



## Economic and Social Council

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### Committee on Economic, Social and Cultural Rights

#### Forty-ninth session

#### Summary record of the first part (public)\* of the 30th meeting

Held at the Palais Wilson, Geneva, on Monday, 12 November 2012, at 3 p.m.

*Chairperson:* Mr. Pillay

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\* No summary record was produced for the second part (closed) of the meeting.

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*The meeting was called to order at 3.10 p.m.*

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

*United Republic of Tanzania*

1. **Mr. Halford** (Center for Reproductive Rights) stressed that the Tanzanian Government should expressly prohibit mandatory pregnancy testing in schools from the age of 11 and the expulsion of pregnant girls. It should also strengthen its policies to promote enrolment and retention of girls in schools and adopt a rights-based approach allowing pregnant girls to remain in school.
2. **Mr. Riedel** said he would like the Government to provide more precise figures on expulsions of pregnant girls from schools.
3. **Ms. Shin** asked whether any studies had been conducted on the partners of such students.
4. **Mr. Dasgupta** asked about the situation in higher education.
5. **Mr. Halford** (Center for Reproductive Rights) said that his organization had only studied the situation of girls under 18 years of age. The information available was based on data collected by the Tanzania Women Lawyers Association, according to which 18,000 pregnant girls were expelled from school each year.

*Ecuador*

6. **Mr. Duque** (Comisión Ecuémica de derechos humanos), referring to the parallel report that his organization had submitted to the Committee, recalled that 5.8 per cent of children aged 5 to 17 years worked, that 2.6 per cent of them were not in school and that child labour was most prevalent in rural areas and among the poorest. He drew the Committee's attention to the non-enforcement of the court decision in favour of employees laid off by the State oil company Petroecuador; the dismissal of 12,000 public officials in accordance with Decree No. 813 of 2011; the lack of tangible progress in establishing the right to health; school enrolment problems among refugee children; the poor implementation of the law on bilingual intercultural education; and the fact that 4 out of 10 young persons did not complete high school.
7. **Ms. Suárez Franco** (Foodfirst Information and Action Network International (FIAN)) requested the Committee to ask the Ecuadorian delegation to explain how the Government was dealing with the various aspects of the right to food in food programmes. The Government should also inform beneficiaries of food programmes how they could protect their rights. She would also like the Committee to raise with the State party the issues of the adoption of laws on water, land, biodiversity and seeds; measures taken to ensure that human rights were being implemented on a priority basis; measures planned to bring about a comprehensive gender-specific agrarian reform that would guarantee adequate and equitable access of marginalized populations to the resources they need for satisfying basic food needs; measures taken to protect small rural farmers from the effects of policies promoting agricultural exports and guarantee their right to food; measures adopted to ensure women's independent access to land, landownership and credit; measures taken to stop the penalization of human rights defenders, and especially, measures taken to punish those responsible for the assassinations of peasant leaders in Ecuador's coastal regions.

8. **Ms. Yuquilema** (Human Rights Regional Advisory Foundation – INREDH) said she would like the Committee to recommend that the State party guarantee the participation of the populations concerned through constitutional mechanisms and the observance of international human rights law in order to give practical expression to principles such as prior consent and consultation before the adoption of new laws and in environmental matters. The Committee could also inquire about the ongoing processes to introduce bills on water resources and on extractive projects. INREDH also asked the Committee to recommend that the State party take all necessary measures — administrative, legislative and judicial — to protect the work of human rights advocates in Ecuador.

9. **Ms. Tatiana Ortiz** (Centro Ecuatoriano para la Promoción y Acción de la Mujer – CEPAM Guayaquil) said that all women were entitled to voluntary and safe maternity. She asked the Committee to recommend that the State party implement measures to ensure access to emergency oral contraception, especially among victims of sexual violence, which was currently not the case. The lack of access to oral contraceptives often forced victims to resort to illegal abortions and sometimes led to suicide.

10. **Ms. Virginia Gómez de la Torre** (Frente Ecuatoriano para la Defensa de los Derechos Reproductivos) said that according to the results of a survey conducted in 2011, one in four women had been a victim of sexual violence in Ecuador. Complications related to illegal abortions were the fifth leading cause of death among women. The Ecuadorian Criminal Code allowed abortion only in case of rape of women with mental disabilities, who were described as being “crazy and stupid”. The Committee should ask the State party about the measures it had taken to fight such discrimination. It should also recommend that the State party should not punish abortion in cases of rape or congenital defects and establish mechanisms to ensure that all women had timely access to abortion.

11. **Mr. Halford** (Center for Reproductive Rights) said that many young girls were victims of sexual violence in schools and less than 3 per cent of persons who were tried for such crimes were punished. The inability of Ecuador to protect students against sexual violence was contrary to the provisions of the Covenant, as was the refusal to prescribe emergency contraception or allow abortion in cases of rape. He asked the Committee to recommend that the State party adopt measures to enforce the law on violence against girls in schools, bring to justice the perpetrators, compensate victims and provide preventive mechanisms. Ecuador should also ensure that all women and girls could benefit from free emergency contraception and should legalize abortion in cases of rape or incest.

