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Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record (partial)* of the 21st meeting

Held at the Palais Wilson, Geneva, on Monday, 12 May 2014, at 10 a.m.

Chairperson: Mr. Kerdoun (Vice-Chairperson)

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.05 a.m.

Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights (*continued*)

El Salvador

1. **Mr. Baños Aguilar** (Fundación de estudios para la aplicación del derecho (FESPAD)) said that, despite the progress made by the Salvadoran Government in implementing economic, social and cultural rights, particularly in relation to standardization and institutions, many challenges remained. The amendment of article 63 of the Constitution granting recognition to indigenous peoples had not been ratified, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had not been ratified, the private social security system failed to provide access for vulnerable groups, public hospitals used discriminatory practices against women in labour and persons with HIV, pollution and environmental degradation had reached high levels and, according to estimates, 12.8 per cent of persons over 10 years old in 2011 could neither read nor write.

2. Furthermore, despite the fact that the amendment of article 47 of the Constitution granting recognition of the right to form trade unions in the public sector and municipalities had been ratified in 2009 and El Salvador had ratified the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the exercise by workers of their rights remained a challenge, particularly in relation to access to justice. He stressed the precarious situation of workers in the fisheries sector and domestic workers, and recalled that El Salvador had not ratified the ILO Domestic Workers Convention, 2011 (No. 189).

3. The amendment of article 69 of the Constitution, approved in April 2012, had not yet been ratified, thereby preventing recognition of the right to adequate food and the right to water as fundamental rights, and delaying the adoption of the Food and Nutritional Sovereignty Act and the General Act on Water. Furthermore, the Special Act on the guarantee of ownership or regular possession of property provided for an accelerated expulsion process for any person without a title deed, which had notably led in June 2012 to the expulsion of some 90 families in Intipucá who had been living by the roadside while waiting to be rehoused. He suggested that the Committee should ask the Salvadoran delegation for information on the measures taken to implement the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

4. **Ms. Arango** (Centre for Reproductive Rights) denounced the total ban on abortion brought into force following the amendment of the Criminal Code in 1998. Between 1995 and 2000, an estimated 246,275 abortions had been performed, 11 per cent of which had resulted in maternal death. According to the Ministry of Health, 19,290 abortions had been performed between January 2005 and December 2008, 27 per cent of them on minors. In addition, the maternal mortality monitoring system had listed suicide by pregnant women as the third leading cause of maternal death in 2011. From 2000 to March 2011, at least 129 women had been sentenced to up to 30 years' imprisonment on charges of abortion or aggravated murder; 68 per cent of them had been aged between 18 and 25, 51 per cent had no paid work and 31 per cent had been underemployed. Half of the cases reported to the authorities had been filed by health professionals.

5. **Mr. Ribeiro Leão** asked whether the deficiencies in social security coverage for domestic workers were the result of an absence of adequate legislation and whether there was a national plan to combat poverty.

6. **Mr. Marchán Romero** asked whether measures had been taken to disseminate the provisions of the Optional Protocol to the Covenant and enquired as to whether the amendment of article 63 of the Constitution provided for the recognition of indigenous peoples' rights, including the right to ancestral lands.

7. **Mr. Mancisidor** asked Mr. Baños Aguilar to explain why the Salvadoran State had taken so long to recognize the rights of indigenous peoples and why the right to form and join trade unions had not been granted to the private sector. He requested further information on the adoption process for constitutional amendments and wished to know whether the Covenant could be directly invoked before the courts. He asked Ms. Arango to specify the circumstances under which abortions had been performed prior to the amendment of the Criminal Code. He also wished to know the population's stance on abortion and the circumstances under which access to reproductive health care and sexual and reproductive health education was provided.

8. **Mr. Kedzia** requested further information on the obstacles facing workers in the exercise of their rights.

The meeting was suspended at 10.30 a.m. and resumed at 10.40 a.m.

