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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

FORTY-FIRST session

SUMMARY RECORD OF THE 28th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 3 November 2008, at 3 p.m.

Chairperson: Mr. TEXIER

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INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL
RIGHTS

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The meeting was called to order at 3.05pm.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS: NGO submissions (agenda item 3)

1. Ms. ANDION (Centre for Reproductive Rights) recalled that the Committee's interpretation of the right to health enshrined in Article 12 of the Covenant included the right to control one's own sexual and reproductive freedom. She summarized the main concerns of her organization in the three parallel documents on reproductive rights in Nicaragua, Kenya and the Philippines which she had submitted to the Committee.

2. The ban on therapeutic abortion in force in Nicaragua seriously affected women's fundamental rights, and put at risk the health of the women of Nicaragua. The organization's two separate reports on Kenya criticized the treatment of women in maternity clinics (poor hygiene, humiliating treatment, poor quality of care, high maternal mortality rates), and the even worse position of women with AIDS, who were stigmatized by staff (set aside, refused admission to the clinics, subjected to compulsory HIV testing, given care subject to conditions). In the Philippines, finally, the three closely interconnected major concerns were lack of access to modern methods of contraception, illegal abortion and the high maternal mortality rate (resulting from lack of contraception and the ban on abortion).

3. Mr. MILLER (World Organization Against Torture - OMCT) said that the two reports on Kenya and the Philippines submitted by his organization were based on the conviction that torture and other forms of violence were closely linked to, and often directly caused by, violation of economic, social and cultural rights. The converse was also true. Both in Kenya and in the Philippines, conflict and lack of security condemned the population to live in poverty. In some cases, violence was perpetrated directly by the state, while in others it resulted from the state's failure to provide adequate protection to its citizens.

4. The OMCT was highlighting certain circumstances in the Philippines which were affecting the socio-economic wellbeing and security of Filipinos, and in particular of the country's poorest and most marginalized citizens: the policy of trade liberalization, which promoted mining activities at the expense of the fundamental rights of the populations affected by those activities; conflict over the reassignment of agricultural land for agribusiness purposes; a substantial increase in violence against trade unionists and human rights defenders in the country; socio-economic marginalization, which led to armed rebellion, thereby justifying the activities of the Philippine military. Given that the same interdependence between violence and violations of economic, social and cultural rights was also observed in Kenya and elsewhere in the world, the OMCT strongly urged the Committee to develop practical recommendations for dealing with it, thereby participating in the establishment of violence-free societies.

5. Mr. CAHN (Centre for Housing Rights and Evictions) read a statement by a Filipino partner organization on the persistence of problems identified in the Committee's Concluding Observations (E/C.12/199/7) on the Initial Report of the Philippines. The lack of progress showed that the national authorities' initiatives had not worked. Some of the Committee's recommendations had been ignored or only partly applied (in particular, to increase the budget allocation for improving

housing conditions, and to appoint a body to combat eviction). The organization had cited 15 cross-linked issues which continued to frustrate the exercise of economic, social and cultural rights, and made a number of directly related recommendations to the Committee.

6. He was concerned for the Roma from Kosovo who, having fled the Mahala district of south Mitrovica, destroyed in 1999, were living in refugee camps located near an old lead-contaminated mining site. Despite international efforts and pressure in 2005 and 2006, no measures had been taken to move these people. Recent blood tests showed that refugee children were badly contaminated with lead. The contamination level was below the acceptable threshold of 10 micrograms per deciliter ($\mu\text{g}/\text{dl}$) of blood in only two cases; 102 children had a high level of lead poisoning, and 22 had concentrations above 60 $\mu\text{g}/\text{dl}$ of blood. The organization requested the Committee to do all it could to change that situation, which was partly caused by very poor sanitary and economic conditions that drove the population to adopt unsafe behaviours.

7. Ms. McBAIN-HAAS (FIAN International) said it was essential for the Government of Nicaragua, in conjunction with civil society, to develop a more ambitious, progressive strategy against hunger than the current Zero Hunger programme, in order to guarantee sustainable development for target populations. A suitable food policy and agrarian reform should be adopted. The draft law on sovereignty and food and nutrition security put forward in 2001 should be adopted, so that food aid should not contain genetically modified organisms.

