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Summary record of the first part (public)* of the 31st meeting

Held at the Palais Wilson, Geneva, on Monday, 14 November 2011, at 3 p.m.

Chairperson: Mr. Pillay

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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 3.10 p.m.

Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: documents submitted by non-governmental organizations (agenda item 3)

Israel

1. **Mr. Lunat** (Emergency Water, Sanitation and Hygiene group – EWASH), introducing the shadow report submitted by around 30 non-governmental organizations (NGOs), said that the Government of Israel was deliberately restricting access by Palestinian villages in the West Bank to water and sanitation. For example, the Israeli settlements of Mitzpe Shalen and Qalya both had access to approximately 700 litres of water per person per day, as compared to only 66 litres per person per day for the Palestinian village of Al-Jiftlik and 24 and 22 litres respectively for the villages of Al-Nuwei'ma and Al-Hadidiya. Over 300,000 Palestinians living in rural areas of the West Bank had no access to water networks, mainly because of restrictions on infrastructure development. The Palestinian population had been cut off from access to the River Jordan since 1967; cisterns, wells and springs had been deliberately destroyed; tankers transporting water had been seized on a regular basis; and water tanks had been damaged by gunfire from Israeli soldiers and civilians. Since the beginning of 2011, over 40 Palestinian-owned cisterns and around 100 water-supply and water-distribution installations had been destroyed by the Israeli authorities.

2. The situation was the same in the Gaza Strip, where operation “Cast Lead” alone had caused US\$ 6 million worth of damage. The Gaza Strip had also been under a blockade which impeded the entry of all essential materials for maintenance and rebuilding of water and sanitation infrastructure. The sole source of water for the inhabitants was the coastal aquifer, but 95 per cent of the water in it was unfit for human consumption. EWASH urged the Committee to condemn the illegal occupation of the West Bank and the illegal blockade of the Gaza Strip, which were at the root of the violations of the rights to water and to sanitation.

3. **Mr. Ephstain** (Israeli Committee Against House Demolitions – ICAHD) said that, since the beginning of 2011, 400 structures in the West Bank had been demolished, resulting in the displacement of around 1,000 Palestinians, including 400 children. As no remedies had been provided, those persons had been forced off their land and deprived of their source of livelihood. The policy of demolishing the homes of Palestinian citizens of Israel had severely affected herding communities and sedentary villages in remote areas. Between January and September 2011, demolitions and forced evictions in the Jordan Valley had increased fivefold in comparison with 2010. Communities in Fasayil al-Wusta and Khan al-Ahmar had been particularly affected, and a project to link Ma'ale Adumim, a settlement of 40,000 people in the centre of the West Bank, to settlements in the Jordan Valley would forcibly displace and possibly destroy the Bedouin community in Khan al-Ahmar.

4. The Government of Israel was openly carrying out a policy to Judaize East Jerusalem, demolishing unauthorized buildings, which accounted for 40 per cent of buildings in the sector. It continued to revoke the residency status of Palestinians (4,500 cases in 2008), causing them to lose their right to social benefits acquired through years of contributions. The people of Iqrit were demanding to be allowed to rebuild their village on their ancestral land.

5. ICAHD called for an end to the occupation of Palestinian territory, for the Palestinian people's right of self-determination to be realized and for an end to the demolition of Palestinian houses, schools and infrastructure. It called for all refugees and

internally displaced persons to be allowed to return to their homes in safety and dignity and to be compensated for any harm suffered. It called on Israel to fulfil its obligations according to the International Covenant on Economic, Social and Cultural Rights and asked the Committee to register its recommendations in its concluding observations.

6. **Mr. Charron** (Internal Displacement Monitoring Centre – IDMC) said that the pursuit, throughout the Occupied Palestinian Territory, of an Israeli policy that entailed the demolition of civilian property, forced evictions, the expropriation of land, settlement establishment and expansion, the construction of the separation barrier, restrictions on access to services, and military operations was leading to the forced displacement of Palestinians.

7. The situation was particularly disturbing in Area C, in East Jerusalem and in the Gaza Strip. In Area C, settlers received preferential treatment, particularly with regard to land allocation and use, road infrastructure, water systems, and planning decisions. Palestinians had no input on decisions that affected them, were rarely consulted during the planning process and faced expensive and lengthy procedures if they wanted to object to projects that had been approved.

