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Statement by

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Item 3 - Promotion and Protection of Human Rights

**Rectification of the legal status
of the Committee on Economic, Social and Cultural Rights**

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Geneva, 10 December 2007

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**HUMAN RIGHTS COUNCIL
6TH SESSION, 2ND PART (10-14 DECEMBER 2007)
ITEM 3 – PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**Rectification of the legal status of the
Committee on Economic, Social and Cultural Rights**

Mr. President,

I have the honour to speak on behalf of the European Union. The Candidate Countries Turkey, Croatia and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia, the EFTA country Norway, member of the European Economic Area, as well as Ukraine, the Republic of Moldova, Armenia and Georgia align themselves with this declaration.

The European Union would like to thank the Office of the United Nations High Commissioner for Human Rights for the elaboration and presentation of its report on the rectification of the legal status of the Committee on Economic, Social and Cultural Rights (CESCR), as requested by Human Rights Council resolution 4/7.

The European Union reiterates its full commitment to the firmly established principles of universality, indivisibility, interdependence and interrelatedness of all human rights – civil, cultural, economic, political and social – as proclaimed, inter alia, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993.

In this regard, and although, as a matter of principle, the EU has no objections to the purpose of Human Rights Council resolution 4/7, we are still considering the merits of the idea of changing the basis on which the CESCR is established. The EU acknowledges and understands that the CESCR, having been created differently to the other human rights treaty monitoring bodies, can lead to the perception that it somehow enjoys an inferior status to those other bodies. An important advantage would be that

* *Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.*

States Parties only would participate at the election of Committee members, as it is the case with all other treaty bodies.

The EU considers it very important to ensure that the views of the CESCR are carefully listened to. We appreciate very much the presence of the Chairperson of the Committee with us today. It is important to ensure that the work on the matter continues to be carried out in full consultation with the Committee. We note the Committee's own observation that, although the rectification of its "status is desirable to grant equal treatment to all monitoring bodies of the United Nations human rights system", it is a fact that up to now, the Committee has not been hindered in its functions owing to its status as a subsidiary body of ECOSOC and as an independent body of experts". Indeed, since its inception, it has been carrying out its functions in a similar way to that of all other treaty bodies, and its legal authority to examine States Parties' reports and perform other duties assigned to it has not been disputed.

Mr. President,

The EU believes that practical considerations must also be borne in mind. It will be of paramount importance that a change to the basis on which the CESCR is constituted, if any, will have operational benefits, particularly for the monitoring of the implementation of the ICESCR. The EU would not support any change that entailed any reduction or negative impact on the functions and the work already developed by this Committee. In particular, we would like to avoid a gap in the promotion and protection of economic, social and cultural rights and a two-track situation where some States parties would be monitored under the existing system and some under the new one. The legal and practical problems posed by the amendment procedure will also have to be taken into account.

The European Union is of the opinion that the responsibility for the rectification of the Committee's status lies with the States parties and that any rectification of this status should be undertaken in accordance with the procedure established under Article 29 of the Covenant.

We stand ready to discuss this matter further, including in light of the useful input provided by the reports we have at hand today.

Thank you, Mr. President.