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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 32nd MEETING

Held at the Palais Wilson, Geneva,
on Monday, 5 November 2007, at 3 p.m.

Chairperson: Mr. TEXIER

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 3.05 p.m.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES

1. Mr. VOLODIN (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that, according to the human rights strategy adopted by UNESCO in 2003, there were four rights within its competence: the right to education, the right to take part in cultural life, the right to enjoy the benefits of scientific progress and its applications, and the right to freedom of opinion and expression. At the thirty-fourth session of the UNESCO General Conference, a plan of action had been adopted stating that the organization's activities to mark the sixtieth anniversary of the Universal Declaration of Human Rights would concentrate on those four rights and on human rights education. A first expert meeting on the right to benefit from scientific progress and its applications had been held in June 2007, and further meetings were planned for 2008 and 2009. UNESCO would participate in the general discussion on the right to take part in cultural life, planned for May 2008, and would be organizing an expert meeting on cultural rights in Arab States, also in early 2008. The members of the Committee could make a valuable contribution to UNESCO's efforts.

2. Mr. SINGH (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that, at the thirty-fourth session of the UNESCO General Conference, a Ministerial Round Table on Education and Economic Development had adopted a communiqué focusing on the importance of education quality and social inclusion. In addition, an expert meeting on the constitutional right to education and its applications had been held as a follow-up to recommendations by the Joint Expert Group UNESCO (Committee on Conventions and Recommendations)/Economic and Social Council (Committee on Economic, Social and Cultural Rights). Moreover, UNESCO had recently held consultations with member States on the implementation of the Convention and Recommendation against Discrimination in Education, the results of which had been submitted first to the Executive Board, which had adopted a decision focusing on education for all (EFA), then to the General Conference, which had adopted a resolution. The texts of the resolution and of the communiqué had been submitted to the secretariat. The Executive Board had also examined the results of the fifth and sixth meetings of the Joint Expert Group on the right to free primary education for all. The Joint Expert Group had placed emphasis on international core obligations and its report had been presented to the Executive Board, which had taken a decision underlining the importance of EFA. In monitoring implementation of EFA, the Joint Expert Group was an important link between the UNESCO Committee on Conventions and Recommendations and the Committee on Economic, Social and Cultural Rights. He thanked the Chairperson for accepting UNESCO's invitation to participate in the meeting of the States parties to the Convention and other member States, which had been organized in the context of the General Conference. The emphasis placed by the Chairperson on the principles of non-discrimination and equal opportunities had reinforced the UNESCO constitutional mission. The Committee on Conventions and Recommendations had also adopted a number of measures such as harmonized guidelines for monitoring UNESCO conventions, in which it had drawn on the work of United Nations treaty bodies, and a mechanism for reinforcing and monitoring implementation of UNESCO instruments. In addition, UNESCO provided technical assistance to member States in developing legislation, including in Afghanistan, Cameroon, Peru and Uruguay. On the occasion of the organization's sixtieth anniversary, a symposium had been held on standard-setting by UNESCO and normative action

in education, science and culture. Contributions to the symposium had been published in a volume which included a section on access to scientific and technological knowledge, which would be useful to member States and to the Committee in its work in relation to article 15, paragraph 1 (b), of the Covenant.

3. Mr. RIEDEL said that UNESCO was doing a great deal to enhance the work of the Committee. An interesting meeting had recently taken place in Amsterdam regarding the right to enjoy the benefits of scientific progress, which was a subject on which the Committee would soon have to focus. Primary education was another important area in which UNESCO was active, and anniversaries played a fundamental role in highlighting the work being done and the links existing between UNESCO and the Committee.

SUBSTANTIVE ISSUES ARISING ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Submissions by non-governmental organizations (NGOs)

Costa Rica

4. Ms. DOMMEN (3D) said that her organization worked to ensure that trade rules were developed and applied in ways that promoted an equitable economy, and it welcomed the Committee's ongoing efforts in that area. She referred to two situations that illustrated the impact of intellectual property rules on the enjoyment of human rights.

