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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE THIRTY-EIGHTH MEETING

Held at the Palais Wilson, Geneva, on Thursday, 9 November 2006, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

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

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (*continued*)

Second periodic report of El Salvador ((E/1990/6/Add.39); core document (HRI/CORE/1/Add.34/Rev.2); list of issues to be taken up (E/C.12/Q/SLV/2); replies by the Government of El Salvador to the list of issues to be taken up (E/C.12/Q/SLV/2/Add.1)) (continued)

1. *At the invitation of the Chairperson, the members of the delegation of El Salvador resumed their places at the Committee table.*

Articles 10 to 12 of the Covenant (continued)

2. Mr. MALINVERNI, deeply disturbed at the high homicide rate and the low proportion of crimes solved, asked what measures the State party had taken to eradicate violence and attack its underlying causes. In light of General Comment 15 of the Committee, on the right to water (2002), he wondered what had been done to combat industrial pollution of rivers, in the form of heavy metals such as mercury, and to preserve scarce drinking water resources. He also asked how the Government was planning to improve conditions of detention and to narrow the steadily widening gap between the richest and poorest in the country.

3. Mr. MARCHAN ROMERO was concerned at the excessive destruction of forest areas such as “El Espino”, which was having a direct impact on water resources, and also about the move to privatization, and he wondered what measures were being taken in follow-up to the Committee’s General Comment 15.

4. Mr. RZEPLINSKI wanted further details on the legal assistance offered by consular services to the great number of Salvadorans living abroad, relating in particular to labour rights and family questions.

5. Mr. TEXIER noted that, according to the Human Rights Defender’s report, many families were living along the railroad right-of-way, and that this number was growing (18,000 families in 2002); he asked whether there were plans to remedy the housing shortage, and whether land use planning took proper account of natural hazards.

6. Mr. TIRADO MEJIA, observing that many developing countries had become veritable dumping grounds for radioactive wastes, in particular of medical origin, asked whether El Salvador had adopted legislation in this field and whether any complaints had been filed.

7. Mrs. INNOCENTI (El Salvador), responding to the question of Mrs. Bras Gomes, said that there was still no paternity leave in El Salvador, but that the Government was working to develop kindergartens and day care centres that would make it easier for women to reconcile family and working life. The provisions of the Family Code also called for the equal sharing of responsibilities between men and women.

8. Evoking the problem of juveniles not recorded in the civil registry, Mrs. Innocenti explained that the National Registry of Persons had prepared a draft of a special transitional law that was currently under examination in Parliament, the purpose of which was to register all children who were not yet registered, and to do so free of

charge. “Solidarity Network” members accompanied the children of isolated or disadvantaged families to the registration office together with their parents. A UNICEF-sponsored awareness programme about children’s right to identity had also been launched.

9. Mrs. RAMIREZ (El Salvador), responding to the concerns expressed in the previous meeting by several Committee members with respect to corporal punishment and sexual abuse reported in several schools, said that the education authorities, and in particular the School Inspections Office, were doing their best to enforce the education law, by virtue of which any teacher suspected of a crime of this type must be immediately suspended. Great attention was being paid to information and prevention.

10. In a move to update the indicators for poverty and extreme poverty, the Government was planning to conduct a census during the first quarter of 2007, which would gather information on the socioeconomic situation of different categories of the population. A “poverty map” had already been prepared in 2005, using information supplied by the municipalities, with a view to better geographic targeting of programmes for the neediest groups.

11. On the housing issue, Mrs. Ramirez said that the civil defence authorities had defined geographic zones where the risks of natural disasters were highest. People living too near a river, for example, or less than 5 km from a volcano crater, or in a zone prone to landslides had been transferred, and were generally placed in temporary housing. The Vice-Ministry of Housing was responsible for finding them permanent dwellings which, thanks to the National Public Housing Fund (FONAVIPO), would be provided free or for a very low contribution. The Vice-Ministry was also running the programme of new facilities organized in favour of the most vulnerable communities. The Government was working to facilitate credit for low- and middle-income families and to provide hygienic, safe and decent housing to persons living in poorer areas of the major cities, whose numbers were increasing because of the rural exodus sparked by the armed conflict and the recent natural disasters.