8. In order for the living conditions of rural populations and peasants to improve, Banco de fomento a la producción had to become operational (start-up initially planned to take place in mid-2008). Regarding housing, the state should reactivate a whole series of abandoned projects as a matter of priority. Moreover, the country needed an effective water policy. All Nicaraguans should have access to clean water of good quality. The Government should appoint a national authority responsible for water, and modify the general law on water adopted in 2007 in order to prevent privatization of water resources. Finally, the country should cease to depend exclusively on oil for its energy needs, and look to other resources. Public transport could be made to work by introducing a suitable policy on fares, and ensuring that drivers had professional qualifications and behaved responsibly.

9. Mr. IZABA SOLIS (Nicaraguan Centre for Human Rights – CENIDH), speaking on behalf of eight Nicaraguan welfare organizations, put forward a number of conclusions and recommendations to the Committee. As regards labour law, the shortage of good jobs resulted in high levels of migration by the active population and in exploitation of workers, especially gender discrimination and child labour. It was therefore important to apply worker protection legislation and establish a close connection between employment and education policies, in order to create a corporate culture and jobs. As soon as they went to school, children should be educated according to programmes and teaching methods aimed at producing citizens with knowledge and skills corresponding to the demands of the labour market and basic needs. It was similarly important to improve teacher training and establish stable staffing levels in the sector. The education budget should constitute 6 per cent of GDP.

10. Regarding the right to health, the authorities should endeavour to secure implementation of existing policies, laws and regulations in order to improve health

service access, quality and mode of operation, especially for the benefit of vulnerable groups. There should be better collaboration with civil society organizations in this area. Similarly, health policies were as necessary as policies on housing, water, food, education or employment, in particular, and introduction of education on sexual hygiene and reproductive health was most urgently required. Finally, as therapeutic abortion was no longer considered a crime but rather an emergency surgical procedure for saving the lives of women and teenagers, there should be a debate at all levels of society on the issue of abortion. The coalition of non-governmental organizations (NGOs) strongly recommended ratification by Nicaragua of the additional Protocol to the American Convention on Human Rights, known as the San Salvador Protocol.

11. The CHAIRPERSON, speaking as a member of the Committee, asked for the NGOs' opinion concerning the Zero Hunger programme implemented by the Government of Nicaragua. He quoted the FIAN report, according to which the right to food was not justiciable in Nicaragua, and asked about the draft law on food security, which the State party intended to adopt in that connection.

12. Ms. McBAIN-HAAS (FIAN International) said that the Zero Hunger programme was not being monitored by the Nicaraguan authorities, so that it was difficult to ascertain its effectiveness. The programme had been adopted recently, and its actual outcomes would not be known until 2009. Whatever the case, the programme had been widely criticized for containing no measures to help the landless and the destitute.

13. Mr. IZABA SOLIS (CENIDH) confirmed that the Zero Hunger programme applied to people who owned a plot of land and could therefore benefit from small public grants for farming purposes and for investment in minor items of equipment. The draft law on food security had been pending since 2001, despite repeated calls for its urgent adoption from by NGOs. Unfortunately, the Government of Nicaragua was paying less and less attention to the demands of NGOs, and considered that the Communication and Citizenship Council alone was competent to represent civil society.

14. Ms. AKERBERG (Swedish Disability Federation) said that her organization represented at least 500,000 people in Sweden. As a rule, organizations for the disabled considered Swedish legislation to be satisfactory in terms of protection and defense of disabled rights, but its application to be unsatisfactory, for many reasons; for example, local communities and municipalities claimed that laws were not applied due to shortage of money. The disabled were not always aware of their rights or of the redress available to them when the law was broken. With regard specifically to education, disabled children were increasingly taught in separate classes. Furthermore, there was no legal requirement for private schools, which were growing in number, to admit disabled children. The Swedish Disability Federation welcomed the adoption of the law against discrimination, but unfortunately the Government had ignored its recommendation to make it discriminatory not to ensure disabled access to public buildings and services. Access problems meant that the disabled could not exercise their rights to education, employment and social participation on an equal footing with other citizens. In 2008, the disabled were not fully integrated into society and were not considered full citizens, but instead as people dependent on welfare structures. Although Sweden had signed the Convention on the Rights of Persons with Disabilities, it had

not changed its laws to reduce disabled access problems. Finally, she suggested that the Committee should invite the Swedish delegation to reply specifically to questions 16 and 26 of the list of issues (E/C.12/SWE/Q/5).

15. Mr. STALENKRANTZ (International Harm Reduction Association – IHRA) said that the position of drug addicts in Sweden was disturbing, and that the State party's report had shown little interest in them. Sweden was one of the few European countries where pharmacies did not sell syringes without prescription, causing an active market in used syringes to develop, and hepatitis C and HIV/AIDS infection rates to soar. An experimental programme to exchange clean syringes for used syringes had been introduced in 2006, but no venue for those exchanges had been authorized.