5. Firstly, Costa Rica had recently held a referendum on whether to ratify the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) following the broadest public debate in the country's history, a welcome indication of willingness to take the views of the public into account. The population had narrowly voted in favour, and ratification of CAFTA-DR was pending in Parliament. However, such ratification could have serious implications for the State's ability to perform its obligations under the Covenant because of the impact of liberalization on rural livelihoods and the right to food and on essential public services such as health care, water and education. Moreover, the required change in Costa Rica's intellectual property regime would have serious effects on enjoyment of the right to health. She therefore encouraged the Committee to ask the Costa Rican delegation how the country intended to ensure, before ratification, that the intellectual property provisions of CAFTA-DR did not make medicines more expensive and therefore harder for those in greatest need to obtain and that the rights to health and to food were upheld, and to recommend that the Government should undertake an independent impact assessment of the agreement's effect on access to medicines and health insurance and on the right to an adequate standard of living.

6. Secondly, the World Intellectual Property Organization (WIPO) had initiated a process designed to ensure that future intellectual property regimes were more consistent with human rights, and had recently adopted a development agenda which would work to achieve a situation where people and not profits were the focus. She expressed the hope that the Committee would contribute to the debate in WIPO and ensure that human rights were taken into account in WIPO rules and guidelines.

7. Mr. RIEDEL asked for clarification on which particular health issues in Costa Rica the 3D representative was referring to, pointing out that country information was normally provided in advance of any discussion.
8. Ms. DOMMEN (3D) said that the referendum on CAFTA-DR had been held in October 2007 and that, as the result had been so close, it had been confirmed only a week or so previously. The first health issue related to intellectual property and was similar to concerns expressed in respect of other agreements, and the second was that of the possible segmentation and privatization of health insurance benefiting the healthy and the wealthy and not those in need.
9. Ms. BARAHONA RIERA, responding to a request for clarification made by the CHAIRPERSON, said that the referendum had been held in a democratic manner and, since the winning margin had been very small, the Supreme Electoral Tribunal had validated the result only one week previously. However, in order to ratify CAFTA-DR, it was necessary to adopt a series of additional laws - on such matters as how to regulate intellectual property and the social effects of CAFTA-DR - which were under discussion in the Costa Rican Parliament.
10. Mr. HALL REID (Proyecto Caribe) said that his organization dealt mainly with the human rights of ethnic minorities in Costa Rica, especially Afro-Costa Rican people. The Parliament was currently discussing 13 additional laws that were necessary for ratification of CAFTA-DR and must be approved before 11 March 2008, failing which the treaty could not be implemented, despite having been approved by referendum. The country was divided over the issue: civil and grass-roots organizations were not satisfied with the referendum process, feeling that it had been one-sided. The supporters of ratification had spent millions of dollars on their campaign, while others had emphasized the need for Costa Rica to remain a State in which the rule of law prevailed. Proyecto Caribe had produced a report stressing that the Afro-Costa Rican community felt marginalized in decision-making and was working to increase its visibility.

Belgium

11. Mr. COTTENIE (Social Alert International) said that he represented a coalition of civil society actors in Belgium that had recently produced a parallel report on Belgium's national and international obligations, which had been presented to the pre-sessional working group. He encouraged the Committee to ask Belgium to adopt a more rights-based approach in addressing its obligations, especially internationally.
12. His concerns in the area were threefold. Firstly, in terms of the quantity of aid, Belgium had passed a law stipulating that, by 2010, 0.7 per cent of its gross domestic product should be spent on development assistance, and there had been some debate with the Belgian Government on what constituted development assistance and on its volume. According to the Government, the figure currently stood at 0.5 per cent, which appeared to be positive, but in fact falsified the situation by including such factors as debt relief. Such a practice was inadvisable, since debt relief concerned very poor countries which would never be able to pay off their debt and did not constitute fresh money for development.

