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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE 32nd MEETING

Held at the Palais Wilson, Geneva,
on Monday, 6 November 2006, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 3.10 p.m.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (*continued*)

1. Mr. SINGH (United Nations Educational, Scientific and Cultural Organization (UNESCO)) informed the Committee of the launch on 26 October 2006, by the UNESCO Director-General Mr. Matsuura, of the 2007 Education for All Global Monitoring Report, the focus of which was early childhood care and education. Recalling that the UNESCO Committee on Conventions and Recommendations and the Committee on Economic, Social and Cultural Rights had a shared interest in monitoring the implementation of the right to education more effectively, he drew attention to the fourth meeting of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR), which had focused on the justiciability of that right. In particular, he cited the draft decision adopted by the Executive Board, in which the Board had expressed its appreciation of the Joint Expert Group's activities and had encouraged it to continue its work on the issues of key importance for the realization of the right to education. The Joint Expert Group's fifth meeting was to be held on 17 and 18 November 2006 at UNESCO Headquarters.

2. He recalled that UNESCO was currently conducting its Seventh Consultation of Member States on the Implementation of the Convention and Recommendation against Discrimination in Education (1960), which would be useful for the Committee's forthcoming discussion on the draft general comment on non-discrimination. With regard to the follow-up to the Jakarta Declaration adopted at the International Conference on the Right to Basic Education as a Fundamental Human Right and the Legal Framework for its Financing, he said that UNESCO was putting in place the network of education specialists.

3. At the technical level, UNESCO continued to provide assistance to Member States seeking to update their national legislation or draft new laws on education, emphasizing the incorporation of norms established in UNESCO and United Nations instruments. In that connection, he cited Brazil (new Act on Basic Education adopted in early 2006) and Nigeria (Act on Free, Compulsory and Universal Basic Education, 2004), two striking examples in the realization of the right to education as a fundamental right.

4. Referring to the EDUCAIDS Framework for Action developed by UNESCO and the inter-agency initiative "Focusing Resources on Effective School Health (FRESH)", he said that those joint efforts had helped some 50 countries to draw up and implement national action plans in the area of education and school health. UNESCO also gave all necessary attention to the right to work, which it did not view in isolation from the right to education and the right to health.

5. Mr. SADI, noting that the Committee attached particular importance to education, said that the meaning of the word "all" in the expression "education for all" was problematic, in that some developing countries, under pressure from taxpayers, interpreted it to mean only nationals and legal residents, whereas the Committee, among others, interpreted it as also applying to illegal residents. Accordingly, he asked the representative of UNESCO how the countries in question could use tax revenues to provide education for illegal residents.

6. Mr. SINGH (UNESCO) confirmed that the provisions in question breached international legal obligations. Article 13 of the Covenant and the corresponding

General Comment No. 13, on the right to education, stated clearly that that right applied also to persons residing illegally in a territory. However, even contemporary legal instruments often stipulated that the right to education applied only to citizens and not to everyone. Additional policies and legal frameworks were therefore being put in place to resolve issues relating to the education of all those who were not treated as citizens (for instance, immigrants, foreigners and refugees). Every effort must be made to ensure that the purpose of constitutional or legislative amendments was indeed to achieve conformity with international obligations.

7. Mr. HEENAN (HIV/AIDS Coordinator, Office of the United Nations High Commissioner for Human Rights (OHCHR)), noting the publication of an updated version of the *International Guidelines on HIV/AIDS and Human Rights* (E/CN.4/1997/37), reported on HIV/AIDS-related human rights problems in Tajikistan. As in other countries of the region, the situation there was difficult to assess. According to the authorities, the number of recorded cases in the country had been 317 in 2005, but UNAIDS estimates put the figure at some 4,900 cases (a margin of 2,400 to 16,000 cases), a prevalence rate of 0.1 per cent. While the infection rate per capita was the lowest in Central Asia, there was every indication that HIV was spreading rapidly (a fivefold increase in the infection rate between 2003 and 2004). According to United Nations and donor forecasts, 1 per cent of the adult population would be living with HIV by the end of the year, signalling a potential pandemic, and, if the most pessimistic projections were to be believed, there would be over 250,000 infected persons by 2014.

