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Committee on Economic, Social and Cultural Rights Thirty-sixth session

Summary record of the 2nd meeting

Held at the Palais Wilson, Geneva, on 1 May 2006, at 3 p.m.

Chairperson: Ms. Bonoan-Dandan

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

Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: NGO submissions

1. **The Chairperson** invited the NGO representatives working in three of the States parties reporting during the present session, Canada, Mexico, and Morocco, to give an overview of the implementation of the International Covenant on Economic, Social and Cultural Rights in their respective countries.
2. **Ms. Tie Ten Quee** (Canadian NGO Coalition), speaking on behalf of a coalition of NGOs in Canada, said that the State party was not fulfilling its obligations under the Covenant, and was not paying sufficient attention to implementing the recommendations made by the Committee following its consideration of Canada's periodic reports.
3. **Ms. Czapska** (Justice for Girls) said that her organization aimed to promote and ensure respect for the fundamental rights of Canadian adolescent girls who were impoverished or homeless. Homelessness, which was a real cause for concern, should not exist in a country as rich as Canada. Many young girls became homeless when they left their family homes to escape repeated sexual violence. It was deplorable that those young girls were not taken seriously when they approached the police or child-protection authorities to report the abuse that they were suffering in their own homes, that the perpetrators were rarely brought to justice and that in the majority of cases it was the girls, and not their abusers, who were subjected to removal measures. Her organization, Justice for Girls, believed that if the perpetrators of such abuse were brought to justice and punished, there would be hardly any adolescent girls living on the streets.
4. Young girls who made the terribly difficult and courageous choice to flee from domestic violence often lived in poverty, in mixed shelters, where they were exposed to sexual violence committed by other residents, or even by staff. Homeless teenage girls often fell prey to older men who exploited them, or even forced them into prostitution. In response to the extreme violence and poverty they faced on a daily basis, those young girls often sank into drug abuse and prostitution, and ran the risk of contracting fatal diseases. In some cases, they were imprisoned by the State, or placed in secure training centres, in order to protect them against those dangers.
5. Since teenage girls were particularly exposed to those various risks, the Government should establish prevention programmes in all provinces, specifically targeting that sector of the population, and provide single-sex shelters.
6. **Ms. Sterritt** (Justice for Girls) said that the Canadian Government's policies threatened the dignity, culture and lives of young indigenous girls. They were subjected to oppression and violence on a daily basis, as was shown by case law concerning the actions of law-enforcement officers, judicial officials and the child-protection services. Young indigenous girls were victims of systematic racism, cultural genocide and institutional violence. The criminal justice system continued to treat them like criminals: they were often victims of police brutality, vilified before the courts, and overrepresented in the prison system. Inflicting violence on young indigenous girls was not considered to be a crime, and men were making the most of that.
7. In the case of *R. v. Ramsay*, a judge from the Supreme Court of British Columbia had continued to serve for two years following his conviction for repeated violence, including sexual violence, against young indigenous girls. Despite the fact that such acts occurred frequently, there had been no reform of the Canadian judicial system, no inquiries had been conducted and no reports issued on the Canadian justice system's response to acts of violence committed against indigenous girls.

8. The situation in rural areas was even more worrying. Over the past 10 years, along Highway 16, in British Columbia, a serial killer had taken the lives of 32 victims, 31 of whom had been indigenous people. The inquiry had only just begun. In comparison, it should be pointed out that the disappearance of a young man from a privileged district of Vancouver had resulted in the immediate mobilization of around 100 police officers to find him, which they had done within 48 hours. That different response spoke volumes about the worth of the lives of the indigenous people in the eyes of the Canadian authorities.

9. Canada must undertake an in-depth review of its criminal justice system. Justice for Girls called for the appointment of a rapporteur on the situation of girls, who would be mandated to address the violations of the fundamental rights enshrined in international law, which young indigenous girls disproportionately endured. Young indigenous girls would only be able to enjoy their right to self-determination if measures were taken to counter the oppression and violence against them.

10. **Ms. Silversmith** (Feminist Organization for Women's Advancement, Rights and Dignity – FORWARD), said she had travelled to Geneva to be the spokesperson for all those oppressed women in Canada who were voiceless, to express the anger and despair of women on whom the authorities had turned their backs, of homeless women, who were living in poverty, excluded and faced with racism, as well as those who were being held in psychiatric institutions, having fled from daily violence. After describing the situation of women eking out precarious lives, some of whom had been evicted from their homes by homeowners who wanted to increase rents, others who had been unfairly dismissed from their jobs without any rights to unemployment benefit, and others who had been humiliated or harassed on grounds of race, she said she hoped the Committee would take that information into account during its consideration of the fourth and fifth periodic reports of Canada and in drafting its concluding observations.