8. In Jerusalem, Palestinians comprised 36 per cent of the population, yet received only 12 per cent of the municipal budget. Only 13 per cent of available areas in East Jerusalem were designated for Palestinian construction, amounting to 7.5 per cent of the Jerusalem area. Under the Legal and Administrative Matters Law of 1970, Jewish owners of properties in East Jerusalem, which had been controlled by Jordan between 1948 and 1967, could return to their property, whereas displaced Palestinians could not reclaim properties in West Jerusalem or in other parts of Israel that had belonged to them before 1948.

9. Furthermore, the Government of Israel was limiting access to land by Palestinians through a variety of measures, including: State appropriation of land; designation of areas as “closed military areas”; requisition/land seizure orders; the seam zone permit regime; the expansion of settlements; expropriation of property; and the Absentees’ Property Law, which provided for the transfer of rights to properties abandoned by Palestinians during the 1948 war to the State of Israel; and the law had been applied almost exclusively to Arab residents of Israel and to Palestinians living in the Occupied Territory. Palestinians had access to only 30 per cent of Area C, which comprised 60 per cent of the West Bank; of that 30 per cent, only 1 per cent was available, in practical terms, for Palestinian development.

10. The blockade of the Gaza Strip was making it difficult for Palestinians to enjoy an adequate standard of living. Since the end of operation “Cast Lead”, only 1,000 of 6,177 structures that had been destroyed or seriously damaged had been rebuilt or repaired. Since January 2009, more than 2,000 homes and other shelters in Gaza had been destroyed by the Israel Defense Forces. The number of housing units that needed to be built in the Gaza Strip was estimated at around 75,000.

11. In operation “Cast Lead”, many school buildings had also been destroyed, forcing 80 per cent of schools to operate double shifts, putting pupils and teachers under pressure to complete their curriculum in fewer teaching hours and causing the quality of teaching to suffer. A minimum of 200 new schools were needed to cope with the current needs. Bedouin communities living in the West Bank faced multiple displacements and the loss of their traditional way of life, as State appropriation of their land reduced the area available for animal grazing and rearing. The Government of Israel had plans to begin evicting 20 Bedouin communities living in the Jerusalem periphery from Area C in January 2012.

12. **Ms. Zaher** (Legal Center for Arab Minority Rights in Israel – ADALAH) said that the Israeli parliament had passed a number of discriminatory and anti-democratic laws against Arab citizens of Israel in 2011. The law on individual settlements allowed the State

to give Jewish Israeli families hundreds, or even thousands, of dunums of land, while the unrecognized Arab Bedouin villages in the Naqab, where 90,000 Israeli citizens lived, did not have access to basic services. Under a new law, “admission committees” had been created in 700 small community towns built on State land to allocate housing and plots of land at their discretion. The committees could legally reject Arab applicants deemed “unsuitable to the social life of the community or the social and cultural fabric of the town”.

13. Under the law on national priority areas, the Government had complete discretion to identify certain towns as national priority areas and to allocate them considerable State resources. Arab towns were excluded and deprived of social and economic benefits. Under a law on vaccinations, allowances would no longer be paid for children who had received the vaccinations recommended by the Ministry of Health. That provision primarily affected Bedouin children of the Naqab who did not have access to health care. Following a ruling handed down by the Supreme Court in an appeal lodged by ADALAH, the Ministry of Health had reopened two of the mother-and-child clinics that it had previously shut down in three Arab Bedouin towns and that provided those vaccinations.

14. Further to a recently adopted law, people who had done military service were entitled to a compensation package, including tuition fees for the first year of higher education. Yet Palestinian Arab citizens of Israel, who were exempt from military service, could not receive those benefits. The Nakba Law provided that the Finance Minister could reduce State funding or support for an institution if it denied the existence of Israel as a Jewish and democratic State, or if it marked Israeli independence day or the day on which the State of Israel was established as a day of mourning. The Anti-Boycott Law prescribed penalties for calling for a boycott of Israel, and allowed for the filing of civil lawsuits against any citizens or residents who called for a boycott of Israel or of the illegal settlements in the West Bank.

