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**Committee on Economic, Social and Cultural Rights****Fifty-sixth session****Summary record (partial)\* of the 51st meeting**

Held at the Palais des Nations, Geneva, on Monday, 21 September 2015, at 10 a.m.

*Chairperson:* Mr. Sadi

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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 10.10 a.m.*

**Opening of the session**

1. **The Chairperson** welcomed those present and outlined the morning's programme of work.

**Adoption of the agenda (E/C.12/56/1)**

2. *The agenda was adopted.*

3. **Mr. Salama** (Director, Human Rights Treaties Division, Office of the High Commissioner for Human Rights (OHCHR)) said that it was reassuring to see, in the post-2015 outcome document adopted in August 2015 by Member States, some attention to the human rights aspect of development. The text offered a universal, integrated and indivisible vision of sustainable development and placed the struggle against inequalities, discrimination and exclusion at its heart. It also provided a basis for accountability at the national, regional and global levels. Proposals were being formulated for using information gathered by human rights mechanisms, including the treaty bodies, and analysis produced by them to further accountability on the part of various stakeholders. He encouraged members of the Committee to contribute to such proposals.

4. Referring to the twenty-seventh annual meeting of chairpersons of human rights treaty bodies, held in June 2015 in San José, he said that the chairpersons' endorsement of the Guidelines against Intimidation or Reprisals (San José Guidelines) had been an important outcome of that meeting. The Guidelines affirmed the right of all to have unhindered access to the treaty bodies in order to further the effective implementation of the latter's mandates. Another major outcome of the meeting had been the call by the Minister for Foreign Affairs of Costa Rica for academic institutions around the world to reflect on options for further strengthening the human rights treaty body system. That reflection would constitute a timely contribution to the review of the treaty body strengthening process that the General Assembly would undertake in 2020.

5. On 10 December 2015 OHCHR would launch a year of celebrations to mark the fiftieth anniversary of the adoption of the Covenant and its sister treaty, the International Covenant on Civil and Political Rights. The events would include a panel discussion during the high-level segment of the Human Rights Council in March 2016, a joint meeting of the Committee on Economic, Social and Cultural Rights with the Human Rights Committee in June 2016 and, it was hoped, a commemoration in the context of the General Assembly's 2016 session. OHCHR was also preparing promotional materials on the content and impact of the two covenants.

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

*Submissions by national human rights institutions and non-governmental organizations*

*Burundi*

6. **Ms. McKernan** (Global Initiative for Economic, Social and Cultural Rights), also speaking on behalf of ActionAid - Burundi, said that women in Burundi did not enjoy land and property rights on an equal footing with men, which constituted a violation of articles 2, 3 and 11 of the Covenant. She wished to highlight three issues

in that connection. The first was women's lack of access to legal remedies: judges and local administrators, particularly in rural areas, made few efforts to protect women's rights. The second was the lack of an inheritance law specifically stating that women and men had equal rights to inherit property. Inheritance was largely governed by customary laws that discriminated against women. The third issue was discrimination against women in land registration. Although under the law both men and women could register their ownership of land, property belonging to married couples tended to be registered in the husband's name even when it belonged to both or had in fact been acquired by the wife. Divorced and unmarried women also faced discrimination in that area. The State party should be pressed to enact a national succession act, to establish safeguards securing women's land tenure rights, to facilitate property ownership by women, and to institute criminal sanctions targeting those who discriminated against women, including when customary law was used to deprive women of land and property or to justify violence against them.

### *Greece*

7. **Mr. Dimitras** (Greek Helsinki Monitor), also speaking on behalf of Minority Rights Group - Greece, Humanist Union of Greece, and Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE), said that Greece had for years ignored most recommendations by the Committee and other international human rights bodies. The current refugee and debt crises had merely exacerbated the situation: the State party, bowing to interest groups, had opted for austerity measures that undermined several Covenant rights, and its response to the refugee emergency did not adequately safeguard the rights of those affected. More broadly, institutional and de facto discrimination affected women, children, foreigners, persons with disabilities and those whose religious views, sexual orientation or gender identities diverged from officially sanctioned norms. Women were vastly underrepresented in public decision-making positions. While the State party was taking a more systematic approach to combating human trafficking, only a fraction of the cases reported to the police went to trial, and data on victims and on remedies provided to them were not reported. The data on domestic violence provided to the Committee had never been reported elsewhere, so that even the National Commission for Human Rights had lamented the lack of studies on the phenomenon, which made it all the more difficult to tackle. The State party refused to recognize the presence of Turkish and Macedonian ethnic minorities or to permit their members to exercise their freedom of association.

8. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had reported in May 2015 that Roma in Greece still faced discrimination and remained economically and socially vulnerable. A few months earlier, the European Commission against Racism and Intolerance had reported that many Roma in Greece lived in deplorable conditions, and in isolation from the rest of the population. Many Roma children did not attend school, or attended segregated schools or classes. According to ActionAid - Greece, only 15 per cent of children with disabilities in Greece attended school. As there were no disaggregated data on persons with disabilities in general, it was impossible to evaluate claims of the existence of widespread discrimination against them.

