



**Economic and Social  
Council**

Distr.  
GENERAL

E/C.12/40/1  
13 March 2008

Original: ENGLISH

---

COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Fortieth session  
Geneva, 28 April – 16 May 2008

**PROVISIONAL AGENDA AND ANNOTATIONS AND  
TENTATIVE PROGRAMME OF WORK**

**Note by the Secretary-General**

1. The fortieth session of the Committee on Economic, Social and Cultural Rights, established in accordance with Economic and Social Council resolution 1985/17, will be held at the United Nations Office at Geneva from 28 April to 16 May 2008 (Palais Wilson). The first meeting will be convened on Monday, 28 April 2008, at 10 a.m.
2. The attached provisional agenda and annotations for the fortieth session of the Committee have been prepared by the Secretary-General in accordance with rule 4 of the rules of procedure of the Committee.
3. The attention of the States parties is drawn, in particular, to the annotations to item 7 containing the list of reports that will be before the Committee at its fortieth and future sessions.

### **Provisional agenda**

1. Adoption of the agenda.
2. Organization of work.
3. Substantive issues arising on the implementation of the International Covenant on Economic, Social and Cultural Rights.
4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.
5. Relations with United Nations organs and other treaty bodies.
6. Consideration of reports:
  - (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;
  - (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.
7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant:
  - (a) Status of the submission of reports by States parties to the Covenant;
  - (b) Revision of the guidelines of the Committee for the preparation of reports by States parties.
8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.
9. Miscellaneous matters.

## **Annotations**

### **1. Adoption of the agenda**

Under rule 8 of the Committee's rules of procedure, the first item on the agenda for any session shall be the adoption of the agenda. In accordance with rule 9, the Committee may revise the agenda during a session and may, as appropriate, defer or delete items. Under rule 5 of the rules of procedure, the first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of its officers when required under rule 14. In accordance with rule 6 the Committee, during a session, may revise the agenda and may, as appropriate, add, delete or defer items.

### **2. Organization of work**

In accordance with rule 8 of its rules of procedure, at the beginning of each session, the Committee shall consider appropriate organizational matters, including the schedule of its meetings. In this connection, the attention is drawn to the draft programme of work for the session set out in the present document, which was prepared by the Secretary-General in consultation with the Chairperson of the Committee and in accordance with established practice.

### **3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights**

In accordance with Rule 65 of its Rules of Procedure, the Committee may prepare general comments based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The Committee decided at its fourteenth session (28 April-17 May 1996) that as from its fifteenth session its discussions relating to the implementation of the Covenant (days of general discussion, consideration and adoption of general comments, methods of work, NGO submissions, etc.) would be conducted under this agenda item. At the present session, the Committee will review the status of development of draft general comments on the right to take part in cultural life (article 15 (1)(a) of the Covenant) and on the principle of non-discrimination (article 2(2)).

At its thirty-ninth session held in November 2007, the Committee decided to hold a day of general discussion on article 15, para. 1 (a) of the Covenant on the right to take part in cultural life, its fortieth session.

### **4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant**

At its fourteenth session, the Committee on Economic, Social and Cultural Rights, recognizing the importance of periodically reviewing the implementation by States parties of its suggestions and recommendations, requested the secretariat to submit to it, as from the fifteenth session, a document indicating all cases where a follow-up had been suggested by the Committee. In this connection, the attention of the members of the Committee is drawn to document E/C.12/2008/1 which contains the requested information.

## **5. Relations with United Nations organs and other treaty bodies**

The Committee decided at its sixth session to nominate individual members to follow the work of each of the other treaty bodies. Such members are to follow as closely as possible the work of the relevant committees, to liaise where possible with members of these committees and to present an oral report on developments of both a procedural and substantive nature in their work which appeared to be of specific relevance to the work of the Committee (E/1992/23, paras. 371-373).

Under this agenda item, the Committee will consider matters emanating from the last meeting of Chairpersons and the last Inter-Committee Meeting (ICM) and discuss issues to be raised at the next meetings scheduled to take place on 22 to 26 June 2008. The reports of the previous meeting of Chairpersons/ICM (A/62/224), as well as any inter-sessional meetings, will be available to Committee members.