8. The main vector for transmission of the virus was intravenous drug use, facilitated by the proximity of drug-producing countries (Afghanistan) and drug smuggling networks. The population groups most affected by HIV were intravenous drug users, sex workers, prisoners and migrants; 80 per cent of recorded cases in the country were young people aged under 30. Heavy intravenous drug use, high-risk sexual conduct and medical practices, widespread ignorance about the disease, and stigmatization and discrimination were all factors in the rapid spread of HIV to the population at large.

9. Donor funding for programmes to combat and prevent HIV totalled \$5 million. The Government had taken commendable measures to stem the epidemic and was clearly willing to recognize the importance of combating AIDS, despite the low HIV prevalence rate in the country and the lack of resources referred to in paragraph 532 of the State party's initial report (E/C.12/TJK/1).

10. The following were areas of concern: the right to information; stigmatization and discrimination; the right to privacy; and the right to health. With regard to the right to information, prevention was crucial in the case of Tajikistan, where HIV prevalence was remarkably low. Ignorance about the disease and ways of protecting against it was a major factor in its spread. A 2005 survey had shown that only 36.1 per cent of rural women aged 14 to 49 had heard of HIV. Despite Government and donor efforts to remedy the lack of information (including in the education system), vulnerable groups and health personnel were still not adequately informed.

11. Stigmatization and discrimination persisted in the country, threatening to undermine the most laudable initiatives, such as the provision of special welfare services for people living with HIV (which required that such people accept their status). A greater effort must be made to change the behaviour of infected persons, while guaranteeing them confidentiality with regard to their status. A number of

high-profile initiatives had been launched to that end, such as local and national information campaigns, the promotion of training in human rights and HIV-related ethics in health care education, and increased support for people living with HIV (PLHIV) so that they would disseminate information on prevention, treatment and health care services, thereby helping to combat prejudice and discrimination. With regard to the right to privacy, reports pointed to the continuing lack of confidentiality concerning HIV status. Given the strong prejudices and discrimination surrounding HIV, respect for everyone's right to privacy was essential for effective prevention and treatment and health professionals must be specially trained in ways of guaranteeing confidentiality for PLHIV and be held accountable for any failure to do so. Judicial and welfare systems must also adopt non-discriminatory practices while ensuring respect for confidentiality.

12. HIV screening, treatment and prevention were important for ensuring the right to health. The lack of screening services in Tajikistan created a number of problems; among other things, it made it difficult to determine HIV prevalence in the country, if not the subregion, with any accuracy. Screening must therefore be made an integral part of the services offered in health establishments, while prejudice and discrimination among health personnel must be eliminated. Voluntary counselling and screening services must also be set up throughout the country. With regard to access to treatment, progress had been made recently with the help of the Global Fund to Fight AIDS, Tuberculosis and Malaria. Currently, 60 people were receiving antiretroviral therapy, but estimates of HIV prevalence showed that major steps must be taken to extend treatment coverage in the long term. Lastly, with regard to access to prevention, there should be programmes encouraging safe drug practices as a "lesser evil" and combating intravenous drug use among young people, as well as information campaigns promoting condom use. By the end of 2005, 8 million condoms had been distributed as a result of United Nations/Global Fund operations, but 100 million would be needed to curb sexual transmission effectively.

13. There were a number of at-risk groups in Tajikistan. Migrants had a higher HIV prevalence rate than the population at large. The fact that migrants, particularly illegal migrants, risked expulsion if they were found to be HIV-positive hindered the expansion of access to prevention, treatment and assistance services. The growing number of HIV-carrier Tajik emigrants returning to the country was a real problem. Prisoners were another vulnerable group; according to the United Nations Development Programme (UNDP), they accounted for 20 per cent of HIV-positive people in the country. Over and above the measures taken to expand prevention and treatment services in prisons (for instance, the distribution of 45,000 condoms), sustained action must be taken to ensure respect for prisoners' right to health. As a public health precaution, efforts must be made to prevent former prisoners from spreading the disease. With regard to sex workers, whose numbers were growing, the Government and its international partners had taken care to provide them with access to health services (such as treatment for sexually transmitted diseases) and to give them information about HIV. It was difficult to expand prevention, treatment and care services in a country characterized by factors such as migration and human trafficking, however. Lastly, the United Nations Children's Fund (UNICEF) had presented a separate information paper on children, HIV/AIDS and human rights.

