of the right to compulsory primary education available free to all (article 13 (2) (a) of the Covenant) that had been initiated at the fifth meeting of the JEG. It continued examining the scope and meaning of 'free' and 'compulsory' primary education and explored ways to ensure non-discrimination and equal opportunities for boys and girls, including through temporary special measures and minority language education.

8. At its 17th meeting, under agenda item 4, the Committee **adopted a statement** on the "Evaluation of the obligation to take steps to the 'maximum of available resources' under an Optional Protocol to the Covenant" (E/C.12/2007/1).

F. States parties to be considered at future sessions

9. The Committee scheduled for consideration at its 39th session, to be held in Geneva (Palais Wilson) from 5 to 23 November 2007, the following States parties' reports: The initial to third periodic report of **Paraguay** (E/C.12/PRY/3), the initial to fourth periodic report of **San Marino** (E/C.12/SMR/4); the second to fourth periodic report of **Costa Rica** (E/C.12/CRI/4); the third periodic report of **Belgium** (E/C.12/BEL/3); and the fifth periodic report of **Ukraine** (E/C.12/UKR/5).

10. The **Pre-Sessional Working Group** of the Committee met from 21 to 25 May 2007 and adopted lists of issues with respect to the following States parties' reports: The initial to third periodic report of **Paraguay** (E/C.12/PRY/Q/3), the initial to fourth periodic report of **San Marino** (E/C.12/SMR/Q/4), the second periodic report of **Benin** (E/C.12/BEN/Q/2); the second to fifth periodic report of **India** (E/C.12/IND/Q/5); and the third periodic report of **France** (E/C.12/FRA/Q/3).

11. The following members of the Committee were designated by the Chairperson to serve as members of the Committee's **next Pre-Sessional Working Group**, which will meet from 26 to 30 November 2007: Mr. ABDEL-MONEIM, Mr. MARCHAN ROMERO, Mr. RZEPLINSKI, Mr. SADI and Mr. TEXIER. The reports to be

examined by the Working Group, on which lists of issues will be adopted, are as follows: The initial report of **Kenya**, the initial to fourth periodic report of the **Philippines**, the third periodic reports of **Georgia** and the **Dominican Republic**, and the fifth periodic report of **Sweden**.

12. The Committee decided to activate its procedure on dealing with non-reporting States parties. In this regard, it decided to invite two States parties with long overdue reports, namely **Gabon** and **Cambodia**, to submit their reports within a set time period for consideration at a specific session in the near future, the precise timeframe to be determined in the weeks ahead.
