



## FES GENEVA REPORT

### 8TH ROUNDTABLE MEETING

OF THE UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL  
RIGHTS AND THE ILO COMMITTEE OF EXPERTS ON THE  
APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

“REGRESSION IN THE REALIZATION OF SOCIAL RIGHTS IN LIGHT OF CURRENT  
AUSTERITY MEASURES”

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## Introduction to the topic and impulse giving presentations by:

*Matthes Buhbe*, Director FES – Geneva office

*Guy Ryder*, Executive Director, ED/NORM, ILO

*Ibrahim Salama*, Director, Human Rights Treaties Division, OHCHR

*Eibe Riedel and Philippe Texier*, Members, CESCR

*Angelika Nussberger and Mario Ackerman*, Members, CEACR

*Nikitas Aliprantis*, former chair ECSR

Once a year the Friedrich-Ebert-Stiftung organises a Roundtable Meeting to provide the UN Committee of Economic, Social and Cultural Rights (CESCR) and the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) with a forum to exchange ideas and opinions.

The Committee on Economic, Social and Cultural Rights (CESCR) is the body of 18 independent experts that monitors implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. The Committee also publishes its interpretation of the provisions of the Covenant, known as General Comments.

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) consists of 20 independent members. It examines the conformity of law and practice in the 183 member States of the ILO with international labour law. This examination takes place on the basis of reports sent by governments pursuant to questionnaires prepared by the ILO Governing Body. Each year a report is published by the Committee of Experts on the Application of Conventions and Recommendations.

*The regression in the realization of Social Rights in light of current austerity measures* was chosen as this year's topic. The topic reflects the challenges the Committees will be faced with in the near future. In their introductory presentations, speakers of the CEACR

and CESCR addressed the regression in the realization of social rights as a result of the current economic crisis and its impact on the marginalized parts of the societies.

It was highlighted that this regression is a reality and is in contradiction to the principle of non-regression (and non-discrimination) in the realization of human rights. The complexity of this problematic development requires a close examination of the various aspects from both the UN and the ILO Committees' perspectives. In the course of the evening, the participants identified these issues and discussed them in detail.

In this light, the pending draft phase for the creation of a General Comment (GC) on Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) is of special importance. The formulation of the GC is crucial for the interpretation of the Covenant and thus its common acceptance and, in some cases, eventually its ratification. The importance of the cooperation between the Committees of ILO and UN was especially mentioned, in that case, as Article 7 ICESCR confirms the right to just and fair conditions of work.

Furthermore, participants discussed the influence of international organizations on the progress in the realization of social rights. Several statements pointed out that the dynamics of the crisis and the resulting impact on the implementation of these rights call for an outreach to additional organizations such as the IMF and the World Bank.

Another topic was the availability of mechanisms to ensure that a lowering of social security standards must remain a last resort measure. This demand is closely related to the question of how to find and define such minimum standards.

Also discussed was the challenge of securing the rights of the growing number of informal workers. In this context, support was expressed for the ILO's continuous efforts to change its structures in order to adapt to this development. The pending draft phase for the creation of General Comments on the ICESCR has a special importance. The formulation of the GC is crucial for the interpretation of the Covenant and therefore, directly linked to its relevance as a legally binding international treaty. The common acceptance of the ICESCR amongst the people and governments of the signatory States depends to a

large degree on the contents of the GC. It was stressed that the drafting phase of the GC in 2011 will have to reflect this importance and that a close cooperation of the involved Committees is needed to achieve this goal.

Despite being affected by the the recent economic crisis which originated in the industrialized countries of the Northern hemisphere, the Southern countries tried to minimize the crisis' impact on their social rights programmes. In contrast, Northern countries are experiencing a regression in the

realization of social rights owed to the effects of the crisis. In this light, a revision of the common North-South perspective was promoted. A new view on the policy-making in the Southern countries and the willingness to learn from each other could in fact also be helpful for the Northern countries faced by the crisis.

The participants of the meeting agreed that the mutual exchange of ideas in such forums is valuable for their work and that this cooperation should continue in the future.

*About the author:*

*Ms. Rashi Bedi is currently an intern at the Geneva office of the Friedrich-Ebert-Stiftung and holds a Masters Degree in Public Policy from the University of Erfurt, Germany.*