15. Lastly, the Israeli citizenship law continued to ban family reunification between Arab citizens of Israel and Palestinians in the Occupied Palestinian Territory and in Arab countries. The Government had recently approved two bills which limited the amount of funding that Governments and foreign organizations could give to human rights organizations such as ADALAH and abolished tax breaks on funding grants. ADALAH requested that the Committee should call on Israel to repeal those laws.

16. **Ms. Tabar** (Al-Haq) drew attention to the consequences of a prolonged regime of occupation of the Palestinian territory. Notwithstanding the advisory opinion issued by the International Court of Justice in 2004, Israel continued to construct the annexation wall. It also continued to create “seam zones”, entry to which was either prohibited to Palestinians or strictly controlled. The wall cut through certain villages and isolated others. It had completely isolated East Jerusalem from the rest of the West Bank; only Palestinians who lived in the West Bank and had special permits could go there. Palestinians had been arbitrarily cut off from their families, schools, hospitals, and religious and cultural sites. In addition, the blockade imposed on the Gaza Strip, which the International Committee of the Red Cross (ICRC) had described as a form of collective punishment, had completely separated the two parts of the Occupied Palestinian Territory from each other. Israel had established an undefined “buffer zone” that extended across 35 per cent of the agricultural land in the Gaza Strip, where Palestinians’ right to work and opportunities to earn a living were extremely limited.

17. Lastly, the continuing appropriation of land by Israel and the implementation of a two-tier legal system clearly demonstrated the discriminatory nature of the occupation. Al-Haq, drawing attention to the prolonged nature of the Israeli occupation and the problem of the fragmentation of the Occupied Palestinian Territory, which was destroying Palestinian society, urged the Committee to recommend that Israel should stop creating seam zones by dismantling the wall and that it should lift the blockade on the Gaza Strip and reduce the

size of buffer zone to a minimum. Lastly, Israel should freeze its colonial settlement project and stop its illegal and extraterritorial application of its civil law to settlers in the Occupied Palestinian Territory.

18. **Ms. Madi** (Resource Center for Palestinian Residency and Refugee Rights – BADIL) said that, on 11 September 2011, the Government of Israel had adopted the Praver Plan, providing for the demolition of 14 villages in the Beersheba district of the Negev, and thus the displacement of 40,000 Palestinians. The forcible transfer of indigenous Bedouin Palestinians amounted to ethnic cleansing. Under the plan, a veritable “Final Solution”, the amount of recognized Bedouin land was reduced to 100,000 dunums, one sixth of that to which the indigenous Bedouin population laid claim. The State was seeking to forcibly relocate from 75,000 to 90,000 Bedouins living in 45 unrecognized villages and to transfer them to overcrowded, built-up townships. Bedouins were denied basic services and their homes, villages and agricultural land were often destroyed, as in the case of the village of Al-Araqib, which had been razed 29 times between 25 July 2010 and September 2011. In July 2011, the Israeli Land Authority had sued the inhabitants of the village for demolition and eviction costs amounting to US\$ 500,000. That policy could only be pursued with the help of the Jewish National Fund, whose plans to plant a forest where the Bedouin village stood were in line with the policy of a national amnesia regarding the Palestinian Nakba. In conclusion, BADIL urged the Committee to draw the attention of Israel to the rights of the indigenous Bedouins of the Negev so that the 45 villages and the legitimacy of the Bedouins’ land titles could be recognized.

19. **Mr. Alamour** (Negev Coexistence Forum for Civil Equality) drew attention to the decision by the Government of Israel to approve the Praver Plan in September 2011. Drawn up without consultation with the residents of the affected villages, the plan constituted a clear violation of the Bedouins’ historical and property rights and disregarded their ties to the land. The destruction of the homes and possessions of thousands of already disenfranchised citizens would have serious consequences and could lead to violence when communities were cleared from land that they had lived on for generations. The call by the Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967 for Israel to put an immediate end to the demolition of homes in the Negev and to ensure that both recognized and unrecognized villages were given access to basic public services had gone unheeded. Worse still, the Government was suing the owners of demolished houses for the demolition costs.