9. **Ms. McKernan** (Global Initiative for Economic, Social and Cultural Rights), also speaking on behalf of the Hellenic League for Human Rights and the International Federation for Human Rights, said that she would address the impact of the austerity measures recently adopted by Greece on the enjoyment of economic, social and cultural rights there. Her statement was based on a fact-finding mission conducted by the three organizations to Greece in 2014. Under the Covenant, the Government of

Greece was obligated to ensure that special measures were fully justified and that all available resources were fully used to meet, to the extent possible, the State party's core obligations under the Covenant. The obligation remained even when the available resources were demonstrably inadequate. The mission had found that the Government had not met its obligations under the Covenant or the criteria established by OHCHR for austerity measures to comply with the human rights framework. In particular, the State party had not retained the required minimum level of support for the right to work and the right to health. Examples included indiscriminate cuts to social spending and public-sector employment. Less restrictive measures that would have preserved the minimum-level enjoyment of rights in various areas had not been considered. Austerity measures had not been temporary, and the State party had failed to ensure that they did not disproportionately affect vulnerable population segments.

10. While Greece bore the main responsibility for its violations of the Covenant, it was important to note that other States parties to the Covenant had failed to comply with their positive and negative extraterritorial obligations, individually and as members of intergovernmental organizations, regarding their role in the austerity measures. In its dialogue with the State party, the Committee should highlight the negative impact of austerity measures on the enjoyment of economic, social and cultural rights in Greece, ask how the Government would in the future meet its obligations under the Covenant, and affirm the extraterritorial obligations of other States parties to ensure that any programme providing economic assistance to Greece was adopted only if it did not promote the violation of the human rights obligations of concerned parties.

11. **Mr. Kedzia** asked Mr. Dimitras and Ms. McKernan whether they knew if the various negotiations between the State party, the European Union and the International Monetary Fund had included consideration of the impact of austerity measures on the safeguarding of human rights in Greece.

12. **Mr. Ribeiro Leão** asked Mr. Dimitras and Ms. McKernan to provide the Committee with specific examples of how the austerity measures in Greece violated the provisions of the Covenant. Such examples would help the Committee to have a productive dialogue with the State party.

13. **Ms. Bras Gomes** said that she was not sure what the Committee should emphasize in its concluding observations on the second periodic report of Greece. She wondered to what extent the terms of a new bailout programme could still be adjusted, if necessary, to take into account human rights considerations.

14. **The Chairperson**, speaking in his capacity as a Committee member, said that he would like to know who was to blame for the economic and financial difficulties faced by Greece. To what extent were they due to mismanagement by the Government?

15. **Ms. McKernan** (Global Initiative for Economic, Social and Cultural Rights) said she believed that no assessments of the impact on human rights had been carried out during negotiations between Greece and its international creditors, but that it was difficult to know for sure, since many of the negotiations had been conducted behind closed doors. Civil society had certainly not been consulted on the effects of the bailout packages on economic, social and cultural rights. In its responses to Greece, the Committee might wish to focus on the need for the participation of civil society and the importance of forging partnerships with NGOs to understand the impact of the Government's policies. In reply to the Chairperson's question, she said she was unsure as to where the blame lay for Greece's difficulties.

16. **Mr. Dimitras** (Greek Helsinki Monitor) said that Greece found itself in a precarious situation because of the accumulative errors of the previous governments in office. Nevertheless, many of the structural problems still remained: the austerity

measures had decreased every person's pension proportionally, for example, but there was the same gulf between high and low pensions. No assessments of the impact on economic, social and cultural rights had been conducted by the Government, nor imposed by international partners, but various United Nations special procedures had visited Greece and the Greek National Commission for Human Rights had submitted a detailed report. That report was arguably more valid than any by NGOs, since it had involved Government ministries, civil society and universities. An assessment of the extent of the violations of people's rights in the country was essential because it was urgent to send a strong message to the new Government. The visit to Greece by a special rapporteur would be a good opportunity to ascertain the effect of the bailout on human rights. That information could potentially be used to renegotiate the bailout terms.

### *Italy*

17. **Ms. Lee** (Italian Disability Forum) said that there had been a progressive deterioration of public policies on the rights of persons with disabilities, who had been hard hit by austerity measures through cuts to social funding at the regional level. Lower funding jeopardized the implementation of important social measures by local authorities, such as residential support for children, persons with disabilities and the elderly, and income support to alleviate poverty. A trend towards the reinstitutionalization of persons with disabilities and other dependents had also emerged since the adoption of a resolution in 2013 promoting compulsory institutionalization of all dependent persons lacking family support. Statistics indicated that, due to a lack of State support, close to 50 per cent of households containing persons with disabilities claimed to be unable to cope financially. Immediate and concerted action was needed to mitigate the effects of austerity measures, which affected persons with disabilities disproportionately, and to guarantee targeted support and poverty reduction measures.