16. Ms. PAULSRUD (IHRA) deplored the attitude of the Swedish authorities in refusing drug addicts the right of access to clean syringes and the right not to catch infectious diseases.

17. Mr. ABDEL-MONEIM asked why the disabled were not integrated into Swedish society, and whether it was due to inaction by the authorities or to other factors. He asked whether the NGOs and the State party were using the same definition of the concept of disability.

18. Ms. BRAS GOMES asked why disabled children were increasingly taught in separate classes. She also asked the NGOs to indicate what gaps they perceived in the law against discrimination, and the reasons for which local communities did not make more effort to provide disabled access to public buildings and services.

19. Mr. RIEDEL asked for actual statistics on the number of people infected with hepatitis C and HIV/AIDS, and enquired which sources of information had been used by NGOs in describing the alarming situation regarding drug addicts in Sweden.

20. Mr. SADI said that, for the Committee to request a State party to intervene in the matter, it would be necessary for a direct relationship to be established between the the exchange of syringes among drug addicts, and the Covenant, which did not expressly authorize drug taking. It would be difficult for the Committee to ask all States party to distribute single-use syringes otherwise than in the context of dealing with a public health problem, notably the spread of hepatitis C.

21. Ms. AKERBERG (Swedish Disability Federation) said that, according to the statistics, 20 per cent of the Swedish population had a disability. It was therefore surprising that the problem was not reflected more in policy decisions. Overall, the Federation had a good relationship with all services run by the State, in particular the social services, but the fact that disability was seen as a medical issue rather than a human rights issue was a stumbling block. The new legislation entitled the disabled to protection from discrimination on the same basis as people in other areas covered by legislation, but unfortunately the Government had not adopted the parliamentary commission's proposal that non-accessibility should become discriminatory. One of the reasons the law did not appear to achieve good results overall was indeed lack of information, as emphasized by the Government in its written reply concerning the right to employment, one of the points on the list of points to be covered (E/C.12/SWE/Q/5/Add.1). Difficulties sometimes arose due to monitoring mechanisms; for example, the municipalities were responsible for ensuring that the law on access to public buildings was properly applied, yet they

often owned those same buildings. Complaints procedures lasted for years, and the only option open to plaintiffs, who could not complain of discrimination or claim compensation, was to draw attention to non-respect of the law on access. With reference to education, pupils were indeed entitled to benefits but in reality did not receive any, because applications had to be made to individual schools, which were usually owned by the municipalities. Numerous organizations working in the field had joined together to recommend that the issue should be studied, and apparently the Government intended to do so, but as yet no action had been taken.

22. Mr. STALENKRANTZ (IHRA), replying to a question on drug addicts, said they had the right to remain in good health. Sweden was denying them that right not on scientific or medical grounds, but on the basis of moral principles, which constituted discrimination. Sweden was the only country in the European Union where it was illegal for pharmacies to sell single-use syringes to drug addicts, that is, without a prescription. Although the law allowed local sanitary authorities and town councils to set up syringe exchange programmes, only one centre was in operation, which was of an experimental nature. Sweden was not heeding the position of adopted by all the United Nations specialized agencies and the International Committee of the Red Cross in favour of syringe exchange. It was not a question of legalizing the use of drugs, but of abolishing a form of discrimination. There was no real opiate replacement therapy programme in Sweden either. Few people had access to such treatment, as it was very difficult to meet conditions for eligibility (such as having accommodation and employment). In denying the treatment to prisoners, who by definition did not meet those conditions, prison authorities were practising discrimination. Statistics on the number of cases of hepatitis C caused by exchange of syringes among drug addicts would be provided later.

23. Mr. RZEPLINSKI expressed surprise that Sweden, which had well developed health services and a high quality of life, should have a disability rate of 20 per cent, whereas in Europe it was generally 10 per cent, and he wanted to know where the figure had been obtained.

24. Ms. AKERBERG (Swedish Disability Federation), replying to Mr. Rzeplinski, said the figure had been provided by Statistics Sweden, the Swedish statistical office. The high figure might be explained by the excellent quality of the health services, which made early diagnosis possible. Furthermore, some psychological or physical disorders (for example, multiple sclerosis) were categorized as disabilities upon diagnosis, although they became disabilities only later.