11. She added that Canada was not the nation of human rights and freedoms that many people imagined: contrary to what the fourth and fifth periodic reports might suggest, rights enshrined in the Covenant, had been violated in Canada during the reporting period, and many women were living in poverty or were homeless and excluded, undermining their human dignity. FORWARD asked the Committee to urge Canada to recognize, respect, protect and implement the rights set out in the Covenant. Canada should, in particular, recognize the link between its policies and violence against women, as well as their economic and social exclusion, and must ensure that all workers were protected by strict labour law, and that social security programmes were available for all those who needed them. Furthermore, Canada should provide financial support for poor families, rather than taking their children away and placing them in State care, as was the practice under current family policies, which were particularly discriminatory towards indigenous, poor and homeless women, and women held in psychiatric institutions. Canada should ensure that all persons had access to adequate housing at an affordable price, and that women could enjoy a decent standard of living. The Committee could remind the Canadian Government of its obligation to ensure respect for the right to self-determination enshrined in article 1 of the Covenant, by involving the poor, homeless and marginalized in decisions that affected them.

12. Speaking on behalf of the people of the Six Nations Confederacy, said that she had come before the Committee with a heavy heart to deliver the message from the Chiefs of the Six Nations, who were blockading a plot of land belonging to them, but which the Canadian Government had sold to a private developer, Henco Industries. On 20 April, 2006, the Ontario provincial police had tried to remove the blockade using undue force. Since then, negotiations with the Canadian Government and the Government of Ontario seemed to have been moving towards an unjust solution to the conflict, and the Six Nations

Confederacy called on the Committee to remind Canada of its obligation to ensure respect for the people's right to self-determination under article 1 of the Covenant.

13. She read extracts from the statement of an indigenous woman from the Onkwehonweh community, one of the peoples of the Six Nations, who had been seriously injured during the violence of 20 April 2006. Her statement was a message of peace, characteristic of that community of the Original Nations, which sadly did not have the means to make its voice heard.

14. **Ms. Paradis** (National Working Group on Women and Housing) said that she had come to Geneva for the consideration of the fourth and fifth periodic reports of Canada in order to be certain that the housing conditions experienced by women with low incomes were made known to the Committee. She stated that those conditions failed to meet the principles laid down in general comment No. 4 on the right to adequate housing (1991).

15. In Canada, inadequate housing had different implications for men and women: when women did not have adequate housing or were homeless, they were at greater risk of exploitation and violence, and as a result, the State frequently removed their children from their care.

16. Her organization believed that the Canadian Government should adopt a national housing strategy, ensure that women who left abusive relationships had access to financial assistance and were given priority for access to social housing, implement agreements on adequate housing in the provinces and territories and remove all discriminatory restrictions on mortgages. Canada was sufficiently wealthy to implement those modest initiatives, and her organization called on the Committee to remind the Government of Canada that it must not continue to deprive women with low income and their families of their right to adequate housing.

17. **Mr. Schmeiser** (Organic Agriculture Protection Fund – OAPF) said that his organization worked to combat the use of genetically modified organisms in food production and agriculture, since they threatened the subsistence of most Canadian farmers, as well as their health and that of consumers. Canada was the fourth largest producer of genetically modified organisms in the world.

18. No safety tests were required to authorize the marketing of genetically modified foods and there were no regulations on the labelling of those products. All transgenic plants were permitted in the United States, where safety tests were carried out on the basis of information from the genetically modified organism industry itself, which meant that no articles had been published on the risks. Farmers, bee-keepers and consumers had thus been deprived of their right to choose, as well as their rights to health and to safe food. Furthermore, several independent studies conducted worldwide, including in Canada, had shown the dangers of genetically modified organisms for human health and for nature. Worse still, when genetically modified seeds contaminated agricultural land, farmers were required to pay license fees for genetically modified products, and were no longer allowed to use their own seeds. Furthermore, researchers and other scientists were unable to communicate the results of their research.