18. Despite the adoption of a law on the legal protection of persons with disabilities who suffered discrimination, it was still not possible to analyse the extent of such discrimination, as no mechanisms were in place to monitor the law's implementation and collect data on direct and indirect discrimination. The law also made no reference to reasonable accommodation, which violated the Committee's general comment No. 20. The establishment of a national human rights institution would provide further protection and promotion of the rights of persons with disabilities.

19. No measures specifically addressed the problems of women with disabilities, who were less likely to complete high school and higher level education than non-disabled women and men with disabilities. The barriers to employment which they faced were reflected in the fact that only 1.8 per cent of women with disabilities were in employment, compared to 6.8 per cent of men with disabilities. The law in Italy on sexual violence also failed to mention explicitly that women with disabilities were more exposed to violence of a sexual, physical and psychological nature.

20. The ill-treatment and abuse of children in Italy continued to be underestimated. Research by the United Nations Children's Fund (UNICEF) found that children with physical disabilities were approximately four times more likely to fall victim to violence, and children with intellectual or mental disabilities were about five times more likely. Nevertheless, no national system or monitoring mechanism was in place to record child victims of ill-treatment, or the frequency, epidemiology, risk factors and causes involved.

21. Budget cuts to local authority spending had also had a negative impact on inclusive education, since school environments were no longer fully accessible and the

quality and quantity of support in schools was in decline. Immediate steps were required to ensure the accessibility of school environments, curricula, material and technologies, as well as adequate support measures for students with disabilities, especially a sufficient number of high-quality support teachers in classrooms.

#### *Burundi*

22. **Mr. Zeveran** (Association pour l'Intégration et le Développement Durable au Burundi) said that, since the establishment of the monarchy in Burundi, the Batwa community had been discriminated against and marginalized in the economic, social, cultural and political spheres. The country had yet to ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169), which could contribute to the protection of their rights.

23. The Batwa were unable to determine their own development policies because the Government had not incorporated their self-determination in public policies. The Constitution contained provisions on the percentage of Tutsi and Hutu members of Government, but made no such references to the Batwa people. The Government had also failed to apply a policy of positive discrimination to promote job opportunities for Batwa who were unable to complete their education due to poverty. As a result, less than five per cent of Batwa were part of the Burundi formal economy and most vacancies were filled by Hutu and Tutsi. Over 80 per cent of the Batwa population ate only one meal a day and the same percentage lived in straw huts, exposed to diseases caused by the cold and mosquitos. A number of Batwa had seen their land expropriated by military or administrative officials, the intention sometimes being to distribute the land to non-indigenous peoples. Over 80 per cent of Batwa in Burundi had no health insurance or money to cover medical care. Even though education was free in the country, 90 per cent of Batwa were illiterate, as the Government had not introduced any measures specifically to promote the educational rights of Batwa children. Batwa also held no intellectual rights to their craftwork or pottery, and they were even excluded from the ancestral lands from which they obtained their raw material. When the Batwa did manage to extract clay, they were often beaten to death by Hutu and Tutsi.

24. He recommended that the Government of Burundi ratify ILO Convention No. 169; revise the Constitution to ensure the access of Batwa people to employment, including to positions of responsibility; require their informed consent in advance of all decisions related to Batwa lands; provide compensation to Batwa who had been removed from their land; approve legislation on the distribution of land, the provision of free education up to university level and the participation of Batwa in decision-making bodies and public policies relating to the well-being of Batwa people; approve a law protecting the Batwa cultural heritage; return clay to the Batwa; provide free health insurance for the Batwa people; and build Batwa houses from durable materials.

25. **Mr. De Schutter**, recalling that the vassalage system of *Ubugererwa* had been abolished in 1977, asked what the current situation was regarding forced labour in Burundi. Some reports indicated that the Batwa still struggled to gain ownership of land and risked being subjected to servitude in exchange for the right to occupy territory.

26. **Mr. Zeveran** (Association pour l'Intégration et le Développement Durable au Burundi) said that forced labour still existed in Burundi and that, although progress had been made since 1977, the legislation abolishing *Ubugererwa* completely had not yet been fully implemented. Indeed, his NGO had found that 12 per cent of Batwa were still subjected to forced labour. Workshops had been run to raise the awareness of Batwa so that, where necessary, they could seek justice and report any wrongdoing.

The main problems were that the Batwa were fearful of lodging complaints and that the Government lacked the commitment to implement the legislation fully. Civil society therefore strove to raise awareness among the Batwa and put pressure on the Government to deliver on its laws.

*The discussion covered in the summary record ended at 11.05 a.m.*