13. Secondly, in terms of quality, Belgium had focused in its third periodic report (E/C.12/BEL/3) on the Millennium Development Goals, which were not a statement of rights but a set of voluntary commitments. In his view, Belgium should adopt a more rights-based approach in its development cooperation with the countries of the South. The parallel report had stressed the health problems in Burundi, to which Belgium was an important donor. Belgium had supported measures by the International Monetary Fund under which Burundi was asked to apply user fees for its health services. However, according to Médecins Sans Frontières, since that action had been taken in 2002, over 1 million Burundians had lost access to health care. There had been instances of people held prisoner until their family had sold cattle, land or economic assets in order to pay hospital fees. The Committee should therefore urge Belgium to review its health policies in Burundi.

14. The Committee should also request a review of the export credit arrangements that the Belgian Government had set up for multinational corporations operating in the south of Burundi, which for the time being merely applied the voluntary guidelines set out by the Organisation for Economic Co-operation and Development. In particular, Social Alert International called for the adoption of legislation specifically requiring State-supported export credit facilities to take into consideration the economic, social and cultural rights of the local people. The Committee should also encourage the Belgian Government to engage in a constructive, permanent and structured dialogue with his and other civil-society organizations, for example by establishing a commission on fundamental rights, as a permanent forum.

Paraguay

15. Ms. BERGAMIN (FIAN International Food First Information and Action Network), speaking also on behalf of two Paraguayan NGOs, La Via Campesina and the Servicio Jurídico Integral para el Desarrollo Agrario (SEIJA), said that a mission of inquiry carried out in Paraguay in mid-2006 had concluded that the standard of living of peasant and indigenous communities left them vulnerable to crimes against human dignity. Judicial decisions had resulted in the forced expulsion of peasant families, thus depriving them of their means of sustenance. Homes and lands had been burnt and crops, livestock and other property destroyed.

16. The mission had noted how slowly and ineffectively the Institute of Rural and Land Development (INDERT) had worked to implement the agrarian reform legislation and to distribute land. The Government had failed to take measures to reassign land parcels that had been illegally occupied by persons with no legal right to them. It was estimated that some 9 million hectares of such land existed, which would suffice to cover the needs of the 300,000 landless peasants in the country.

17. The mission had also concluded that the State had violated the right to life, health and a healthy environment by failing to take measures against the use of toxic chemical products. The expansion of soya cultivation had forced peasant families to sell their lands or abandon them to the major soya producers. Some 45 per cent of Paraguay's indigenous communities had no definitive legal recognition of their land rights.

18. The Committee should recommend that the Government of Paraguay undertake legal reforms to end the forced expulsion of landless families and to ensure their right to a sufficient standard of living. Civil law should be applied to resolve conflicts resulting from the peaceful

occupation of land, and the Government should make more resources available to develop a comprehensive agrarian reform and provide INDERT with sufficient financial and institutional means. The three branches of government should hold a summit to address the problem of illegally occupied lands, which should be redistributed to landless families. The Government should step up the demarcation and recuperation of the ancestral lands of the country's indigenous peoples. Lastly, a study should be carried out, with the participation of those affected, on the effects of large-scale soya production on the human rights of rural people and vulnerable groups.