20. The Government of Israel should immediately abandon the Praver Plan and engage in dialogue with the Bedouins of the Negev in order to formulate a plan that respected human rights and ensured that the Bedouins would be included in decisions that affected them; that was the only way to establish lasting peace and justice in a community that had suffered from decades of neglect and discrimination. The Negev Coexistence Forum for Civil Equality urged the State party to recognize all the unrecognized villages and to adopt the master plan drawn up by the Israeli organizations Bimkom and the Regional Council of Unrecognized Villages.

21. **Ms. Smaller** (Betsalem) said that in the first phase of the Praver Plan, expected to begin in January 2012, around 20 communities living near Jerusalem were supposed to be relocated close to a rubbish dump. Members of those communities who were poor, food insecure, and lived in temporary settlements, half of them with no electricity or water, said that they had not been consulted about the plan.

22. The second stage of the plan involved Bedouin communities living in the Jordan Valley which was also in Area C. The exact details were unknown, but there was no doubt that living conditions for Palestinian communities in that region did not guarantee an adequate standard of living.

23. The fact that most water sources were controlled by Israel jeopardized the right to water of Palestinians living in the West Bank; their rights to housing and work were also threatened. Deprived of access to land and water resources, Palestinians had had to turn to other, less profitable, kinds of farming. They had even had to accept work as agricultural workers in Israeli settlements in the region, where they did not benefit from the labour guarantees provided under Israeli law, in particular, minimum wage guarantees. She invited the Committee members to take into account the recommendations in her organization's report.

24. **Ms. Mattiolo** (International Commission of Jurists (ICJ)) said that the State of Israel must comply with its obligations under the Covenant, international human rights law and international humanitarian law in the West Bank, the Gaza Strip and East Jerusalem. The Commission was extremely concerned by the continuing denial by Israel of the applicability of international human rights instruments in the Occupied Palestinian Territory and by the Israeli claim that the arrangements for granting protection during armed conflict were governed by international humanitarian law. The Commission refuted that claim; as Israel continued to exercise effective control over the Occupied Palestinian Territory, including the West Bank, the Gaza Strip and East Jerusalem, it had an overall obligation to ensure good living conditions and the well-being of civilians in that territory.

25. Furthermore, given that the State of Israel did not recognize the Palestinian Authority as a government entity with the prerogatives of a sovereign State, it had not entrusted the Palestinian Authority with responsibility for guaranteeing compliance with its human rights obligations. Thus, it had created a legal vacuum in the Occupied Palestinian Territory. The Government of Israel should no longer prevent the Palestinian Authority from upholding and protecting civilians' economic, social and cultural rights, when the Authority was in a position to do so, and should therefore refrain from obstructing the realization of those rights as it did, for example, when it imposed restrictions on housing construction or ordered the destruction of olive trees in the West Bank. By failing to stop settlers from committing such acts and by failing to hold those guilty of such acts to account, Israel had contravened its obligation to protect civilians against abuses by third parties, including by individuals such as settlers.

26. In that light, the Commission requested the Committee to recommend to the Government of Israel that it should: give effect to the provisions of the Covenant in the Occupied Palestinian Territory; report to the Committee on the situation regarding economic, social and cultural rights in the territory; take immediate action to stop violence by settlers against Palestinians as well as the destruction of Palestinian infrastructure and property in the Occupied Territory; and condemn such acts, and ensure that the perpetrators were prosecuted and that victims and family members had access to effective remedies and were fully compensated.

27. **Mr. Schechla** (Habitat International Coalition) said that since the Committee had started to consider compliance by Israel with its obligations under the Covenant, the problems had only gotten worse, in particular the problem of institutionalized discrimination in the occupied territories, especially in East Jerusalem, the West Bank, the Gaza Strip and the Golan Heights. Since the establishment of the State of Israel, 572 Palestinian villages had been demolished, notably in the Negev. Furthermore, since the adoption of Plan Dalet on 10 March 1948, Israeli military doctrine had consisted in targeting Palestinians and other Arab enemies in the population, even in their homes and villages, and in forcing persons fleeing from fighting to leave the territory. As the Committee had noted in 1998, the State was practising a form of discrimination on the grounds of nationality through semi-public organizations such as the Jewish Agency for Israel, the World Zionist Organization and the Jewish National Fund, which provided services only to people of Jewish nationality. Furthermore, in 1971, in the case of *Tamarin*