14. Mr. RIEDEL thanked Mr. Heenan for raising the particularly important issue of illegal migrants in Tajikistan. Any information on that population group was welcome. Given the high rate of HIV-infection among Tajikistan's prison population

(28 per cent), the figures provided were very useful to the Committee, enabling it to ask more focused questions and to establish more appropriate criteria that the State party would find it easier to accept.

15. Mr. SADI, noting the proposal to distribute 100 million condoms as a means of combating HIV transmission among prisoners, questioned the relevance of such a solution, which he saw as inappropriate and overly restrictive, especially given the projected number of cases of HIV in Tajikistan by 2014. He hoped that further thought would be given to the issue.

16. Mr. RZEPLINSKI asked which disease, HIV or tuberculosis, posed the biggest problem in Tajikistan.

17. Mr. KOLOSOV asked whether the authors of the study had paid due attention to the issue of Tajik immigrants in the Russian Federation, where they numbered at least 1 million, and requested information on their situation with regard to HIV.

18. Mr. HEENAN (OHCHR), responding to Mr. Sadi, said that in matters of prevention, a distinction must be made between a human rights-based approach and a public health approach. Unlike the latter, which resorted to drastic methods, the former, which had been the approach of choice over the past 10 years, was aimed at protecting the rights of infected persons and vulnerable groups and was thus better equipped to halt the spread of HIV. The recent major offensive in favour of a public health approach, which some people had dubbed the “doctors’ revenge”, needed to be countered by raising awareness of the benefits of a rights-based approach. On the issue of prisoners’ sex lives, he said that sexual activity in prison, whether or not accompanied by violence, was a reality. Condom distribution was just one component of a much broader, multi-pronged approach and it would be interesting to compare the proposed figure (100 million) with the number of condoms distributed in western countries over the same period.

19. Replying to Mr. Rzeplinski, he said that HIV and tuberculosis were linked. While tuberculosis was currently a bigger problem, it was being overtaken by HIV. The problem with tuberculosis was that it killed and was becoming resistant to treatment.

20. The Russian Federation was a destination of choice for Tajiks who were looking for work. The statistics on the number of HIV-carrier Tajiks returning home were very worrying.

21. Mr. ABDEL-MONEIM, noting the proposed recommendations on the information note distributed by Mr. Heenan, suggested with regard to the first recommendation, on tuberculosis and malaria, that when it came to consider the situation in the country, the Committee should pay particular attention to paragraph 55 of the State party’s initial report (E/C.12/TJK/1), which listed the different public health measures taken in that area, including the HIV/AIDS prevention policy, linked in that instance to sexually transmitted diseases. Turning to paragraph 105 of the brochure distributed on the *International Guidelines on HIV/AIDS and Human Rights*, the Committee would also have to see whether the State party had mentioned any HIV/AIDS-related restrictions on human rights.

22. Ms. GHOSE asked how a distinction could be made between a rights-based approach and a public health approach in combating HIV/AIDS and wondered

whether it might not be preferable to take a comprehensive approach to the issue. She also questioned the use of the expression “doctors’ revenge”.

23. Mr. HEENAN (OHCHR) said that a human rights-based approach was designed to protect people as individuals, whereas a public health approach protected the population as a whole, sometimes to the detriment of individual rights. In the fight against HIV/AIDS, the public health measure of isolating HIV-positive individuals in the same way that people with infectious diseases such as cholera were isolated would restrict the rights of those individuals and was not viable, since it would amount to banning them from society for the rest of their lives, given that there was no cure.

24. Mr. RIEDEL recalled that in its General Comment No. 14 on the right to health, the Committee had emphasized the human rights-based approach, given that the specialized agencies, particularly the World Health Organization (WHO), took a public health approach. That did not mean that the Committee had ignored that aspect, for it had emphasized the need for States parties to “implement” public health policies and strategies, while their obligation to “respect” and “protect” meant that they were required to attach the utmost importance to the rights of the individual.

25. Mr. NOWOSAD (National Institutions Unit, OHCHR) said that the National Institutions Unit (NIU) often drew on the treaty bodies’ concluding observations in deciding what action to take in a given country, and it relied on those bodies, during their consideration of periodic reports, to invite States parties to build their national institutional capacities.

26. OHCHR had produced a 79-page compilation of the concluding observations referring to the work of national institutions adopted by all the international treaty bodies. That compilation showed that the treaty bodies were aware of the importance of national institutions and of the need for States to provide them with greater resources. It was available in Arabic, English, French and Spanish and listed the prerequisites for such institutions to be able to work as effectively as possible.