19. His organization called on the Canadian Government to prohibit genetically modified organisms in food production and agriculture, to make labelling of genetically modified products in food for human and livestock consumption obligatory, to establish legal liability for agribusinesses for the potential consequences, and to provide compensation to farmers producing non-genetically modified crops for the financial losses incurred.

20. OAPF urged the Committee to raise those issues with the Canadian delegation during the presentation of the fourth and fifth periodic reports of Canada.

21. **Mr. Foye** (McQuesten Legal and Community Services, and Hamilton Income Security Working Group) said that unfortunately, the majority of the issues raised by the Committee in 1998 during its consideration of Canada's third periodic report (E/1994/104/Add.17) remained relevant in Hamilton, a province of Ontario. He said that neither the provincial governments, nor the Federal Government, protected the right to an adequate standard of living and that the amount of social security provided was well below the subsistence income and failed to take account of the current costs of basic necessities, rent and transport. It was particularly unfortunate that the courts continued to evict thousands of tenants who were behind in their rent payments without hearing them. The number of unemployed who received no compensation was deeply disturbing, and the fact that the minimum wage was below the poverty line meant that even people in full-time employment were unable to escape poverty and were turning to food banks in increasing numbers, to an extent unequalled since the Great Depression.

22. Poverty was increasingly affecting vulnerable people, particularly women, the elderly, indigenous people, people with disabilities and visible minorities. It would be interesting if the Committee, when considering Canada's fourth and fifth periodic reports, could ask the representatives of the Canadian Federal Government and the Government of Ontario why the level of unemployment benefit had been set arbitrarily and was not in line with the price of basic commodities, such as rent, food, clothing, public services and transport.

23. **Ms. Blackstock** (First Nations Child and Family Caring Society of Canada) said it was unfortunate that Canada, which held itself up as a model for human rights had established the Indian Act, which did not offer the same services to children registered as such and other Indian children.

24. Referring to a study conducted in three provinces, she wished to know why almost 10 per cent of Indian children were removed from their parents' care and placed in care homes. Although those children lived in poverty and inadequate housing, they were not victims of domestic ill-treatment, and nothing could therefore justify removing them from their family environment. If, rather than investing significant amounts in establishing care facilities and paying staff wages, Canada set aside 110 million Canadian dollars each year, which was within its means, for prevention activities, the new generation of Indian children could grow up with their families, which was not the case at present.

25. **Mr. Moriah** (African Canadian Legal Clinic) said that his organization worked to establish equal rights for people of African descent in Canada. He deplored the serious violations of their rights to housing and education, as well as the high poverty level among that sector of society (40 per cent), which was three times higher than among the white population. Race was undeniably a factor in poverty and the deprivation of economic, social and cultural rights. Members of that group were twice as likely as the rest of the population to be unemployed, and for equal work they were paid an average of 30 per cent less than their colleagues of Canadian origin. Women of African descent suffered double discrimination on grounds of sex and race, and their poverty level was twice that of other women from minority groups.

26. The result was that 44 per cent of children of African descent lived in poverty. Children of African descent were, furthermore, subjected to suspension and expulsion from schools, and had, for the same level of education, statistically fewer work opportunities than others, and would receive lower wages. That information showed that the realization of economic, social and cultural rights in Canada varied considerably depending on racial origin, which had not been mentioned in Canada's fourth and fifth periodic reports. It was even more disturbing that the Canadian Government seemed unaware of the situation of African Canadians.

27. **Ms. Halupa** (National Anti-Poverty Organization of Canada – NAPO) said that all those on the Board of the organization she presided were living or had lived in poverty. For 35 years her organization had been working to bring the concerns of the poor to the attention of decision makers at the Federal and provincial levels.

28. NAPO called on the Committee to ask the Canadian Government what action it had taken in response to the concluding observations from 1998, drafted after consideration of Canada's third periodic report, and to recommend that more effective follow-up mechanisms should be established. The Committee could also encourage the State party to subject its treaty-body report-drafting process to parliamentary scrutiny, and ensure that payment of welfare benefits was not dependent on enrolment in vocational training or other criteria, in violation of article 6 of the Covenant.

29. Regarding compliance with article 7, the State party should set the minimum wage above the poverty line, which was currently not the case in any of the provinces. The minimum wage should enable any individual working full-time to escape poverty. The Federal Government should also set the hourly minimum wage at 10 Canadian dollars, and revise it each year in line with increases in the cost of living.