19. Mr. BÁEZ (Pastoral Social Coronel Oviedo) said that in Paraguay fewer than 2 per cent of the landholders owned more than 70 per cent of the land. Since the 1960s, agriculture had become increasingly large-scale and export-oriented, with extensive use of industrial inputs. Soya production took place on enormous estates of up to 10,000 hectares, and most ancestral and traditional lands had been transferred to such production, resulting in deforestation and soil depletion. In 50 years, 86 per cent of the forests had been lost. There had been heavy investment in toxic agricultural inputs such as insecticides, which were sprayed by aeroplanes or tractors and which had had very serious effects on nearby rural and indigenous communities. As a result, there had been hundreds of deaths, abortions and malformations in newborns, as well as over 2,000 cases of intoxication and skin disease, and the aquifers and ecosystems had been contaminated, forcing many members of rural and indigenous communities to migrate. Over 20 cases of suicide had been attributed to the despair reigning in such communities. Often with the complicity of the local authorities, large-scale farmers simply disregarded regulations applicable to the use of such products. The recent push for the production of crops such as soya and sugar cane for use as biofuels was making things still worse.

20. The Paraguayan Government should urgently implement policies to guarantee the rights of peasants and indigenous people, to reverse the serious damage being done to the environment and to provide compensation to those who had suffered from the use of toxic products.

21. Mr. AYALA AMARILLA (Coordinadora de Líderes del Bajo Chaco) said that he and his colleagues intended to present an alternative report that touched on the rights to work, to housing and to food and water, and the rights of indigenous peoples, with a focus on the situation of indigenous and rural populations and their right to land. The report was the fruit of a concerted effort by numerous NGOs, including the national peasants' associations.

22. Mr. MEDINA VELAZCO (Mesa Coordinadora Nacional de Organizaciones Campesinas) said that rural poverty in Paraguay was deeply rooted in the country's history. Over 40 per cent of rural inhabitants were poor and, overall, poverty had increased by about 6 per cent between 1995 and 2000. In peasant society, the land was more than just an economic factor; it was also a cultural asset that was vital to the enjoyment of economic, social and cultural rights. Capitalist expansion in agriculture, especially in soya production, had jeopardized the peasants' production model, giving priority to capital and export-oriented production rather than the production of food and resulting in the concentration of land ownership and a forced exodus from rural areas to the cities. Mechanization and the use of chemical inputs and genetically modified crops in agriculture had depleted the soil, polluted waterways, undermined biodiversity and exposed the population to health risks and food insecurity.

23. Mr. GÓMEZ GIMÉNEZ (Federación Nacional Campesina) said that, in 2003, 87 per cent of self-employed workers and about half of the country's employees had earned less than the minimum wage of 200 dollars per month. In rural areas, the overwhelming majority of farmers with smallholdings sold just a few hundred dollars' worth of produce every year. Some 35 per cent of the economically active population were unemployed or underemployed.
24. The right to water was not protected or guaranteed by the State, and in rural areas the water was often polluted by the use of pesticides and herbicides. The deforestation caused by the expansion of farming had accelerated erosion and depleted aquifers. In the towns, the run-off from slaughterhouses, tanneries, homes and industries went untreated straight into the environment, and the solid-waste collection system was insufficient to protect surface and subsurface water from pollution. While, according to official statistics, only 17 per cent of the population had no access to clean water, in reality many people who were counted as having such access suffered from water-borne diseases as well, sometimes resulting in death.
25. The Government had no food security policy. The rapid expansion of large-scale, high-input, export-oriented farming for crops such as soya had undermined the production of food for the country's population and caused serious environmental damage. That directly affected rural populations living near such farms, as it polluted their water, killed their livestock and destroyed their subsistence crops.
26. The Government implemented housing programmes only in or near cities. In rural areas, where housing was especially problematic and where many homes had no access to water or sewage infrastructures, no action was taken by the Government.
27. Mr. MARECOS GARCÍA (Coordinadora de Líderes del Bajo Chaco) said that, according to a census conducted in 2002, there were approximately 90,000 indigenous persons in Paraguay living in 412 communities, 185 of which still had no definitive legal status. The indigenous peoples lived in extreme poverty, to a great extent because of their lack of access to land. While by law each family in the eastern region was entitled to a minimum of 20 hectares, the average holding was only half that, and average holdings in the western region too were below the established norms.
28. Ms. PALAU FERNÁNDEZ (BASE-IS) said that the primary cause of violations of economic, social and cultural rights in Paraguay was the concentration of land and its extensive and intensive exploitation for single-crop agricultural production, particularly of soya, and the lack of corresponding State protection for the rights of the rural population. The Government had not implemented any policies to protect rural families from expulsion, which was currently occurring. There had been many violent evictions and some unexplained killings, and houses and crops had been destroyed. The State had also failed in its obligation to progressively improve the exercise of economic, social and cultural rights, instead adopting measures in the interests of capital rather than of the peasant and indigenous people who had lost their land, and therefore their homes and sources of food and work. Discrimination against the peasant and indigenous population was recurrent in many State actions; there were no housing or employment policies aimed at them. The situation affected women in rural areas even more seriously.