12. Mr. ALVARENGA (El Salvador) said the country now had comprehensive legislation against violence, in particular domestic violence. The Penal Code treated as distinct offences acts of physical violence (beating and wounding, grave beating and wounding), sexual violence (sexual assault, aggravated sexual assault, sexual assault on a minor or vulnerable person, rape, aggravated rape, rape of a minor or vulnerable person), and domestic violence (art. 300). The law against domestic violence classified these acts into five categories: economic violence, property violence, psychological violence, physical violence, and sexual violence. The problem of violence was being addressed from a therapeutic angle, with special attention to reconciliation among family members. Efforts were also made to discover and eradicate the causes of domestic violence. When these efforts failed, and if the problem persisted, the courts could punish the crime of domestic violence with a penalty of one to three years imprisonment.

13. Concerning the marriage of minors, article 18 of the Family Code authorized this in two cases: when the girl was pregnant, and when both parents of both minors gave their consent. All obligations and decisions relating to family, property and social matters were however taken by consensus between parents and children, until the latter achieved their majority.

14. Mr. LARA (El Salvador), referring to abortion, said that El Salvador was maintaining its position, on the basis of the first article of the Constitution which

provided that every human being was considered to be a person as of the moment of conception. Concerning reproductive health and sexual hygiene, the Ministry of Public Health had joined with the Ministry of Education, with the consent of the Church, to impose a sexual education programme at all levels of education.

15. On the environment front, El Salvador was sparing no effort to resolve the problem of waste disposal. The Ministry of Public Health, the National Public Health Council, and the Ministry of the Environment were cooperating actively to establish a national policy for comprehensive elimination of solid wastes, particularly in hospitals.

16. Mr. Lara then mentioned the Solidarity Fund for Health and the creation of 1,400 new jobs in the medico-dental sector, 60 per cent of them for women and 5 per cent for handicapped persons. At no time during the recruitment procedure was a polygraph or a pregnancy test administered. Employees became civil servants after working at the Fund for one year, and were informed of the possibility of turning to the Social Fund for Housing to obtain a decent dwelling.

17. Mrs. CUBIAS MEDINA (El Salvador) declared first that water came under national administration and that there was absolutely no privatization of water in the country. With respect to the "El Espino" site, a decree of the Legislative Assembly protected this natural reserve. The only developments introduced were around the periphery of the site (construction of a road, shopping centres and universities).

18. On the question of migration, the Salvadoran Government was working to obtain legal protection for all its citizens abroad, and in particular for the 250,000 families living in the United States. In Los Angeles, Washington, Boston and Long Island, a unique and highly secure identification card had been introduced to identify Salvadorans and to facilitate their administrative or other dealings. With respect to mobile consulates for the delivery of passports, there were more than 500 in the United States and Central America. Finally, the Embassy of El Salvador in Washington had a list of lawyers specialized in immigration issues and of associations offering free assistance to Salvadoran nationals.

19. Mr. ALVARENGA (El Salvador) reported that the police had established a specialized homicide investigations unit. Congress was now considering a draft bill on organized crime, which called for creating specialized tribunals and special security measures to protect magistrates.

20. As to the prisons problem, this resulted from a lack of means. The Government was however taking steps to improve the situation (expanding the country's two major prisons, early or conditional release of prisoners who had served half or two thirds of their sentence, opening in the near future of a new detention centre). Prison food was being provided by a private company subject to inspections over the quality, quantity and nutritional balance of the three daily meals served in the prisons. Some prisons allowed visitors to bring in food, and it was this factor, rather than the quality of the meals served, that might explain the cases of food poisoning mentioned.