30. On article 9, Canada should revise the conditions of entitlement to welfare benefits, so that all those in need of welfare had access to them.

31. Regarding article 10, the Committee could recommend that the Canadian Government develop a poverty reduction strategy through a range of specific policies and objectives within a given time frame, and take measures to permit evaluation of the progress made.

32. Regarding the right to an adequate standard of living set out in article 11, it should be stressed that since 2001 poverty had been increasing owing to the reduction, in real terms, of the minimum wage and welfare benefits. Marginalized groups such as indigenous people, groups other than those of Canadian origin, young people and the elderly were increasingly affected by poverty, and women from those groups were particularly vulnerable. Unemployment rates among immigrant families had increased by 8.3 per cent between 1980 and 2000. Work was no longer a guarantee against poverty. Even households with two salaries were sometimes unable to avoid poverty, and the number of low-paid, unstable, part-time and temporary jobs had increased considerably.

33. Lastly, the Committee should remind the Canadian Government that despite the commitment made by it during the examination of its third periodic report to grant national child benefit to all low-income families, without exception, the children of immigrants in some provinces still were not receiving the benefit, and were thus still penalized because their parents were not Canadian citizens.

34. **Ms. Tie Ten Quee** (Canadian Council for Refugees) said it was unfortunate that despite the various recommendations made by several treaty bodies inviting Canada to facilitate family reunification, the immigration services continued to deny immigrants and refugees that possibility, often for periods of several years and sometimes even permanently.

35. It was also particularly deplorable that Regulation 117 (9) (d) of the 2002 Immigration and Refugee Protection Act prohibited family reunification if in a previous procedure, a sponsor had for any reason not declared the family member concerned by the reunification request. She invited the Committee to call on the Canadian Government to repeal that regulation and to establish normal admission criteria, with the right of appeal. Refugee children were unable to file applications for family reunification since they could not register their parents on their request for permanent residence and were too young to

sponsor them. The Canadian Council for Refugees recommended that in future, children should be able to include their parents on their applications.

36. Several provisions of the Immigration and Refugee Protection Act were discriminatory towards poor people: in order to sponsor a relative, the sponsor must neither receive welfare support nor be unable to repay welfare benefits received by a previously sponsored member of his or her family; nor could candidates be liable to require welfare support in Canada. As a rule, the processing fees, which could amount to several thousand dollars, were such that those living in poverty could not afford to initiate a reunification procedure.

37. The length of the procedure, which could be up to five years, was a further obstacle to family reunification. The Canadian Council for Refugees recommended that a refugee's family members should be able to obtain entry visas in order for all procedures to be conducted in Canada. In conclusion, she recalled that discrimination against refugees on grounds of social status was tantamount to depriving them of their economic, social and cultural rights.

38. **Mr. Ominiak** (Lubicon Lake Indian Nation) said that the Canadian Government had made no effort to resolve the territorial dispute, in which it had been involved with the Lubicon Lake Indian Nation for over 50 years. It was particularly unfortunate that the Government was using its military power to take control of land and resources over which it did not have ownership.

39. **Mr. Lennarson** (Lubicon Lake Indian Nation) said that the some 500 members of the Lubicon Lake Indian Nation community established in the north of Alberta had never renounced their rights to their land, whose resources were being exploited by dozens of firms earning billions of dollars from them, while 90 per cent of the population depended on welfare benefits to survive. The Lubicon people were forced to live in overcrowded housing, lacking basic infrastructure, and were afflicted by serious health problems resulting from the exploitation of their resources – one third of the population were suffering from cancer or tuberculosis, and there were considerable reproductive health problems, exemplified by the 19 stillbirths out of 21 pregnancies over a period of 18 months.

40. He recalled several decisions by United Nations bodies, which had found violations of the rights of the Lubicon people under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and pointed out that no protection measures had been taken, despite the resolutions adopted by the United Nations Human Rights Council in that regard. The Lubicon Lake Indian Nation urged the Committee to reiterate its decisions and call on the Canadian Government to respect them.

41. **Ms. Young** (British Columbia Poverty and Human Rights Centre) said that a certain number of regressive measures had been taken in British Columbia, resulting in violations of women's economic and social rights. The poverty rate among women was constantly increasing, and no poverty reductions strategies had been established. In 2004, British Columbia had been the province with the highest poverty rate in the country (10.3 per cent), with families headed by single mothers, 50 per cent which lived in poverty, most greatly affected.