27. He welcomed the leading role played by the Committee in the drafting of harmonized guidelines applicable to treaty bodies in their relations with national institutions and recalled that it had been the first treaty body to invite those institutions to participate in the consideration of States parties’ reports and to present informal reports on the national human rights situation. He regretted that the dates of the roundtable on national institutions, organized in Berlin on 23 and 24 November 2006 by the German and Danish Institutes for Human Rights, overlapped with those of the Committee’s current session, but was sure that the Committee would be kept informed of its conclusions, notably at the next Inter-Committee Meeting. He also welcomed the Committee’s active role in promoting ratification of the optional protocol to the International Covenant on Economic, Social and Cultural Rights, including the participation of some of its members in numerous regional meetings on the subject.

28. It would be very useful if, in accordance with the Paris Principles, the Committee were to encourage States parties to consult national institutions when drafting their reports. In the interests of preserving their independence, however, those institutions should not be entrusted with drafting the entire report. National institutions were clearly increasingly prepared to take responsibility for the follow-

up to concluding observations, making it very important for States parties to realize that the criticisms they sometimes made were constructive and were intended solely to strengthen the system of rights protection. The Committee should make sure that States parties were aware of the importance of creating conditions favourable to the financial independence of national institutions and that the latter had qualified staff and were run by competent individuals chosen under a procedure that prevented the executive branch from exerting any influence on them.

29. In El Salvador, the Human Rights Ombudsman (*Procuradora para la Defensa de los Derechos Humanos*) had been attacked and received threats. It would therefore be important, during the consideration of the country's second periodic report (E/1990/6/Add.39), to draw the attention of the Salvadoran delegation to the need to guarantee the Ombudsman's protection.

30. In the Netherlands, it would be useful if the Government were to put in place a human rights body with a broader mandate than that of the current Equality Commission (CGB), which would protect not only civil and political rights but also economic, social and cultural rights.

31. In February 2006, OHCHR had undertaken a mission to Tajikistan to follow up on the concluding observations of other treaty bodies and investigate the possibility of setting up a human rights commission with a very broad mandate. It would be good if, during its consideration of the State party's initial report (E/C.12/TJK/1), the Committee were to insist on the need to set up such a commission.

32. During its consideration of the initial reports of the Former Yugoslav Republic of Macedonia (E/C.12/MKD/1) and Albania (E/1990/S/Add.67), each of which had established the office of ombudsman, the Committee should encourage the two States parties to ensure that they maintained the level of human rights protection that they had managed to achieve.

33. The CHAIRPERSON said that the Committee had been encouraging States parties to create national institutions for many years but that, regrettably, few of them sought to enforce respect for economic, social and cultural rights as well. Moreover, although it strongly encouraged such institutions to attend the consideration of States parties' reports, unfortunately they had never actually done so. When they eventually did attend, however, the Committee would have to decide how they were to participate and in what capacity: would their representatives have to take a place at the Committee table as members of the delegation and would the Committee be able to put questions to them in that capacity? The opinion of OHCHR on that point would be welcome.

34. Mr. ABDEL-MONEIM said that the respective roles of national institutions and non-governmental organizations must be defined, since the latter often criticized the former for taking action that interfered with their own activities.

35. Mr. SADI noted that in its dialogue with States parties, the Committee always encouraged States to establish national human rights institutions and to draw up national action plans. However, it sometimes hesitated to include that recommendation in its concluding observations, since there was no obligation under the Covenant for States parties to do so.

36. Mr. RIEDEL said that the degree of importance attached to the national institutions that would attend the consideration of States parties' reports might

depend on their level of accreditation and particularly on whether or not they fulfilled all the criteria set forth in the Paris Principles. Since some national institutions were genuinely independent and others were not, it was impossible to establish a rule that was applicable to all of them; how much importance to attach to them must be decided on a case-by-case basis.

37. Mr. TEXIER, supported by Ms. BARAHONA RIERA, requested further information on the threats made against the Human Rights Ombudsman in El Salvador and asked whether the Salvadoran Government had launched an investigation and, if appropriate, instituted proceedings against the authors of those threats.

38. Mr. RZEPLINSKI said that only a procedure for the appointment of directors of national institutions that was independent of the executive branch could guarantee their genuine independence. He regretted that, in many countries, the office of ombudsman generally did not have sufficient powers.