21. Mrs. BARAHONA RIERA asked whether the authorities were giving attention to reproductive health and sexual hygiene from the prevention angle, in addition to providing sexual education for children and youth. The number of AIDS cases was rising among the country's females, because of a lack of information on means for protecting themselves, and sexually transmitted diseases and uterine cancer were spreading. Moreover, the health system was fragmented, and a large portion of the population had no coverage, something that posed a real public health problem.

22. Mr. RZEPLINSKI asked what measures the Government was taking to eliminate land mines and other explosives that were sown during the Civil War. He was particularly interested in the training of local authorities in de-mining operations, and wondered whether El Salvador was a party to the Ottawa Convention on antipersonnel mines.

23. Mr. MALINVERNI asked the Salvadoran delegation about the situation of young female domestic employees who might be exposed to sexual abuse and who had no sickness or accident insurance.

24. Mrs. BRAS GOMES, noting that the latest poverty evaluation figures dated back to the year 2000, wanted the Salvadoran delegation to indicate the current situation in this respect, and the effects of all the programmes carried out in this field. She also wondered why the weight of the basic food basket was lower in rural areas, and what was being done to combat illegal subdivisions.

25. Mr. MARCHAN ROMERO, referring to the National Aqueducts and Sewers Administration (ANDA), observed that, according to the report prepared by the FoodFirst Information and Action Network (FIAN International), 65.5 per cent of households – and 80.9 per cent in urban areas – received their water supply from a private network. He asked if this situation resulted from shortcomings in public services, or whether a concession had been granted to the private sector.

26. Mr. LARA (El Salvador) responded to the questions on prevention and protection measures for reproductive health and sexual hygiene, noting that the authorities had in recent years recognized the scope of the teenage pregnancy problem and had launched a real prevention campaign among young people, through sexual education (beginning at 15 years for boys and at 14 years for girls), and had strengthened the specialized services available to pregnant teenagers in the country's 27 hospitals with maternity wards. The country also had a programme for HIV/AIDS prevention and detection. Over the last three years, the emphasis had been on vertical transmission; programmes were designed in light of the country's particular cultural characteristics to convey the message that young people should be aware of the problem and opt for abstinence, and that they should postpone the beginning of their sexual activity.

27. As to fragmentation of the health system, Mr. Lara explained that, with the natural disasters that had struck the country, the Ministry of Public Health had sought to provide medical protection to all people not covered by the health system, in particular those living in the 72 northern municipalities. Improvements to the health programme over the last two years had focused on the provision of basic health services to different communities; the newly created Solidarity Fund for Health now offered health protection to those in the informal sector who previously had no access to health services.

28. Mrs. AVILA DE PENA (El Salvador) said that domestic work was governed by the Labour Code (chap. 2, arts. 76 to 78). Any household employee who felt that his or her rights were not respected could complain to the Ministry of Labour and Social Protection, and if no agreement were reached between the parties the plaintiff was entitled to legal assistance for going to court. Under the Constitution, the Ministry of Health had the responsibility to provide free health services and medications to employees not covered for medical services. As to the wage differential for rural and urban employees, this reflected the fact that rural employers were required, because of

the nature of the work, to provide three daily meals for their employees, or to give them equivalent monetary compensation.

Articles 13 to 15

29. Mr. KERDOUN wanted to know if the financial assistance offered impecunious students in higher education, mentioned in paragraph 754 of the second periodic report, was the equivalent of a scholarship or was rather a selective Government aid. He also wanted to know the procedure for becoming a beneficiary, and why the State party had opted to privatize the National Telecommunications Association (ANTEL) in order to finance the system, instead of paying for it from the State budget.

30. Referring to paragraph 753 of the report, which said that public secondary education was not free but was subsidized by the State, Mr. Kerdoun wondered if some secondary schools were private and why the Government had not made education free at this level, as many other countries had done. He asked if the financial contribution required of families and students was intended to cover registration costs only, or also the cost of schooling. Finally, he asked what measures the Government was planning to reduce the especially high dropout rate in grade 9.