25. Ms. BARAHONA RIERA, asked for more information about the health system in Nicaragua, its budget, status (public or private), any changes made since the new government had come into office, and asked whether the social security system covered the whole population. She asked whether the Nicaraguan authorities were currently considering abolishing the ban on therapeutic abortion in response to the debate in the international community. She also asked about the energy crisis, and the relationship between the Government and the private company for supplying energy and drinking water, Union Fenosa, whose nationalization had been discussed.

26. Mr. IZABA SOIS (CENIDH) said that the Nicaraguan health budget was US\$ 210 million, the same as in 1983, although the population had almost doubled since then. The system for preventive medical care applied only to workers with

insurance, and only 18 per cent of the active population was employed in the official economy. Ninety per cent of those were entitled to social security benefits and attended public or private care establishments, many of which would soon lose their State approval for serious infringing the right to life of certain patients. There were many obstacles to making social security benefits universal, especially the low level of employment, due to which the State had difficulty financing social security benefits for civil servants. There was also a great backlog of cases concerning economic, social and cultural rights before the courts, and especially the Supreme Court.

27. Ms. ANDION (Centre for Reproductive Rights), replying to the question on therapeutic abortion in Nicaragua, said that the Government had not shown any inclination to change relevant legislation. Moreover, local non-governmental organizations had been harassed for working to liberalize abortion. In its report (E/C.12/NIC/4), the Government had recognized that the maternal death rate was a major problem, but had carefully avoided saying that it was partly caused by illegal abortion and its consequences.

28. Mr. DAVILA (Instituto de Investigación y Gestión Social –INGES), referring to the energy crisis, said that Nicaragua had for some time wished to privatize certain public services. However, by entrusting those services to Union Fenosa, the Government had replaced the State monopoly with another monopoly, to the detriment of consumers. Although the country possessed natural assets, it was still 95 per cent dependent on oil. To date, successive governments had been unable to find other clean sources of energy. Foreign aid provided by Venezuela, which was particularly supposed to improve the energy situation in Nicaragua, was channeled via private organizations and so avoided control by the Assembly, with the result that it could be used for purposes other than those initially specified.

29. Ms. SUITT, on behalf of the Federation of Women Lawyers (FIDA), Kenya, and International Women's Human Rights Clinic of Georgetown University, United States of America, said that Kenya should tackle the provisions in its Constitution, laws and customs that discriminated against women. Although the great majority of agricultural workers were women, very few women owned land (one per cent in their individual capacity, and five per cent jointly with their husbands). According to certain customs, they were not even entitled to manage land. Many laws were based on customs which were discriminatory in the context of disputes concerning land, especially tribal and agricultural lands, which were the main source of revenue for most Kenyans. Women were victims of discrimination during marriage, and also when they divorced. Due to loopholes in national legislation on matrimonial assets, women's right to equality with men in marriage and after its dissolution was not respected, nor was their right to an adequate standard of living, including housing, health and property. Separated or divorced women usually lost everything, had to leave or were sometimes thrown out of the conjugal home, and became totally destitute. The only law governing women's right to property acquired during marriage was an archaic law left over from the colonial era, which did not cover divorce. In a recent judgment, the highest court in the land had ruled that non-financial contributions to a marriage should not be included in the household assets divided at the time of divorce. That judgment was all the more detrimental to Kenyan women in that they were not usually gainfully employed, but, when they were, they earned less than half the wages paid to men. Polygamy was a further obstacle to women achieving their right to equality, as women had no say

concerning the use made of their matrimonial assets in acquiring and keeping a new wife and other children.

30. The status of widows was unenviable. Sometimes their in-laws denied them all right to the conjugal home, on the grounds of custom. Some women were “inherited” by a relative of their deceased husband. Others had to have unprotected sexual relations with a “purifier”, in order to drive out all trace of their husband’s spirit, so putting them at high risk of infection by HIV. Indeed, the highest rates of HIV infection occurred in areas where inheritance and purification of widows was most widely practised. Penniless, homeless widows and their children would often take refuge in hovels and adopt a way of life which exposed them to HIV, prostituting themselves in order to survive. Twenty per cent of divorcees and widows were infected with HIV or AIDS, against 7 per cent of the rest of the population. Although the intention behind the newly adopted laws criminalizing transmission of HIV/AIDS was good, those laws were unfavourable to women, many of whom had the virus and were usually aware of it, and might well be prosecuted. Those laws would undermine women’s right to health, making them fear prosecution and therefore avoid screening for the disease.