v. Ministry of the Interior, the Supreme Court had ruled that no other nationality apart from the Jewish nationality existed in the State of Israel. In the ongoing *Ornan* case, the 38 complainants had still not been able to register as Israeli nationals, and the Supreme Court had repeatedly referred the case to other courts. He requested that the Committee should discuss the issue of institutionalized discrimination on the grounds of Jewish nationality and that of the link between the State and semi-public organizations such as the World Zionist Organization, the Jewish Agency for Israel and the Jewish National Fund.

28. **Mr. Kerdoun** asked what action was being taken in the State of Israel by Bedouins and Palestinians who were Israeli citizens. Some were even members of the Knesset and thus were in a position to defend the interests of their population group in the political arena and to bring their demands before the courts.

29. **Mr. Sadi** said that it was common knowledge that the Palestinians were living under occupation and that even those who were Israeli passport holders were in fact deprived of their economic, social and cultural rights. In his view, no solution would be found to the problem so long as the question of the denial of those rights was viewed separately from that of the denial of civil and political rights.

30. **Mr. Riedel** expressed regret that non-governmental organizations had not provided more information, in their contributions, on the status of Covenant rights in the State party, apart from the Occupied Palestinian Territory. He wanted to know more in particular about marriages, the right to health of residents in the territory of Israel and the employment situation in the light of the economic and financial crisis. He recalled that, during its consideration of the State party's second periodic report, the Committee had already stated that it itself and NGOs would be more credible if they did not refer solely, during the consideration of the report of Israel, to the situation in the Middle East.

31. **Mr. Abdel-Moneim** requested further information on the application of the Covenant in the Occupied Palestinian Territories.

32. **Mr. Alamour** (Negev Coexistence Forum for Civil Equality) said that Palestinians living in Israel did, of course, have Israeli passports but in practice, they were deprived of the right to work or were subject to restrictions in employment and numerous other areas. They were neither integrated into society, nor were they treated as equals. In addition, the adoption of the Praver Plan would lead to further deterioration of the living conditions of Palestinians.

33. **Ms. Zaher** (ADALAH) invited Committee members to take note of the Centre's shadow report and its replies to the list of issues, which dealt specifically with the rights under the Covenant of Arabs living in Israel and of Israeli citizens of Palestinian origin, who felt that they had been relegated to the status of second class citizens. The problem was that the State of Israel defined itself as a Jewish, democratic State, thereby excluding all other minorities, especially the Palestinian minority. In addition to economic and social inequalities, that minority was subject to discrimination in terms of access to citizenship: the Law of Return gave priority to all Jews, wherever they were in the world. ADALAH was attempting to combat discriminatory practices and unconstitutional laws by bringing pressure to bear on the Government of Israel and the international community, and the Bedouin community was organizing weekly demonstrations in the Negev. The situation was currently going through a troubling political transition in which policies that discriminated against Arab citizens of Israel, including Negev Bedouin were being brought into law. The Committee should therefore share its concerns on the subject during the consideration of the State party's third periodic report.

34. **Mr. Schechla** (Habitat International Coalition) said that Israeli law did not recognize Israeli nationality but rather Jewish nationality and Israeli citizenship. Consequently, two types of status coexisted in Israel. It was noteworthy that Arab and

Jewish Orthodox communities were the poorest communities in Israel. In 2009, out of 15,000 newly poor families, 14,300 were Arab families.

Cameroon

35. **Mr. Kwame** (Collectif interafricain des habitants (CIAH)) recalled that his organization had submitted two reports to the Committee about Cameroon. The first was on the issue of land ownership and the second on the right to housing and on forced evictions. The Government had not provided satisfactory answers to the questions on those issues. The State's land ownership programme only benefited the middle classes and the well-off, and the gap between poor and rich remained very wide. The land applications procedure was very complex and the problem of land ownership remained an obstacle to the realization of economic, social and cultural rights.