31. Mr. MARCHAN ROMERO, regretting the lack of information on indigenous languages – Nahuat, Leuca and Cacaopera – asked if they were recognized as official languages or national languages, and if persons speaking them could use them in their administrative dealings with public agencies. He also wondered whether the Government was planning to take steps to protect the rights of members of these communities in terms of protecting the moral and material interests resulting from any scientific, literary or artistic production of which they were the authors, in accordance with paragraph 33 of General Comment 17 (2005) of the Committee on this question, and whether their right to inhabit their ancestral lands was recognized.

32. Finally, Mr. MARCHAN ROMERO asked the Salvadoran delegation's opinion on paragraph 7 of General Comment 23 (1994) (CCPR/C/21/Rev.1/Add.5) of the Human Rights Committee, which observed that "culture manifests itself in many forms, including a particular way of life associated with the use of land resources".

33. Mrs. RAMEREZ (El Salvador) explained that basic education covered nine years, versus six in most other countries of the world, and therefore in El Salvador free education extended to the equivalent of the end of the first cycle of secondary school in other countries. Thus, students paid only for the second cycle of secondary education. In public secondary schools, registration costs varied according to the number of students enrolled, but they could never exceed US\$ 15; however, to this must be added the cost of textbooks, for which the family was also responsible.

34. Girls frequently dropped out of school at the age of 14, generally because of poverty or early pregnancy. It must be recognized, though, that it was the requirement to pay for the second cycle of secondary school that was the primary cause of dropouts, for boys and girls alike. However, poor students who were really determined to pursue their studies could obtain a waiver of school fees and in some cases were eligible for financial assistance.

35. The special fund constituted from the proceeds of the ANTEL privatization was just one of many scholarship programmes offered to students in higher education who lacked the resources to finance their studies, and Mrs. Ramirez cited other programmes including the scholarships in the name of the President of the Republic

and those financed by the Government of El Salvador itself. The University of El Salvador was a public institution, and its budget had risen steadily over the years; as a result the costs to students had been reduced to a minimum, and they were required to pay only the registration fee.

36. Other kinds of instruction had been introduced, such as distance education, part-time education, adult education, and education via Internet. Moreover, accelerated training programmes were available for people seeking to return to their studies and who wanted to make up for lost ground so that they could enrol in a class that corresponded to their age group.

37. The regions that were home to the Nahuat, Leuca and Cacaopera peoples benefited from public services on an equal footing with other regions. These regions were primarily rural and they were at the same level of development as the country's other rural regions. A number of projects had been undertaken to allow members of these population groups access to education in their own tongue, and to promote their culture. The Constitution accorded these ethnic groups official recognition and declared that their culture and their customs were part of the country's cultural heritage.

38. To determine the number of indigenous people in the country, the form to be used for the next population census, planned for 2007, would allow persons who so wished to mention their membership in one of the three indigenous communities. Finally, the sacred sites of indigenous peoples were protected by law, and measures were in place taken for their conservation.

39. Mr. LARIOS LOPEZ (El Salvador) welcomed the constructive dialogue initiated with the Committee. He gave assurance that the closest attention would be paid to the final observations to be issued by the Committee at the end of its thirty-seventh session, and that his Government would do all in its power to give effect to the Committee's recommendations.

40. The CHAIRPERSON said he was very pleased with the way discussion had gone during consideration of the second periodic report of El Salvador, and he drew the attention of the Salvadoran delegation to the need in future to present written responses to the list of issues to be taken up, and to do so with sufficient advance time that they could be translated and distributed to Committee members before consideration of the report. He thanked the delegation and announced that the consideration of the second periodic report of El Salvador was completed.

41. *The delegation of El Salvador withdrew*

The first part (public) of the meeting rose at 5 p.m.