9. **Mr. Baños Aguilar** (Fundación de estudios para la aplicación del derecho (FESPAD)) said that a social security system for domestic workers or workers in the informal sector was not provided for by law and that they relied on the goodwill of their employers. Regarding obstacles to trade union affiliation, workers still faced difficulties in exercising their right to organize despite the fact that El Salvador had ratified ILO Conventions No. 87 and No. 98. Protection of trade union privilege was not guaranteed in the public sector, as was demonstrated by the case of a member of the Legislative Assembly who had formed a union and been expelled by the President of the Assembly. He had thereby been deprived of employment and the exercise of his trade union activities for more than two years despite an ILO recommendation that he should be immediately reinstated. Trade unionists dismissed in the private sector similarly failed to receive the legal protection to which they were entitled. Legislation establishing the judicial procedures for labour disputes was not applied in practice. In addition, forming unions was not permitted in the private sector and any attempt to do so resulted in the dismissal of the workers involved, in violation of the law and without those responsible for the violation being held accountable.

10. Concerning the promotion of the Optional Protocol, the State had taken very few steps to disseminate it, and its provisions remained largely unknown in Salvadoran society. As for the amendment of the Constitution, it must be adopted by a legislative assembly and then ratified by a subsequent assembly. The amendment of articles 63 and 69 had been adopted by the first assembly but had yet to be ratified by the current assembly.

11. The situation of indigenous peoples had improved. However, progress remained very limited, particularly in relation to land rights. It was therefore necessary to ratify article 63 and to adopt implementing legislation. The same applied for article 69 on the right to food and water.

12. **Ms. Arango** (Centre for Reproductive Rights) said that abortion had been permitted in certain cases before 1998, but had faced strong opposition. Abortion had been prohibited since 1998 and, in a widely publicized case, a woman had been forced to apply to the Inter-American Court of Human Rights in order to terminate a pregnancy that had threatened her life. As for sexual and reproductive health services, three quarters of women aged between 15 and 24 surveyed in 2008 had reported receiving information, mainly in urban areas and within educational establishments, on at least one area of sexual education, the quality of which was unknown. El Salvador had the highest maternal mortality rate and number of teenage pregnancies in the region.

13. **Mr. Mancisidor** (Country Rapporteur) suggested that the NGOs should prepare an information paper on the situation of vulnerable children.

Uzbekistan

14. **Mr. Golichenko** (Representative of Uzbek civil society organizations) said that he spoke primarily on behalf of drug addicts undergoing detoxification treatment in Uzbekistan. The Government provided some treatment options to drug addicts but they mainly involved a withdrawal process, which was not suitable for the most heavily dependent users. One of the most effective treatments recommended by WHO, namely opioid substitution therapy, had been suspended in Uzbekistan in 2009, three years after its introduction, with the result that thousands of drug addicts were unable to receive treatment. Drug addicts were subject to criminal sanctions and many contracted HIV/AIDS and tuberculosis. Uzbek civil society organizations had asked the Government to follow the advice of international organizations and resume the suspended substitution programme. He urged the Committee to adopt a recommendation to that effect.

15. **Mr. Ribeiro Leão** asked whether drug use was widespread in Uzbek society or whether it only affected a particular segment of society.

16. **Mr. Sadi** requested further information on the Uzbek Government's reasons for suspending the opioid substitution programme.

17. **Mr. Abashidze** (Country Rapporteur) asked whether there was a register of drug addicts, and if so, how it operated.

18. **Mr. Golichenko** confirmed that there was an official register of drug addicts which contained some 6,000 names, but said that the number of drug addicts in Uzbekistan was certainly much higher and stood at 1 to 5 per cent of the population across all social groups. Given its geographical situation, and notably its proximity to Afghanistan, Uzbekistan was particularly exposed to opioid consumption. The Uzbek Government had not wished to continue with the opioid substitution treatment programme so as not to give the impression that it tolerated drug use. However, the State must take special measures to protect drug addicts as they were a particularly vulnerable group.

The discussion covered in the summary record ended at 11.15 a.m.