36. The "clean-up" operations conducted since 2004 in shanty towns and spontaneous settlements in the two main cities of Cameroon had had particularly serious consequences. Families had been made homeless once more and children had dropped out of school, which constituted a violation of the right to education. CIAH was working with a housing and land rights network (*Le Réseau pour les droits au logement et à la terre*) on a project called "the matrix", the purpose of which was to quantify the losses and costs incurred by the affected populations before, during and after clean-up operations and to draw attention to the difficulties of rehousing efforts. Recommendations on that subject had been submitted to the Government of Cameroon.

37. **Ms. Suárez Franco** (FoodFirst Information and Action Network (FIAN International)), speaking also on behalf of the African Network on the Right to Food (RAPDA) and the Community Initiative for Sustainable Development (COMINSUD), said that the three organizations had concluded, in their report, that, even though Cameroon had huge resources, it had not taken the necessary steps to guarantee the population the right to adequate food. The country depended on imports of food and international food aid. Dramatic increases in food prices had sparked off riots, and 25 per cent of the population suffered from hunger. Over-centralization, bureaucratic inefficiency and lack of political will were at the centre of the country's food problems.

38. The Government should address the problem of the misappropriation of communal land and land owned by small producers and should put mechanisms in place to secure the right of the population to adequate food. It should ensure that the process for conducting negotiations over land was inclusive and transparent throughout and should set up complaints mechanisms. It should establish an independent monitoring mechanism to assess the impact of large-scale projects and to provide redress when violations of economic, social and cultural rights occurred. Lastly, the State should adopt measures to grant communities security of tenure over their land, to afford plantation workers adequate conditions of work and to protect the environment.

39. The right to adequate food and to access to land should be enshrined in a specific section of the Constitution. The State should provide an enabling environment and establish specific programmes and policies to improve the productivity of small-scale farming. In keeping with the pledge that it had made in January 2011, the State should furthermore speed up the process for revising the 1974 land tenure ordinance, taking into consideration international standards on the right to food.

40. The State should furthermore: remove the obstacles to movements of goods and persons; improve access to remunerative markets; promote local economic development that built up branded products for sale in national and subregional markets; improve access to credit for small farmers, particularly through decentralized, independent banks; adopt measures to allow small farmers to save on labour; and ensure that credit facilities were

managed by local councils. The emergency disaster intervention system should be managed locally in order to provide access to food, and food stocks should be built up in each region.

Argentina

41. **Ms. Arizaga** (*Centro de Estudios Legales y Sociales (CELS)*) said that her organization and the 14 other NGOs submitting the joint report had seen improvements in the political and economic situation in Argentina since the consideration of the State's previous periodic report. Some violations of economic, social and cultural rights were still occurring, however, and needed to be addressed through urgent measures. The National Institute of Statistics and Censuses (INDEC) was not politically neutral, which meant that its credibility and legitimacy were in question. Discrimination against, and the plight of, indigenous communities had worsened; not only had those communities been denied their rights on their ancestral lands, they had been expelled as intensive farming and extraction activities in their territory expanded. Groups demanding land and housing rights had been harassed and subjected to violence. In the area of mental health, the laws and regulations that favoured greater autonomy for individuals were not applied and the practice of institutionalizing people and restricting their legal capacity was still prevalent.

42. Gender equality was not upheld in practice, particularly as far as employment, pay and career-development prospects were concerned. There was no policy on combating different forms of violence or on removing the obstacles that hampered access to justice. Many non-declared workers were not able to receive social security benefits and there were sharp disparities between declared workers. Workers who were undocumented and/or who lived in extreme poverty were often exploited. The law on trade unions contained provisions that breached trade union freedoms, inasmuch as it drew a distinction between professional unions and other types of unions, which were not afforded the same rights. Trade union rights were breached and workers who belonged to a trade union or who took part in trade union activities were dismissed. The universal family allowance was not pegged to inflation and categories of vulnerable persons had been excluded from access to the allowance; the conditions on pension contributions, particularly those on length of residence, meant that many immigrants were precluded from receiving a pension. The practice of placing children and adolescents in facilities for their protection continued without any recognition of the exceptional and temporary nature of such arrangements. Moreover, children were exploited in illegal workshops and most young and adolescent girls were trafficked.