Under this item, the Committee will meet with Ms. Catarina de Albuquerque, Chairperson-Rapporteur of the Open-Ended Working Group of the Human Rights Council on the Elaboration of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. Ms. de Albuquerque will brief the Members about the state of development of the draft optional protocol, in particular the results of the sessions of the Open-Ended Working Group (4-8 February and 31 March – 4 April 2008) and the regional consultation in Africa (Cairo, January 2008) which took place since the last Committee session. The revised draft optional protocol will be made available to the Committee (A/HRC/8/WG.4/2/Rev.1).

Meetings of the Joint Expert Group UNESCO (Committee on Conventions and Recommendations)/Economic and Social Council (Committee on Economic, Social and Cultural Rights) on the Monitoring of the Right to Education, established by ECOSOC decision 2003/310 of 25 July 2003 and decision 5.4 of the UNESCO Executive Board in October 2001, will be convened during the session. The Joint Expert Group is composed of four members: two members from the Committee on Economic, Social and Cultural Rights and two members from the UNESCO Committee on Conventions and Recommendations. The joint meeting will take place during the present session in Geneva.

## **6. Consideration of reports**

### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant**

In accordance with rule 61, paragraph 2, of its rules of procedure, the Committee shall normally consider the reports submitted by States parties under article 16 of the Covenant in the order in which they have been received by the Secretary-General. Representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined; such representatives should be able to make statements on the reports submitted by their Governments and reply to questions which may be put to them by the members of the Committee.

In accordance with rule 62, paragraph 2, of the Committee's rules of procedure, the Secretary-General, in note verbales dated 17 August 2007 and 15 January 2008, informed the

States parties concerned of the opening date and duration of the fortieth session of the Committee, and invited them to send representatives to attend the meetings of the Committee at which their reports would be considered. Following consultations with the Permanent Missions of the concerned States parties about the dates at which their respective reports would be examined, a tentative timetable for consideration of those reports was prepared by the Secretary-General in consultation with the Chairperson of the Committee.

As at 20 February 2008, twenty-two reports as listed below had been received by the Secretary-General and were pending consideration by the Committee. The reports of the States parties which are scheduled for consideration at the fortieth (May 2008), forty-first (November 2008) and forty-second (May 2009) sessions of the Committee are identified in the last columns of the tables that follow. The reports indicated to be scheduled for consideration at sessions of the Committee further in the future are the next five reports received by the Committee, according to chronological order of receipt. Their scheduling for consideration by the Committee at its forty-first and future sessions is subject to approval by the Committee.

The following tables do not include States parties that were requested to submit reports by a specific deadline, failing which the Committee would proceed to examine the enjoyment of economic, social and cultural rights in their territories in the absence of a report. Those States parties are Angola, Cambodia and Gabon, which are scheduled to be examined at the forty-first, forty-second and forty-third sessions of the Committee, respectively.

**Reports received and pending consideration**  
(ordered by the type of report and date received by the Committee)

<i>Initial reports</i>	<i>Symbol</i>	<i>Date received</i>	<i>Date due</i>	<i>Scheduled for consideration at</i>
1. <b>Kenya</b>	E/C.12/KEN/1	07.09.2006	30.06.1995 30.06.2000 30.06.2005	41st session, November 2008
2. <b>Chad</b>	E/C.12/TCD/3	18.09.2007	30.06.1997 30.06.2002 30.06.2007	
3. <b>UN Interim Mission in Kosovo</b>	E/C.12/UNK/1	16.10.2007	30.06.2006	41st session, November 2008
4. <b>Kazakhstan</b>	E/C.12/KZS/1	13.11.2007	30.06.2008	

Second periodic reports	Symbol	Date received	Date due	Scheduled for consideration at

Second periodic reports	Symbol	Date received	Date due	Scheduled for consideration at
5. India (Second-fifth periodic reports)	E/C.12/IND/5	23.10.2006	30.06.1991 30.06.1996 30.06.2001 30.06.2006	40th session, May 2008
6. Philippines (Second-fourth periodic reports)	E/C.12/PHL/4	18.12.2006	30.06.1995 30.06.2000 30.06.2005	41st session, November 2008
7. Benin	E/C.12/BEN/2	19.12.2006	30.06.2007	40th session, May 2008
8. Bolivia	E/C.12/BOL/2	30.01.2007	30.06.2005	40th session, May 2008
9. Nicaragua (Second-fourth periodic reports)	E/C.12/NIC/4	20.06.2007	30.06.1995 30.06.2000 30.06.2005	41st session, November 2008
10. Brazil	E/C.12/BRA/2	10.07.2007	30.06.2006	42nd session, May 2009
11. Madagascar	E/C.12/MDG/2	10.08.2007	30.06.1990 30.06.1995 30.06.2000 30.06.2005	42nd session, May 2009
12. Democratic Republic of Congo (Second-fifth periodic reports)	E/C.12/DRC/5	14.08.2007	30.06.92 30.06.97 30.06.2002 30.06.2007	
13. Mauritius (Second-fourth periodic reports)	E/C.12/MUS/4	03.03.2008	30.06.1995 30.06.2000 30.06.2005	