42. The provincial government had also adopted legislation, which had been condemned by the International Labour Organization, restricting collective bargaining and trade union rights. Trade unions most greatly affected were those defending health-care workers, in particular women.

43. The income support system had also been restructured and social welfare had been reduced, and, for some households, cut by a quarter. Families headed by single mothers were again, the first to suffer, since they no longer had access to decent housing or a healthy diet. The number of homeless people in Vancouver had doubled since the social assistance admission criteria had been revised, and many women had been forced into prostitution, or felt unable to leave abusive relationships for fear of becoming homeless. Legal aid had also been subjected to budget cuts, resulting in restrictions on access to justice for certain sectors of the population, in particular women.

44. The Committee could draw the Canadian delegation's attention to the alarming situation of economic, social and cultural rights in British Columbia, and, in particular, remind the representative of British Columbia of Canada's obligations under the Covenant.

45. **Ms. Grey** (Low Income Families Together) said that she represented the Saint James community, a group of some 20,000 people living in the centre of Toronto (Ontario), the majority of whom were new Canadian citizens who barely understood their rights or know what services were available to them. Foreign qualifications were not recognized in Ontario, which constituted a further obstacle to integration for new arrivals.

46. Clear cuts had been made in Ontario's welfare budgets, resulting in a surge in drug abuse, insecurity and domestic violence, particularly among the indigenous community. Low Income Families Together wished to conduct a survey of trends in the economic and social situation of the community's members, in order to help the Committee better to grasp the problems they encountered, and use the information to steer its discussion of the problems during the dialogue with the Canadian delegation, in the hope that the economic, social and cultural rights enshrined in the Covenant would be respected better in future. Increases in welfare benefits had been paltry and had not been based on the cost of living index, or on rent levels. No progress had been noted in terms of parity at work. Immigrant factory workers were forced to accept working conditions that were often dangerous.

47. Her organization was determined not to give up its effort to ensure respect for the human rights of new arrivals and members of its community until it had succeeded in changing their situation. Canada, which was often cited as an example for human rights and multiculturalism, could not continue to deprive people living on its territory of their fundamental rights in general, and their economic, social and cultural rights in particular, and even allow the situation to get worse, as it had done since Canada's third periodic report had been considered.

48. **Ms. Sandoval** (Social Watch Mexico, Mexican NGO Coalition) said that she was speaking on behalf of 105 Mexican NGOs working in the economic, social and cultural spheres, and in environmental protection. The report drafted by the Mexican Government in 2005 on progress towards the Millennium Development Goals (MDGs) had shown that it had not been equally shared by all social groups, and had even been shared very disproportionately, depending on interviewees' gender and place of residence.

49. While the elections in 2000, which had brought the seventy-one year reign of the Institutional Revolutionary Party to an end, had certainly begun a democratic process in Mexico, the NGO coalition wished to draw the Committee's attention to the fact that political openness had not given rise to a detailed discussion about economic and social development models, and had not sufficed to improve the population's living conditions and guarantee the enjoyment of economic, social and cultural rights. The 20 years of privatization of public enterprises, liberalization of markets, elimination of subsidies and wage stringency introduced before President Fox took office had significantly altered Mexico's production structure and had been detrimental to the rights to health, food, social security and education.

50. The Office of the United Nations High Commissioner for Human Rights in Mexico had summed the situation up clearly, saying that Mexico was providing unlimited support for foreign investors and large Mexican enterprises, while restricting the freedoms and violating the rights of millions of Mexican workers. Mexican farmers were suffering from maize imports, which had exceeded the quotas set by the North American Free Trade Agreement (NAFTA), and local communities were suffering from the practices of national and transnational private enterprises, which were plundering natural resources, without any prior consultation.

51. The United Nations Development Programme (UNDP) Human Development Report 2004 had shown that the human development index varied considerably between different States and within individual States. Poverty was still very widespread in Mexico, and over half the population lacked sufficient income to cover their basic needs. The situation was even more critical in rural areas. Despite its poverty-reduction programmes, the Mexican Government was apparently unwilling to adopt a human rights-based economic and social policy. The Committee should raise questions in that regard during its dialogue with the Mexican delegation.

52. She drew the Committee's attention to the fact that despite the increase in social spending shown in official reports, in reality budget allocations to several sectors, such as health care and education, were insufficient.