39. Ms. BARAHONA RIERA said that all States parties should have both a national human rights institution, responsible for acting on the legislative level, and an ombudsman, responsible for defending the rights of private individuals. She asked how far OHCHR planned to help States parties familiarize themselves with the proposed new indicators, which might seem to overlap with existing ones such as structural, quantitative or qualitative indicators.

40. Ms. BRAS GOMES said that a national human rights institution's degree of independence should not be the only criterion for determining how much weight to give to the information it provided. Some countries had sectoral commissions that were answerable to ministries and therefore not independent within the meaning of the Paris Principles, but which had an essential role in examining the legislation in force and in recommending amendments where necessary. The question was what place OHCHR and the treaty bodies should accord them.

41. Mr. NOWOSAD (OHCHR), responding briefly to a number of comments and questions from members of the Committee, said that a national human rights institution was an oversight body created under the Constitution or by law and vested with specific powers and functions to work in the human rights field. Such institutions must fulfil a number of criteria: have a degree of functional and legal independence, be pluralistic, be universally accessible, work with civil society and be accountable, most often to Parliament. While the criterion of conformity with the Paris Principles was important, it could not be the only one.

42. On the question of participation by national institutions in the work of the treaty bodies in general and the Committee in particular, it was not desirable that institutions should be members of the delegations that came to present their periodic reports to the Committee, as that would raise doubts about their independence. Before envisaging any cooperation, treaty bodies must above all make their work with national human rights institutions known, since in some regions many people did not even know that those bodies existed.

43. With regard to the place accorded to economic, social and cultural rights, OHCHR had published a handbook on economic, social and cultural rights for national human rights institutions, a copy of which would be distributed to Committee members. While national human rights institutions did not have an in-depth knowledge of the rights enshrined in the International Covenant, they were

keenly interested in poverty reduction issues and the human rights-based approach to development and had much to learn, therefore, from the Committee's work.

44. Depending on the country, it was not always easy to distinguish between an ombudsman and a national human rights institution and it was not desirable that the two entities should coexist, since that might result in duplication of work. In many countries, notably in Latin America, ombudsmen had broader powers than national human rights institutions. The procedure for their appointment was a tricky issue. While the Paris Principles did not contain precise provisions in that regard, they did recommend that the appointment procedure should be transparent and that appointment panels should include representatives of civil society. Turning to human rights indicators, such indicators served, among other things, to assess national human rights institutions' compliance with the Paris Principles. The more widely those indicators came to be applied, the more useful they should prove to be.

45. He could not provide the meeting with more detailed information on the threats made against El Salvador's Human Rights Ombudsman, but the Salvadoran authorities had been given responsibility for the case and had provided her with bodyguards.

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

46. Mr. SANTAMARIA (Fundación de estudios para la aplicación del derecho (FESPAD)) said that in 2001, El Salvador had adopted a Monetary Integration Law allowing the dollar to be used as a unit of exchange and account. With the dollarization of the economy, the Government had lost all economic and monetary autonomy. FESPAD urged the Government to guarantee the dual-currency economy provided for in the Monetary Integration Law, define a trade policy to guarantee national development, full employment and agricultural production and put in place financial compensation programmes for small-scale agricultural producers affected by trade and investment agreements.

47. Although official unemployment figures had dropped, job insecurity and underemployment were on the rise and there had been a relaxation of the rules governing the labour market, particularly in *maquiladoras*, where hiring rules and Labour Code provisions were not always respected. FESPAD recommended to the Government that it establish reliable employment indicators, in order to have an objective picture of the situation from which to develop job creation policies in the most seriously affected sectors. It also urged it to implement without delay the ILO conventions that it had ratified recently and to ensure that employment promotion did not jeopardize the safeguards provided in the Labour Code.

48. During the period covered by El Salvador's second periodic report (E/1990/6/Add.39), workers had continued to encounter huge difficulties in exercising their right to freedom of association. El Salvador refused to recognize civil service trade unions, in flagrant violation of the ILO conventions to which it was a party. FESPAD recommended to the Government that it should not interpret restrictively the provisions of the Constitution concerning freedom of association and that it should not impose any restrictions on freedom of association in the civil service, including the National Civil Police.