29. In order to promote greater respect for economic, social and cultural rights, the Government must implement an agrarian reform policy designed to promote and protect peasant family agriculture, including access to land and the necessary financial resources, and equal access for women. She recalled that, in 1996, the Committee had recommended that the Government implement a comprehensive agrarian reform, which had not been undertaken to date.

30. The right of indigenous people to land must be fully recognized, and therefore domestic legislation must be amended accordingly. Policies to control the expansion of mechanized single-crop agriculture should be put in place to ensure the protection of the human rights of the rural and indigenous people. Practical mechanisms to control the entry of agrochemicals and to monitor their use must also be established. In addition, public agricultural and agrarian policies must be reviewed to give priority to the promotion of family agriculture. It was necessary to develop rural housing policies to ensure that the most disadvantaged groups had access to decent housing.

31. The Government must also implement public policies to directly benefit indigenous people, aimed at combating extreme poverty and ensuring the right to food and water, as well as providing income-generating and rural employment programmes and professional training.

32. Mr. TIRADO MEJÍA commended the NGOs on their well-documented submissions. He requested clarification concerning the statistics for the indigenous population in both the State party report (E/C.12/PRY/3) and the alternate report and the distinction made between Guaraní and other indigenous groups.

33. Mr. RZEPLINSKI noted that no mention had been made of the status of women in Paraguay, particularly those working in rural areas. He wished to know to what extent children from very poor families had access to basic education. He asked whether any human rights groups in Paraguay had taken any cases relating to deaths caused by the use of agrochemicals to the Inter-American Court of Human Rights.

34. He enquired whether the figures cited concerning the percentage of landless peasants took into account people living in rural areas but providing services to the agricultural community rather than being involved in farming.

35. Mr. ABDEL-MONEIM asked whether the concerns raised by the NGOs had been brought to the attention of the Governments concerned and, if so, what their responses had been.

36. Mr. AYALA AMARILLA (Coordinadora de Líderes del Bajo Chaco) said that the figures presented in the alternate report concerning the indigenous population were based on the 2002 national indigenous population census. Respondents living in indigenous communities and outside them could identify themselves with one of the 20 ethnic groups listed in the census. The 20 ethnic groups did not consider themselves to form part of the social stratification of the Paraguayan people, and could therefore not be considered minorities. The rural population did not have a different ethnic identity and therefore had not been classified separately.