53. **Ms. Ratjen** (FIAN International) said that she was speaking on behalf of a coalition of Mexican civil society organizations. The deplorable failure to enshrine the right to food in the Mexican Constitution explained the lack of the legal framework required for the adoption of appropriate policies. People whose right to food had been violated were unable to seek compensation from the courts. Furthermore, statistics from the Ministry of Social Development showed that 24 per cent of Mexicans received an income that was too low to cover their basic food needs. Malnutrition was a significant public health problem in Mexico: 18 per cent of children under 5 suffered from growth problems owing to poor diet, and 27.2 per cent suffered from anaemia, particularly in rural areas.

54. According to official figures published by the Ministry of Social Development in 2002, 23.5 million people lived below the food security line, which was why a social assistance fund and a national system for integrated family development, which included the provision of school meals and food assistance, had been established. Unfortunately, the programmes were still not receiving adequate funding. In several regions, urban and rural alike, access to drinking water was problematic owing to pollution, but also discrimination, overexploitation and privatization.

55. In order to improve respect for the right to food, Mexico should enshrine the right in its Constitution, ensure that it was a starting point for all policies and strategies designed to overcome nutrition problems, ensure the right to adequate food as a human right and launch a comprehensive agrarian reform guaranteeing land access for campesinos and indigenous peoples. Lastly, the Mexican Government should take inspiration from the Committee's general comment No. 15 (2002) on the right to water.

56. **Mr. Angel Paz** (Convergencia de Organismos Civiles por la Democracia) noted with satisfaction that one of the recommendations made by the Committee in its concluding observations on the third periodic report of Mexico in 1999 had been effectively implemented, since the armed forces had been withdrawn from the management of social programmes and services in Chiapas, as the Committee had suggested.

57. He expressed concern about the extreme poverty and social exclusion suffered by the indigenous communities of Chiapas, since the Mexican Government's social policy and "Oportunidades" (opportunities) programme did not guarantee the right to adequate food, education or health care. Furthermore, a number of families had been excluded from the

programme, causing tension within an already fragile community that had no need of further cause for division.

58. He expressed even greater concern that the result of the Programme for the Certification of Ejido and Land Ownership Titles (PROCEDE), which consisted of a transfer from collective to private ownership, had been to restrict, or even deny, indigenous and rural families access to their land and the means of subsistence from the land.

59. He drew attention to migration, which was another worrying issue in Mexico: many people were fleeing from Chiapas, one third of families in Chiapas were already dependent on remittances from relatives working in the United States, and 79 per cent of those who had emigrated from Mexico to the United States had no intention of returning to Mexico. Central American migrants, such as Guatemalans, transiting through Mexico, were often victims of violence and muggings committed by immigration officials and law-enforcement officers. The new method of implementing social programmes in Chiapas was particularly unfortunate, since it favoured those who declared themselves to be against the Zapatista movement.

60. **Mr. Chavez Galindo** (Council of Ejidos and Communities in Opposition to the Parota Dam – CECOP) said that his organization had come before the Committee to denounce the violations of fundamental rights perpetrated by the Mexican Government in connection with the La Parota hydroelectric dam construction project. The Mexican Government intended to expel some 25,000 rural villagers from their land in order to build the dam, without either prior consultation, the consent of those concerned, or the authorization of the bodies responsible for environmental protection. The Government had trespassed on indigenous land several times, disregarding the provisions of all international human rights instruments, and the International Covenant on Economic, Social and Cultural Rights in particular. The Mexican Government had attempted to make the resistance movement back down by systematically instituting legal proceedings against anyone opposing the dam, imprisoning some of them, and making false accusations, using corruption and generally endangering social peace.

61. He reaffirmed his organization's commitment to combat the project with all the means at its disposal, including legal action, and by denouncing, among other irregularities that had marked the consultation process, numerous falsified signatures and lack of compensation. The Mexican Government must understand that it would never obtain the consent of the indigenous communities concerned, and that the dam would never be built. CECOP invited the Committee to urge the Mexican Government to give up the La Parota dam construction project.