49. The new pension law, introduced in April 1998, had turned over the management of pension funds to private entities and had made it mandatory for people up to the age of 35 to join the new private pension scheme, thereby flouting the principle of solidarity and failing to guarantee the periodic upward revaluation of pension funds. FESPAD recommended to the Government that it review the current scheme and make the necessary revaluations so that retired people could live in decent conditions.

50. While El Salvador acknowledged in its second periodic report that it faced such problems as food insecurity, a deficit in its food production and dependence on imports of grain and beef, it omitted to mention the structural factors and economic policies that were to blame for food insecurity. The composition of the basic food basket varied dramatically between towns and the countryside. The basic household basket in urban areas contained more food than that in rural areas. In any case, after filling its basic food basket, an urban household receiving the minimum wage had only \$13 left with which to pay for clothes, housing, education, health and electricity. In that context, FESPAD recommended to the Government that it, inter alia, urgently reconsider its agricultural policy, particularly so as to protect small and medium-scale farmers, establish a programme of assistance to agricultural production and tackle the problem of imports of agricultural products.

51. Mr. GARCIA MELENDEZ (Comunidades eclesiales de base en El Salvador (CEBES)) said that the measures taken by Salvadoran Governments since 1989 had had a drastic impact on the exercise of economic, social and cultural rights because of the weakening of the role of the State, the absence of market controls and excessive capital accumulation facilitated by the neoliberal model. Poverty, a huge wealth gap and collusion between economic and political power structures made it impossible to improve the situation with regard to economic, social and cultural rights. The justiciability of economic, social and cultural rights was limited, but Salvadorans were becoming more and more determined to demand their rights. The official indicators and figures used to monitor the situation of economic, social and cultural rights were incomplete, which explained why the Salvadoran Government offered a different view of reality. The remittances sent home to their families by Salvadoran workers also helped conceal the gravity of the economic situation in El Salvador.

52. In that context, CEBES recommended to the Salvadoran Government that it: respect the economic and social commitments made in the Peace Agreements, including the creation of a forum for economic and social consultation and coordination; implement ILO Conventions Nos. 87, 98, 131 and 151; act on the recommendations made by Human Rights Watch in its 2003 report *Deliberate Indifference* and the recommendations of the ILO Committee on Freedom of Association; reverse the structural adjustment measures that had undermined economic, social and cultural rights, such as the privatization of public services and the deregulation that was affecting local producers; ensure that the United States-Central America-Dominican Republic Free Trade Agreement conformed to the international human rights instruments ratified by El Salvador; honour the commitments made in the Convention on Biological Diversity; and take action to combat child labour.

53. Mr. GARCIA (Human Rights Commission of El Salvador (CDHES)) recalled that even before the signing of the 1992 Peace Agreements, the country had

embarked on a structural adjustment process that had put the interests of the market above those of the vast majority of the population. In 1996, the Salvadoran economy had started to slow down and in 2004 the GDP growth rate had hit its lowest level since the early 1990s (1.5 per cent). El Salvador and Haiti currently had the lowest growth rates in Latin America. Public debt had soared to over 40 per cent of GDP, close to the limits established by the international financial institutions. According to UNDP, in 2003 at least 43 per cent of Salvadorans had been living in relative poverty and 19 per cent in absolute poverty. The reduction in poverty observed since the signing of the Peace Agreements was largely attributable not to the effectiveness of public policy but to remittances from Salvadorans living and working abroad. Such remittances were a major source of foreign currency, amounting to some \$3 billion a year (17 per cent of GDP).

54. In the Latin American region, El Salvador was also notable for its huge social inequalities. Since the signing of the Peace Agreements, the income gap between the richest and poorest Salvadorans had increased 25-fold. The Government itself stated in its progress report on the achievement of the Millennium Development Goals that the richest 20 per cent of Salvadorans received \$569 per capita of every \$1,000 of national revenue, while the poorest 20 per cent received only \$27.

55. The deterioration of the economic situation had caused a decline in formal sector employment. Half the economically active population were working independently or were underemployed, with no access to the legal minimum wage or to social benefits. Moreover, freedom of association was restricted and minimum wage levels had barely changed. Levels of health and education funding were among the lowest in the region.

56. El Salvador was one of the most violent countries in Latin America, with a homicide rate of 56 per 1,000 inhabitants, higher than that of Colombia. The violence there had killed more people in 14 years of peace than in 12 years of armed conflict. Such violence had a direct impact on the exercise on economic, social and cultural rights.