Third periodic reports	Symbol	Date received	Date due	Scheduled for consideration at
14. France	E/C.12/FRA/3	06.03.2007	30.06.2006	40th session, May 2008
15. Republic of	E/C.12/KOR/3	27.06.2007	30.06.2006	

Third periodic reports	Symbol	Date received	Date due	Scheduled for consideration at
Korea				
16. Algeria	E/C.12/ALG/3	31.12.2007	30.06.2006	

Fourth periodic reports	Symbol	Date received	Date due	Scheduled for consideration at
17. Cyprus (Fourth-fifth periodic reports)	E/C.12/CYP/5	20.07.2007	30.06.1999 30.06.2004	42nd session, May 2009
18. Australia	E/C.12/AUS/4, HRI/CORE/AUS/2007	07.08.2007	30.06.2005	42nd session, May 2009

Fifth periodic reports	Symbol	Date received	Date due	Scheduled for consideration at
19. Sweden	E/C.12/SWE/5	26.07.2006	30.06.2006	41st session, November 2008
20. United Kingdom	E/C.12/GBR/5	07.08.2007	30.06.2007	42nd session, May 2009
21. Poland	E/C.12/POL/5	05.09.2007	30.06.2007	
22. Colombia	E/C.12/COL/5	22.01.2008	30.06.2006	

**(b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant**

In accordance with rule 67 of its rules of procedure, the Committee is entrusted with the task of considering the reports submitted by specialized agencies pursuant to article 18 of the Covenant.

In accordance with rule 68 of the rules of procedure, the representatives of the specialized agencies concerned may make statements on matters falling within the scope of the activities of their respective organization in the course of the discussion by the Committee of the report of each State party to the Covenant. The representatives of the States parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies. The Secretary-General has invited the following specialized agencies, United Nations organs and financial institutions to send representatives to attend the meetings of the Committee: International Labour Organization (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), Office of the United Nations High Commissioner for Refugees (UNHCR), World Intellectual Property Organization (WIPO), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP),

United Nations Human Settlements Programme (UN-HABITAT), United Nations Environment Programme (UNEP), United Nations Conference on Trade and Development (UNCTAD), United Nations Population Fund (UNFPA), Joint United Nations Programme on HIV/AIDS (UNAIDS), International Monetary Fund (IMF), World Bank and World Trade Organization (WTO).

Any report which may be received from the specialized agencies under article 18 of the Covenant will be made available to the Committee in due course.

## **7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant**

### **(a) Status of submission of reports by States parties to the Covenant**

In accordance with rule 59, paragraph 1, of its rules of procedure, the Committee shall at each session consider the status of submission of reports under articles 16 and 17 of the Covenant and may make appropriate recommendations to the Council, including recommendations to the effect that the Secretary-General should send reminders to States parties from which reports have not been received. The Committee will have before it under this item the following document:

Note by the Secretary-General on the States parties to the Covenant and the Status of submission of reports (E/C.12/40/2).

### **(b) Revision of the guidelines of the Committee for the preparation of reports by States parties to the Covenant**

In light of the acceptance of new guidelines for the preparation of common core documents by the chairpersons of the human rights treaty-monitoring bodies and the inter-committee meeting in June 2006 and the Committee's experience in considering State party reports over the fifteen years since the last revision of its reporting guidelines, at its thirty-seventh session held in November 2006, the Committee decided to review its reporting guidelines and appointed a member for this task. On the basis of a review of the typical questions asked by the Committee in its lists of issues, the relevant conclusions contained in its concluding observations, and the new guidelines for common core documents, the Committee will continue at the present session to work on updating its treaty-specific guidelines in harmony with the new guidelines for common core documents. In doing so, the Committee is mindful that henceforth, a State party report submitted under the Covenant must consist of two parts: a treaty-specific document submitted in accordance to its guidelines which it is endeavouring to update and a common core document submitted in accordance with the new guidelines for the preparation of common core documents. Under this agenda item, the Committee will review a draft of revised reporting guidelines, which were introduced but not discussed at the previous session in November 2007.