62. **Ms. Ratjen** (FIAN International) drew attention to the *Euzkadi Continental* case, which alone had shown what the courts could achieve to defend the right to food and guarantee the realization of economic, social and cultural rights. The case had also shown that a court could oblige a State to honour its human rights obligations. Conflict between trade unions and employers had erupted following the takeover of the Mexican Euzkadi plant by the German tyre production company Continental in 2001, when the new management had announced the illegal closure of the plant and dismissal of 1,164 workers. The conflict had ended in 2005, after a months-long strike and blockade of the factory by the workers, whose situation had become particularly precarious as their salaries were no longer being paid and their right to food was being violated. The case had had a favourable outcome, thanks in particular to the attention of the Mexican and foreign media, and to international solidarity demonstrated by other trade unions in Mexico and Germany. On 17 January 2005, the management had announced that the plant would reopen and that jobs would be maintained. President Fox, who had intervened in the case, had committed to providing financial assistance in order for production to resume.

63. **Ms. Overtt** (3D – Trade – Human Rights – Equitable Economy) said that the aim of 3D, a non-profit making organization based in Geneva (Switzerland), was to promote collaboration between specialists in trade, development and human rights to ensure that trade regulations guaranteed a fair economy. She considered that treaty bodies such as the Committee on Economic, Social and Cultural Rights had a role to play in the establishment of a more just economic order by reminding States parties that respect for international trade regulations was no justification for failing to comply with their human rights obligations.

64. Her association was concerned by the effects of trade regulations on access to medicines, and more generally on the right to health care in Morocco. Access to affordable medicines was an integral part of the obligation to guarantee the right to the highest attainable standard of health defined in the Committee's general comment No. 14. Morocco had taken measures to respect, protect and implement that right, the most recent example being the introduction of a compulsory health-insurance scheme. Those measures, however, were being restricted by stringent regulations on intellectual property in international agreements. The most worrying agreement was the free trade agreement between the United States and Morocco, which had entered into force on 1 January 2006, and which contained intellectual property clauses that considerably restricted the possibility for Morocco to produce, sell or import generic medicines on the terms set out in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Doha Declaration on the TRIPS Agreement and Public Health. Even though the parties had exchanged written communications and reiterated that there would be the possibility for Morocco to "take measures to protect public health", nothing could confirm that the communications would carry any legal weight against the pernicious intellectual property regulations contained in the agreement.

65. 3D was concerned about the fact that the Moroccan Government was implementing a trade agreement that had been negotiated in secret and signed without the consultation of any NGO working to promote the rights of the most vulnerable people in society. Accordingly, her organization called on the Committee to recommend that the Moroccan Government undertake an independent evaluation of the effects of trade-related intellectual property regulations on access to medicines and enjoyment of the right to health care in Morocco. The results of such an evaluation could then serve as a starting point for a revision of intellectual property legislation, in order to ensure it did not prevent fulfilment of Morocco's human rights obligations.

66. **Mr. Sadi** wondered whether poverty and homelessness were the only two problems facing adolescents in Canada, since the range of fundamental rights to which they were entitled was not limited to those two. He asked whether the sexual violence of which vulnerable adolescents were often victims, was not the responsibility of the justice system. It was unfortunate that none of the speakers had mentioned the lowering of the age of sexual consent, which had been set at 13 years, the abolition of the Medicare medical insurance scheme for the most disadvantaged, or the high cost of higher education.

67. He wondered why the issue of the rights of young indigenous girls had been addressed separately from the rights of the indigenous population as a whole, and what the benefit was of separating the two. It seemed too simplistic to state that it was a crime to be a young indigenous girl in Canada, but that it was not a crime to violate the rights of Canada's indigenous peoples. Similarly, he wondered how useful it was to distinguish between racism against Canadians of African descent and racism in general.

68. **Ms. Barahona-Riera** asked how Ms. Sandoval could substantiate her statement that the increase in social spending, which the Canadian delegation would not fail to mention, was not reflected in reality, and that the health care and education budgets were unequally distributed.

69. **Mr. Kerdoun** said it was unfortunate that there had not been more statements concerning Morocco, despite the large number of NGOs working there and that the only NGO present, 3D, was a Geneva-based association speaking on the very specific issue of intellectual property, while the main problem in Morocco was poverty.

70. **Ms. Bras Gomes**, referring to the statement made by Mr. Foye on British Columbia, said she could not see how a country as rich as Canada could justify tightening up the criteria for granting welfare support, or how it was possible for those benefits to be below the poverty line. She wondered whether that measure was part of a global revision of the social-security system, and in particular whether the criteria awarding other welfare benefits had also been revised, and whether the level of benefits provided had been reduced.