57. The Government encouraged the deterioration of public services in order to facilitate their privatization. All those difficulties were compounded by corruption and the implementation of policies that fostered exclusion. As the Secretary-General of the United Nations had indicated in his report on the situation in Central America (A/57/384), much remained to be done to create an equitable society and the Government, institutions, political actors and civil society of El Salvador must redouble their efforts to fully implement the Peace Agreements and build upon them. In general, the authorities did not consult either society or political circles when important decisions had to be taken, and when consultations did take place, their views were often ignored. The Peace Agreements were a road map for achieving the objectives of peace, respect for human rights, democratization and reconciliation.

58. Ms. BRAS GOMES asked whether there was still a public social security system and, if not, what had happened to the funds that had been invested in it. She would also like further information on the differences between the food basket in urban areas and that in rural areas.

59. Ms. BARAHONA RIERA requested further information on the impact of the Free Trade Agreement and on the privatization not only of the pension scheme but also of health.

60. Mr. TIRADO MEJIA, noting that 2 million Salvadorans, roughly a third of the country's population, had emigrated, asked what steps the Government had taken to halt that exodus. He was surprised to hear that El Salvador had one of the lowest economic growth rates in Latin America, when the remittances sent home by Salvadorans living abroad amounted to \$3 billion a year.

61. Mr. MARCHAN ROMERO requested information on the current status and the impact of the problem of gangs of young criminals (*maras*), which not only had not abated but had also been exported to other countries.

62. Mr. MONTENEGRO (President of CDHES) explained that despite the problems of family breakdown caused by emigration, the Government encouraged emigration because it was a major source of foreign currency. Unfortunately, the influx of foreign currency did not benefit the most disadvantaged, as it was immediately absorbed by the negative trade balance and the balance of payments deficit caused by increased globalization and liberalization. Under the privatization of the pension scheme, people who were still young, and therefore "profitable", had been more or less compelled to join private pension funds, whose number had dropped from five to two and which were becoming increasingly powerful. That movement had broken the spirit of solidarity that had prevailed until then. Moreover, pension payments had not increased, while contributions were rising steadily. Privatization had reached the health services, creating problems linked to the fact that private services were more expensive and sometimes of lesser quality. The absence of an inclusive vision of society was helping to swell the ranks of the *maras*, in which identity played a big part.

63. The difference between the rural and urban food baskets was completely unjustified and was probably based on ideological considerations.

64. Mr. GARCIA MELENDEZ (CEBES) said that the country was basically suffering from a structural problem linked to the concentration of the national economy in the hands of eight families, who owned some 20 corporations in which 80 per cent of economic activity took place. The Free Trade Agreement had favoured members of that minority group, who were not interested in health, for instance, but in selling their medicines. The very powerful wheels of privatization had been slowed by the efforts of a number of doctors and directors of public hospitals, but the Government was maintaining its exclusionary policies.

65. Mr. GARCIA (CDHES) said that the Government had applied to the letter the rules of the Washington Consensus, including the privatization of workers' savings, despite the latter's demands for a mixed system. Over the past 20 years, contributions had increased by more than 400 per cent in comparison with wages. Private pension funds also paid themselves huge overheads. The Free Trade Agreement had been negotiated with astonishing speed, without consulting workers and civil society, and Congress had adopted it by a simple majority without reviewing its content. It had had disastrous consequences, foremost among which had been the loss of nearly \$20 million in customs duties in the year following its entry into force and the saturation of the market by grain and other subsidized products coming from the United States. At the same time, El Salvador had one of

the lowest growth rates in Latin America: 1.5 per cent in 2004 and 2005 compared with 4.5 per cent for the region as a whole, according to figures provided by the Economic Commission for Latin American and the Caribbean (ECLAC). The absence of any real national vision was aggravating problems such as that of the *maras*, over which the Government had no control. The fact that its only response to the gangs was repression and that it had no rehabilitation and reintegration programme for gang members was causing huge tensions between the executive branch and the judiciary.

66. Mr. SANTAMARIA (FESPAD confirmed that the situation of economic, social and cultural rights in the country was difficult and said that the representatives of Salvadoran NGOs could provide many more examples of that state of affairs were time not limited.

67. The CHAIRPERSON thanked the NGO representatives for their presence and their collaboration and expressed the hope that they would be able to provide more details to Committee members in private.

The meeting rose at 6 p.m.