31. As women had no real property rights, they endured violence from their husbands. Government reports showed that 60 per cent of Kenyan women were subjected to physical violence and over 40 per cent to sexual violence. The economic dependence of women on men also prevented them from insisting on protected sex. Although acts of sexual violence constituted a serious tort in Kenya, the law of 2006 on sexual offences exonerated husbands, so that marital rape by and large went unpunished. On behalf of the two organizations she was representing, she appealed to the Committee to urge Kenya to introduce reforms, so as to improve the position of women in particular, and observe its obligations under the Convention more scrupulously overall.

32. Ms. MUKUTU (Centre for Minority Rights Development Trust – CEMIRIDE) spoke about the connection between lack of respect for economic, social and cultural rights and various forms of related violence, in particular torture and other forms of cruel, inhuman or degrading punishment or treatment. It had become clear during visits to a number of urban and rural populations that lack of respect for economic, social and cultural rights produced exclusion from social welfare benefits and reduced access to resources, marginalization in the political sphere, and exclusion of marginalized populations due to the discourse and decisions adopted by Kenya’s economic and political ruling classes. Indeed, poor, marginalized and minority groups within the Kenyan population were often the main victims of violence.

33. The issue of land was critical and complex in Kenya. Violence, poverty and distress were frequently the lot of populations without access to landownership. Politicization of land resources was damaging to the Kenyan population, especially to women, children, the urban poor, minorities and indigenous peoples. According to Article 1 (2) of the Covenant, all peoples may freely dispose of their natural wealth and resources. Many populations in Kenya had no access to resources. Others were evicted from their territory, often violently, in order to make way for mining activities or economic development, without any resettlement programme or share in the benefits. The population of certain areas inhabited mainly by pastoralist communities, especially on the country’s northern border, was still marginalized.

The infrastructure in those areas was basic or lacking, health and education services were inadequate, access to basic resources such as water was lacking, and the land was underutilized. The struggle for resources caused strife between communities.

34. Insecurity and violence were the daily lot of people living in illegally settled parts of urban centres in Kenya, and the rights to adequate housing, education or health were often compromised there. Poor people living in towns were increasingly marginalized to a shocking degree. It was a trend aggravated by police corruption. Those people were often subjected to police violence and eviction. She concluded that the exercise of economic, social and cultural rights was not only an end in itself, but was also one of the foundations of a non-violent society. She asked the Committee to suggest to the Kenyan Government practical recommendations whose implementation could be verified.

35. Mr. RZEPLINSKI asked about the number of women killed during the political violence in Kenya between late 2007 and early 2008. He asked whether women's self defense movements for combating violence against women within the tribe or the family existed in Kenya. Finally, he asked whether there were women holding high public office, and whether there were female judges in Kenya.

36. Mr.SADI asked why the draft constitution of 2004, which took into consideration economic, social and cultural rights, had been rejected by referendum. Regarding women's rights in marriage or divorce, he said that there were many different marital regimes according to religion, and asked whether the problems mentioned applied to all religious groups, or only some. As laws did, apparently, exist to protect women's rights, he suggested that the problem might lie in a failure to apply those laws, rather than in the absence of legislation or of judicial procedures.

37. Mr. RIEDEL referred to the statement according to which more women than men suffered from HIV/AIDS in Kenya, and asked for further clarification. In many countries the problem of water was often more serious in rural areas, where supply difficulties were greater, than in towns. In Kenya, access to drinking water appeared to depend on income level, and to be especially problematic in the towns. He wished to know the opinion of the NGOs on the approach the Committee should adopt regarding the question of water rights in Kenya.

38. Ms. WILSON, referring to the problems of the rights of minority groups in Kenya raised by the NGOs, asked for more information on the minorities concerned, and whether those were specific minorities, indigenous peoples, or disadvantaged or marginalized groups more generally. She wished to know whether the NGOs considered that the provisions concerning economic, social and cultural rights in the draft constitution rejected earlier had provided adequate protection for the rights of minority groups and women's rights. She found it difficult to understand that a text which appeared to protect the economic, social and cultural rights of all sections of the population should have been rejected, and asked for more clarification.

39. Mr. KERDOUN asked the NGOs to state which natural resources, specifically drinking water, forests, minerals or other, were not accessible to women in Kenya. In principle, those resources belonged not to the population but to the State, and he could not understand the NGOs' point of view on the matter. Equally, he did not understand how nomadic populations could have rights over resources, given that they were permanently on the move by virtue of their way of life. He also asked for

clarification about the legal reform which, according to NGO representatives would be required for Kenya to comply with the Covenant, especially as Kenya had ratified the Covenant and was therefore obliged to implement it. He asked whether the representatives considered the rejected draft constitution to be a legal reform, or whether they had been referring to specific laws.