71. **Mr. Pillay** said it was disappointing to hear about a regression in economic, social and cultural rights, particularly since it seemed that the majority of the Committee's recommendations on respecting human rights were not being implemented. He asked the NGOs present what they would advise the Committee to do to ensure that the State party implemented its recommendations in future and fulfilled its international obligations.

72. **Mr. Texier** expressed surprise that in some provinces the minimum wage was below the poverty line, particularly in a rich country like Canada. It would be interesting to know what the minimum wage was in each province. The minimum hourly wage of 10 dollars mentioned by one of the speakers seemed reasonable in the Canadian context.

73. **Ms. Czapska** (Justice for Girls) said that while she had focused on poverty and violence against girls, sexual exploitation and the fact that many girls were homeless were also worrying issues. It was true that the age of sexual consent was very, if not too, low.

74. **Ms. Sterritt** (Justice for Girls) said that it was still more difficult for indigenous women to be heard and that they were systematically marginalized. Women from the Six Nations tribes suffered more than the rest of the population. Regarding the statement that it was a crime to be an indigenous woman, she pointed out that the women who had reported the murders committed along Highway 16 had been punished. There was real hatred against indigenous people; the sentences handed down in cases with indigenous victims were too lenient, and provisions on hate crimes were not always applied.

75. **Mr. Moriah** (African Canadian Legal Clinic) said that the racism affecting Canadians of African descent was rooted in the history of slavery and segregation, and that stereotypes persisted. Furthermore, disaggregated statistics showed that members of that group of the population were overrepresented in prisons.

76. **Ms. Halupa** (National Anti-Poverty Organization of Canada – NAPO) said it had been suggested that the minimum hourly wage should be increased to 9.40 Canadian dollars, which was equal to the poverty line.

77. **Mr. Foye** (Income Security Working Group and Hamilton's Community) said that the housing benefit provisions were well below the real price of rent in his community, and that the lack of welfare support pushed an increasing number of families into poverty, rather than helping to reintegrate them into society. Furthermore, the amount families received as gifts was sometimes deducted from the benefits they were given. Criteria regulating the award of financial assistance to individuals who needed to follow a special diet for health reasons were becoming increasingly strict.

78. **Ms. Paradis** (National Working Group on Women and Housing) said that the conditions for the allocation of welfare support, unemployment benefit and housing assistance were increasingly strict, resulting in the exclusion of an increasing number of people. From a structural angle, that could be explained by the fact that provinces were free to spend the limited resources allocated to them by the Federal Government as they chose.

From an ideological perspective, the welfare support regime was punitive and designed to humiliate those receiving benefits, who, for the most part, were marginalized groups such as women, indigenous people and persons with disabilities. It was genuine discrimination on grounds of social status.

79. **Ms. Grey** (Low Income Families Together) said that the increase in school fees constituted a real problem in Canada. She agreed that it was frustrating for the Committee to hear about the regression of Covenant rights, but pointed out that the Committee would be able to make itself heard on the issue during the dialogue with the Canadian delegation, which would certainly comprise members of the new political majority, who would be prepared to criticize the current, now minority, Government.

80. She explained that the Committee's recommendations were not always implemented in Mexico or Canada, since NAFTA constituted an obstacle to State sovereignty and prevented progress in the implementation of economic, social and cultural rights.

81. **Ms. Sandoval** (Mexican NGO Coalition) said that the Mexican welfare budget was increasing. However, funds allocated to the health sector were decreasing and were non-existent for some budgetary items, such as building infrastructure or providing medicines and medical supplies.

82. Regarding education, the Mexican Government had stated that it wished to prioritize indigenous education but had taken resources from the bilingual and multicultural education budget, so that there had been no effect on the overall budget for education. The Mexican Government had clearly been more eager to bail out struggling private banks in 2005 than it was to bail out the social security system.

83. **Ms. Ovet** (3D – Trade – Human Rights – Equitable Economy) also considered that it would have been better if more Moroccan NGOs had participated in the current dialogue and that issues related to, inter alia, education and culture were just as important as access to medicines. Given the serious effects of trade agreements on access to medicines, and consequently on the enjoyment of the right to health care in Morocco, she called on the members of the Committee to address that issue in their dialogue with the Moroccan delegation.

84. **The Chairperson** thanked all the representatives of the various NGOs for their presentations, as well as for the summary report they had drafted for submission to the Committee.

The meeting rose at 6.05 p.m.