43. Not enough housing had been built, and the number of evictions was on the rise. No measures had been taken to discourage smoking and to promote healthy eating habits, even though non-transmittable diseases were the main cause of mortality in Argentina. The level of sexual and reproductive health services was far from adequate. There were great regional disparities in terms of access to education and of the quality of education. Lastly, over-exploitation of natural resources for industrial and agro-industrial uses had led to evictions of populations and had done serious harm to the environment and living conditions in the countryside.

44. **Ms. Ratjen** (International Commission of Jurists) said that 33 communities in the provinces of Salta and Jujuy had mobilized against violations of their rights caused by lithium prospecting activities, which gave an indication of the irreparable damage that could be done by mining operations in the *Salinas Grandes* (salt flats) of the region. The populations concerned claimed that their rights under the International Covenant on Social, Economic and Cultural Rights, particularly their right to water, had been infringed. The matter had been referred to the Argentine Supreme Court. The provincial authorities had taken no steps to remedy the situation; on the contrary, they had passed new laws encouraging mining activities.

45. The communities recommended that the State should therefore: launch a process of prior consultation with a view to safeguarding the rights of indigenous populations in projects and situations that concerned them; ensure that its policies did not detract from the integrity of indigenous peoples; and return the title deeds to communal land traditionally occupied by the *Salinas Grandes* communities in the Jujuy and Salta provinces. The State must also protect existing water sources and maintain the level and quality of current consumption by the communities by, inter alia, preserving the *Salinas Grandes* water system and the basin environment and ensuring that salt extraction and production activities were able to continue. Lastly, it should make sure that the organization and representative mechanisms of indigenous communities were taken into account in any decision or measure that was likely to affect those communities.

46. **Mr. Chavez Penillas** (International Disability Alliance (IDA)) said that he wished to highlight three aspects of the joint report by the Network for the Rights of Persons with Disabilities (*Red por los Derechos de las Personas con Discapacidad* (REDI)), the Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families (RIADIS) and IDA: employment, social security benefits and the new law on mental health. On the subject of employment, there were 6 million persons with disabilities in Argentina, 80 per cent of whom were unemployed. The unemployment rate was over 95 per cent among persons with an intellectual and psychosocial disability. The State had been taking affirmative action since 1981 and a law established employment quotas for persons with disabilities, but the provisions had not been applied in practice. Lawsuits had been filed and decisions had been issued, including by the High Court of Justice, instructing the city of Buenos Aires and public service enterprises to fill the quotas, but all to no avail. IDA therefore called on the Committee to recommend to Argentina that it should take the necessary steps to apply the law and the relevant parts of the Constitution on employment quotas for persons with disabilities.

47. The 20-year minimum residence requirement for gaining access to social benefits meant that many people with disabilities were precluded from receiving assistance. It was a discriminatory provision that infringed the immigration law. It prevented children and adults with disabilities who could not fulfil that criterion from gaining access to social benefits. The fact that the right to receive the universal social allowance was tied to a three-year minimum residence requirement was also a form of discrimination. The Supreme Court of Justice had been seized of the matter and had found for the plaintiff. The Committee was requested to recommend to the State party that it should act on the Supreme Court decision and eliminate the residency condition.

48. A new law on mental health, which established rights and safeguards for persons with mental and psychosocial disabilities, had been adopted. While that was a step forward, the law did have a number of shortcomings; it allowed for persons with a mental and psychosocial disability to be denied legal capacity and for forced treatment of persons with disabilities, in breach of the Convention on the Rights of Persons with Disabilities.

49. **Ms. Lüst** (Aktion GEN-Klage), speaking on behalf of the NGOs Aktion GEN-Klage and the Grupo de Reflexion Rural (GRR), denounced the model used for agroindustry and agricultural exports in Argentina and drew attention to the threats that the use of genetically modified organisms posed to consumers and farmers. Argentina was particularly affected by that problem, as it was the world's third largest supplier of soy products and virtually all soybeans grown in Argentina were genetically modified varieties. The large-scale use of genetically modified organisms in the agricultural sector had had numerous negative consequences: hundreds of thousands of people had been expelled from their land, poverty and malnutrition were increasing sharply, and deforestation activities had been stepped up, threatening the livelihoods of indigenous peoples, the environment and human health.