40. Ms. MUKUTU (CEMIRIDE) replied that the draft constitution on which a referendum had been held was not the initial draft supported by the population, but a version revised by the Government; for example, the original version had contained an article on minority and marginalized groups. The version submitted to referendum was rejected because it did not correspond to what the Kenyans wanted. The minorities in question were mainly ethnic and linguistic minorities. She said that legal reform would consist of the adoption of additional laws, and that the draft constitution rejected by the 2005 referendum had in any case not gone far enough in respect of the rights of women and minority groups.

41. Ms. SUITT (FIDA-Kenya/International Women's Human Rights Clinic) said that practices such as the inheritance or purification of widows were to blame for transmission of HIV/AIDS when the man who inherited a widow or the man paid to purify a widow was HIV-positive. Such cases had been confirmed by UNAIDS and the Kenya National Commission on Human Rights .

42. There were indeed several legal regimes on marriage and divorce according to religion, five in total. However, the laws dealt only with procedural aspects. There was no text, for example, on the devolution or the division of property at the time of divorce. That was an urgent issue, to which the Committee should draw the attention of the Kenyan Government. As to the number of women holding high public office, fairly comprehensive information had been provided by the State party. In the Court of Appeal, the highest court in the country, only one judge out of 11 was a woman; she had been appointed recently, and more women should sit in that court. Forty-five per cent of High Court judges were women, but the laws they were obliged to apply were discriminatory, such as Article 82 (4) of the Constitution, which allowed gender discrimination in marriage, divorce or inheritance matters. That clause was at the root of judgments which ran counter to the principle of equality, issued by judges who were indeed applying the Constitution, whereas no legislation ruled that women had the same material rights as men during marriage and upon divorce.

43. Mr. MILLER (OMCT) said that access to water was a major problem in Kenya, whether in the towns or the countryside. Pastoralist communities were often confined to arid or semi-arid areas, within which they moved to find water for their livestock, so that there was competition for access to water. Some urban groups lived in appalling conditions, and had to buy water at very high prices. Illegal settlements sometimes had a single sanitation facility for several hundred people. In such places, access to resources, especially water, might also be controlled by criminal groups requiring payment from local populations for access to utilities.

44. Ms. RATJEN (FIAN International) said that the Philippines had failed to respect, protect and fulfill the right to food as a State party which had ratified the Covenant on Economic, Social and Political Rights 34 years earlier. The State report of the Philippines (E/C/12/PHL/4) was submitted very late, and was drafted with no consultation with civil society. The report admitted that many people were still suffering from hunger and poverty in the Philippines. Their number had

decreased slightly between 2000 and 2003, but had then increased again according to the data of 2006.

45. The parallel report on the Philippines submitted by FIAN International to the Committee set out the following main findings: the right to freedom from hunger was violated because the Philippine Government did not meet its obligation to ensure that marginalized groups enjoyed the right of access to productive resources and employment; the Philippine Government did not meet its obligation to gradually realize the right to food of Filipinos because it spent its financial resources primarily to fund military expenditure and foreign debt repayment, and not on economic and social services; the right was further violated because the Philippine Government did not put a strong curb on corruption in government agencies responsible for fulfilling Filipinos' right to food; finally, the Government did not meet its obligation to protect individuals who promoted the right to food of peasants, agricultural labourers, indigenous peoples and fisher folk from the violence of State and non-State actors (landowners, businessmen, agribusiness firms, security guards, armed men and alleged rebels).

46. FIAN was making the following recommendations to the Government of the Philippines, for the purpose of realizing Filipinos' fundamental right to a life free from hunger and their right to adequate food: to continue the programme of agrarian reform, and more specifically its Land Acquisition and Distribution component, so as to distribute private agricultural lands still owned by influential families to qualified farmer-beneficiaries; to protect the farmers from violence perpetrated by landlords, armed men and alleged members of rebel groups; to delimit municipal waters in order to protect small fisher folk from commercial fish trawlers; to strictly enforce environmental laws in order to maintain the cleanliness of the seas; the Government of the Philippines should launch an industrialization movement in order to create employment opportunities, provide protection for local industry and small agricultural producers against imports; the Government should allocate more financial resources to social and economic services, especially in the poorest provinces, and should reduce the budget allocation for military expenditure and debt repayment.

The meeting rose at 5.35 p.m.