

GERMANY

Follow-up

State Reporting - Action by State Party

CESCR E/C.12/1999/SR.9

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twentieth session

SUMMARY RECORD OF THE 9th MEETING

Friday, 30 April 1999, at 10 a.m.

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FOLLOW-UP TO THE CONSIDERATION OF REPORTS UNDER ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (E/C.12/1999/3)

42. Mr. RIEDEL reported on the debate which had taken place on 4 March 1999 in the German Parliament on the Committee's concluding observations (E/1999/22-E/C.12/1998/26) relating to Germany's third periodic report (E/1994/104/Add.14). Some Members of Parliament had welcomed the fact that the Committee had drawn attention to the question of the poverty threshold, the status of asylum seekers, unemployment in East Germany and the situation of officials of the former German Democratic Republic (GDR).

43. Several criticisms had, however, been voiced. It had been remarked that some conclusions had been based on incorrect information. For example, it was not true that only 12 per cent of public servants who had previously worked in the scientific and technical sectors of the former GDR had been re-employed, since out of the 40,500 officials concerned, only 1,400 had not been taken on again. Of them, 1,300 were teachers, of whom only 120 had been dismissed, and they had received compensation. Similarly, out of the 22,500 criminal cases brought against officials on political grounds, only 211 had run their full course and had generally resulted in suspended prison sentences. According to some Members of Parliament, the Committee ought to have paid greater heed to the information it had received, especially the ILO's opinion on child labour in Germany. Nevertheless, the Committee's use of recognized NGOs as a source of information had been welcomed. Other Members of Parliament had considered that the Committee had placed too much emphasis on sexual violence and the trafficking in women.

44. Most Members of Parliament had been surprised by the severity of the Committee's criticisms, especially as the delegation had had the impression that it had held a friendly and constructive dialogue with the Committee. The Committee had also been taken to task for criticizing the ban on the right to strike in the civil service, when the Covenant itself provided for restrictions on that right. All in all, the general feeling of the Members of Parliament had been that the Committee's concluding observations had not been fair.

45. He inferred that the Committee should take care not to give a delegation the wrong impression after the debate on its periodic report and ought to be ready to admit that the figures it had used were

incorrect, if that were the case.

46. Mr. WIMER, supported by Ms. JIMENEZ BUTRAGUEÑÑO, said that the Committee should take more care with the accuracy of its concluding observations and ensure that there was no discrepancy between the tone of the latter and that of the dialogue with the delegation.

47. Mr. SADI, supported by Mr. ANTANOVICH, thought that it was interesting to have feedback on the Committee's observations and asked if there was an official procedure for conveying information about the reaction of States parties.

48. The CHAIRPERSON replied that no machinery of that kind existed, but NGOs or States parties did sometimes announce their reactions or objections. The information about follow-up to the consideration of reports was contained in document E/C.12/1999/3.

49. Mr. CEAUSU proposed that an additional point should be added to the concluding observations in which the Committee would request the State party to inform it of any reactions or comments from its authorities.

50. Mr. TEXIER, supported by Ms. JIMENEZ BUTRAGUEÑÑO, Mr. KOUZNETSOV and Mr. RIEDEL, said they found that to be a constructive proposal.

51. The CHAIRPERSON, supported by Mr. KOUZNETSOV, suggested that Mr. Ceausu's proposal should be tried out during the session in progress.

52. Mr. ANTANOVICH said he was in favour of Mr. Ceausu's idea, provided that the Committee did not abandon its objectiveness.

53. Mr. PILLAY thought that great caution was required and that States parties should not be invited as a matter of course to pass on their comments. They could always convey their reaction if they so wished.

54. Mr. WIMER said he was not opposed to Mr. Ceausu's proposal. Nevertheless, in his opinion, the State party should be offered the opportunity to reply, but not placed under an obligation to do so.

The meeting rose at 12.55 p.m.