50. She called on the Argentine Government to put an end to biotechnological experiments, to return to national production of basic crops, to establish State control in order to re-establish a low price food sector, and to ban the use of genetically modified organisms. She called on the Committee to make recommendations to the Argentine Government on measures to stop the violations of the rights to food, health and self-determination resulting from the use of genetically modified soya.

51. **Mr. Marchán Romero** asked if the demands by the indigenous communities in Argentina were about communal or individual land rights. He said that he would welcome more information on that topic.

52. **Mr. Ribero Leão** asked the representatives of CELS whether sending delegations from the National Institute against Discrimination, Xenophobia and Racism (INADI) to visit all parts of the country would help improve the situation of victims of discrimination, for example, immigrants and indigenous peoples. Recalling that measures had been adopted to promote access to employment for persons with disabilities in Argentina, he said that he would be glad to know whether the measures had been applied in practice and whether there was a lack of political will in that domain.

53. **Ms. Ratjen** (International Commission of Jurists) said that land ownership rights in many traditional territories had not always been granted by the Argentine authorities, even though the Constitution of Argentina recognized the right of indigenous communities to own the communal land on which they lived. Part of the problem was that the authorities encouraged individual ownership claims at the expense of community claims.

54. **Ms. Livatchky** (*Centro de Estudios Legales y Sociales* (CELS)) said that human rights institutions in Argentina might indeed benefit if INADI were to step up its activities nationwide. Better coordination between the federal Government and local and provincial authorities should also be assured.

55. **Mr. Chavez Penillas** (International Disability Alliance) said that, although there was a set of legal instruments on the employment of persons with disabilities, including a law enacted in 1981 and various regulations, the Government had yet to enforce the employment quotas system. In particular, a Buenos Aires court had ruled that municipal authorities must first check the register of persons with disabilities before taking on new staff and must explain any decision not to employ a person with a disability. As for the private sector, a company had recently been ordered to employ 70 persons with disabilities, but had not complied and the State had done nothing to compel it do so.

Ratification of the Optional Protocol to the Covenant

56. **Mr. Porter** (NGO Coalition for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights) said that the Government of Finland had undertaken to provide partial funding for the ratification campaign and that the NGO Coalition would use the funds to disseminate information to civil society about the opportunities offered by ratification of the Optional Protocol. The Coalition was developing its website and creating communication tools for that purpose. Argentina was the first member of the Group of Twenty (G-20) to have ratified the Optional Protocol. Once the Optional Protocol had entered into force, NGOs participating in the campaign would help complainants to prepare well-presented complaints so as to facilitate processing. The Coalition had carried out research into questions concerning the interpretation of the Optional Protocol and intended to produce a publication that would certainly be useful for the Committee. As for the Committee's rules of procedure, once the Protocol had entered into force, a number of issues would need to be addressed including, for example, issues such as the exhaustion of domestic remedies, article 8 and third-party information. The Coalition suggested that decisions on admissibility should be separated from decisions on

merits and that admissibility decisions should be publicized before the Committee turned to the merits of cases. The Coalition would be glad if the Committee could elaborate on those issues.

57. **Mr. Riedel** said that there was no urgency about making possible modifications to the rules of procedure, since the Committee had not yet been seized of a real case. The rules could easily be modified later to take account of the facts before the Committee; the objective at the current stage was achieving ratification of the Optional Protocol. He agreed that articles 4 and 8 were of key importance. The Committee would look into the question of third-party contributions and take steps to ensure that the procedures were as transparent as possible. However, he himself did not see the need for publishing decisions on admissibility before decisions on merits.

58. **Ms. Ratjen** (International Commission of Jurists) said that a document entitled the “Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social, and Cultural Rights” had been adopted in September 2011. It affirmed that States had an obligation to cooperate in the universal fulfilment of economic, social and cultural rights and that they were responsible for the adverse effects of their acts on the enjoyment of human rights outside their territory. They should help to facilitate the work of the Committee.

59. **Mr. Riedel** welcomed the Maastricht Principles, which were of historical importance, and noted that they were fully in line with the Committee’s guidelines on the issue. The Principles would prove useful to the Committee in its future work, particularly on the question of the extraterritorial obligations of States.

The public part of the meeting rose at 5.45 p.m.