**8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies**

Pursuant to rule 64 of its rules of procedure, the Committee may wish to make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and the reports submitted by specialized agencies, in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant. The Committee may also wish to make suggestions for consideration by the Council with reference to articles 19, 22 and 23 of the Covenant.

**9. Miscellaneous matters**

At its twenty-first session (1999), the Committee decided to include in its agenda a standing item, "Miscellaneous matters", under which it may consider any issue falling outside the scope of other standing agenda items.

**TENTATIVE PROGRAMME OF THE THIRTY-NINTH SESSION OF THE  
COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**First week: 28 April – 2 May 2008**

**Monday, 28 April**

1st meeting	(public)	<u>Item 1</u>	Adoption of the agenda
		<u>Item 2</u>	Organization of the work
		<u>Item 7</u>	Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant
2nd meeting	(public)	<u>Item 5</u>	Relations with United Nations organs and other treaty bodies
		<u>Item 3</u>	Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: <u>NGO submissions</u>

**Tuesday, 29 April**

3rd and 4th meetings	(public)	<u>Item 6</u>	Consideration of reports: <u>France</u> (third periodic report, E/C.12/FRA/5)
----------------------	----------	---------------	---

**Wednesday, 30 April**

5th meeting	(public)	<u>Item 6</u>	Consideration of reports: <u>France</u> ( <i>continued</i> )
6th meeting	(private)	<u>Item 5</u>	Relations with United Nations organs and other treaty bodies: Update on the work of the Open-Ended Working Group on the Elaboration of a Draft Optional Protocol to the Covenant
		<u>Item 5</u>	Discussion about the next meeting of Chairpersons and Inter-Committee Meeting (June 2008)

**Thursday, 1 May**

Official holiday

**Friday, 2 May**

7 <sup>th</sup> and 8 <sup>th</sup> meetings	(private)	<u>Item 7</u>	Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant: <u>Revision of the guidelines of the Committee for the preparation of reports by States parties</u>
--	-----------	---------------	--

**Second week: 5-9 May 2008**

**Monday, 5 May**

9th and 10th meetings (public) Item 6 Consideration of reports: Benin (fourth periodic report, E/C.12/BEN/4)

**Tuesday, 6 May**

11th and 12th meetings (public) Item 6 Consideration of reports: Bolivia (second periodic report, E/C.12/BOL/2)

(private, to take place simultaneously in Geneva) Item 5 Relations with United Nations organs and other treaty bodies: meeting with the Joint Expert Group UNESCO (Committee on Conventions and Recommendations)/Economic and Social Council (Committee on Economic, Social and Cultural Rights)

**Wednesday, 7 May**

13th meeting (public) Item 6 Consideration of reports: Bolivia (*continued*)

14th meeting (public) Item 6 Consideration of reports: India (second-fifth periodic reports, E/C.12/IND/5)

**Thursday, 8 May**

15th and 16<sup>th</sup> meetings (public) Item 6 Consideration of reports: India (*continued*)

**Friday, 9 May**

17th and 18th meetings (public) Item 6 Day of General Discussion

**Third week: 12-16 May 2008**

**Monday, 12 May**

Official holiday

**Tuesday, 13 May**

19th and 20<sup>th</sup> meetings (private) Item 6 Consideration of reports: Adoption of concluding observations

**Wednesday, 14 May**

21st and 22nd meetings (private) Item 6 Consideration of reports: Adoption of concluding observations (*continued*)

**Thursday, 15 May**

23rd and 24th meetings (private) Item 6 Consideration of reports: Adoption of concluding observations (*continued*)

**Friday, 16 May**

25th and 26th meetings (private) Item 6 Consideration of reports: Adoption of concluding observations (*continued*)

Item 4 Follow-up to the consideration of reports under articles 16 and 17 of the Covenant

Item 8 Formulation of suggestions and general recommendations

Item 10 Miscellaneous matters

(public) Close of session

-----