37. Ms. PALAU FERNÁNDEZ (BASE-IS) said that rural women faced major difficulties in accessing the benefits of agrarian reform, credit and other technical support. Poverty and the use of agrochemicals also affected them much more directly than men. Although in principle the children of poor families attended school, there was a high drop-out rate in rural areas.
38. The legal proceedings in the case of Silvino Talavera, who had died of agrochemical poisoning, were ongoing, and consequently no case had yet been brought before an international court. NGOs had been working on issues relating to the Covenant for many years, and had brought their observations to the attention of the Paraguayan Government, but it had not always been very responsive.
39. Mr. GÓMEZ GIMÉNEZ (Federación Nacional Campesina) said that the real proportion of landless peasants was closer to one third of the rural population. That figure included only those landless families that worked the land and relied on it for their livelihood. The concerns raised before the Committee had been brought to the attention of the Government, including through major demonstrations in the capital, but there was still no defined Government policy to protect small and medium-sized agricultural producers, who remained the majority in Paraguay.
40. Mr. MEDINA VELAZCO (Mesa Coordinadora Nacional de Organizaciones Campesinas) said that access to land was fundamental for the enjoyment of economic, cultural and social rights. Since agriculture was the primary activity in rural areas and the majority of peasants had a low level of education, access to land was essential to guarantee the right to housing, food and work.
41. Mr. BÁEZ (Pastoral Social Coronel Oviedo) said that, although there were frequent complaints concerning the use of agrochemicals, they were not followed up by the authorities. Similarly, reports of agrochemical poisoning in rural areas were often not treated as such by the Ministry of Public Health.
42. Mr. SADI asked whether the findings of the NGOs concerning the use of agrochemicals had been corroborated by other sources and whether a link between the use of such chemicals and the incidence of cancer and other diseases had been established. He wished to know whether any efforts had been made to prevent other countries from importing products treated with those agrochemicals, as the surest way to prevent their use was to ensure that the agricultural produce was not bought. A campaign to alert importing countries to the dangers inherent in those products should be considered.
43. Regarding access to land in rural areas, he asked whether ownership was really indispensable for the enjoyment of economic, social and cultural rights, and whether it would not suffice for agricultural workers to be paid fair wages and guaranteed social security rights.
44. Ms. BICKEL (MISEREOR) said that there was a close link between political and economic power in Paraguay. In many cases the local authorities, including the public prosecutors, themselves owned land and produced soya and therefore it was not in their interests to investigate cases concerning the use of agrochemicals. There was a strong culture of intimidation, and in some instances the police and military had been ordered by the public prosecutor to oversee crop-spraying. In response to complaints that such spraying violated the

right to food, the Ministry of Agriculture had stated that the soya producers' right to work must be protected. It was extremely difficult to control the entry of such chemicals into Paraguay, as so much of its economy was based on contraband.

45. Ms. PALAU FERNÁNDEZ (BASE-IS) said that only one death caused by agrochemical poisoning had been confirmed by the Paraguayan judicial authorities. Cases of agrochemical poisoning were underreported, and its actual symptoms often mistaken for minor illnesses. There were many technical and financial restrictions to carrying out the tests necessary to confirm the presence of glyphosate in the blood of the men and women who had died in rural areas.

46. Since 1996, the number of landless peasants, many of whom were the children of farmers who migrated and occupied large unproductive estates, had increased from 200,000 to 300,000. The situation was exacerbated by the fact that transnational companies were buying land at low prices and expelling the peasant population. If a peasant family did not have land, it could not build a house, work with dignity or have access to food. Therefore, agrarian reform in Paraguay was a prerequisite for the enjoyment of economic, social and cultural rights.

47. Mr. AYALA AMARILLA (Coordinadora de Líderes del Bajo Chaco), referring to wages in rural areas, drew attention to the 2005 International Labour Organization publication on debt bondage and marginalization in the Paraguayan Chaco, which concluded that farm labourers, many of whom were from indigenous communities without access to their own land, often received payment in the form of agricultural produce rather than monetary remuneration. He also noted that land was of cultural as well as economic significance in Paraguay.

48. Mr. RZEPLINSKI asked for details of the number of Paraguayans who left the country every year in search of work.

49. Mr. AYALA AMARILLA (Coordinadora de Líderes del Bajo Chaco) said that no exact figures were available, but significant numbers of Paraguayans emigrated, primarily to Spain, the United States and Argentina. There had been reports of significant violations of the rights of Paraguayan workers abroad.

50. Ms. PALAU FERNÁNDEZ (BASE-IS) said that remittances were the second most important source of national revenue after soya.

The public part of the meeting rose at 4.45 p.m.