12. **Mr. Texier** asked whether the unemployment figures that had been provided took into account employment in the informal sector. He also asked for clarification on the application of the law that had made possible the summary dismissal of 12,000 officials accused of corruption and inefficiency. He would also like to know whether the Ecuadorian Government had taken steps to comply with the recent ruling of the Inter-American Court of Human Rights concerning the payment of compensation to the inhabitants of Sarayaku and whether the proposed reform of criminal legislation would lead to an extension of the right to abortion.

13. **Mr. Tirado Mejia** asked whether emergency oral contraception was legal in Ecuador; and whether the courts extended the set of circumstances in which abortion was permitted when interpreting the law. With regard to the Government’s obligation to consult with the population on mining projects, he wished to know whether the legislation provided for a general consultation of the public or for a special consultation with the indigenous peoples of the regions concerned, and whether any amendments to the relevant legislation were planned.

14. **Mr. Sadi** enquired about the underlying causes of Ecuador’s conservative attitude to sexual violence and reproductive health. He would like to know whether the issue had been

raised before other treaty bodies and if so, with what results. He also asked for clarification of the status of women in Ecuador, as the issue of sexual violence was inseparable from that of the empowerment of women.

15. **Mr. Duque** (Comisión Ecuménica de derechos humanos) said that the data provided on unemployment only covered workers in the formal sector. With regard to the decree on the summary dismissal of civil servants, he confirmed that 12,000 public officials had been dismissed merely on notice without any due process. The appeal filed by the employees with the Constitutional Court had remained unanswered to date, as the judiciary lacked independence.

16. **Ms. Suárez Franco** (FIAN International) stated that, according to the information provided by the National Statistics and Census Institute (INEC), the number of informal sector employees was approximately equivalent to those in the formal sector.

17. **Ms. Yuquelema** (INREDH) said that the Ecuadorian Government had responded to the judgement of the Inter-American Court of Human Rights by introducing a regulation on the procedure to be followed for prior consultations in the designation of extraction areas for hydrocarbon exploitation. However, the regulation could not be applied as it was facing resistance from indigenous peoples, who, contrary to the provisions of the Constitution, had not been involved in its drafting. The fundamental right of indigenous peoples to be consulted was still not being respected.

18. **Mr. Duque** (Comisión Ecuménica de derechos humanos) said that the Ecuadorian Constitution provided for three types of consultations: consultations with indigenous peoples affected by mining projects, consultations prior to the adoption of new legislation and general consultations with the public on political issues.

19. **Mr. Riedel**, said he deplored the extremely high number of girls who had been victims of sexual violence between 1995 and 2005 and would like to know if the figures were official, whether reliable data were available since 2005 and if other United Nations treaty bodies had raised the issue with Ecuador.

20. **Ms. Virginia Gómez de la Torre** (Frente Ecuatoriano para la Defensa de los Derechos Reproductivos) said that the most recent official investigation by INEC into violence against women had revealed that 21 per cent of adolescent girls had experienced sexual violence in 2011. The Human Rights Committee, which had raised the issue of the high rate of teenage suicides with the State party in 1999, had been told that abortion was allowed in cases of rape, which was untrue as abortion had not been decriminalized.

21. **Mr. Duque** (Comisión Ecuménica de derechos humanos) said that cases involving sexual violence in schools generally led to an administrative investigation, followed by a judicial inquiry, but they rarely resulted in criminal sanctions. That was evident from the fact that only 26 persons had been sentenced for sexual violence between 2003 and 2009. It would therefore be desirable for the Committee to raise the issue with the State party.

22. **Ms. Virginia Gómez de la Torre** (Frente Ecuatoriano para la Defensa de los Derechos Reproductivos) said that one particular concern was the revelation by a survey that in nine provinces of the country, suicide was the leading cause of death among adolescent girls. The data were not official, but from civil society organizations, and drew attention to the very close relationship between sexual violence, teenage pregnancy and suicide.

#### *Mauritania*

23. **Ms. Djouma** (OCAPROCE International) said that the situation of women and children in Mauritania was a source of great concern, since domestic violence, trafficking in women and girls, child exploitation and slavery were commonplace. The economic, social

and cultural rights and civil and political rights of non-nationals were not respected in Mauritania, whose Government should strengthen the participation of women in economic and political life.

24. **Mr. White** (SOS Children's Village & International Social Service) asked the Committee to consider the possibility of using the Guidelines for the Alternative Care of Children (A/RES/64/142) as a benchmark for their work. He described the situation in the various countries whose reports were to be considered at the current session of the Committee and explained that poverty was one of the primary reasons why children were deprived of a family environment, especially in Bulgaria and Ecuador. Other factors leading to the abandonment and neglect of children included ethnicity (as in Bulgaria, where half of the children in institutions were of Roma origin); disability (as in Ecuador, where parents of children with disabilities received no Government assistance); sex (in Mauritania, for example, where girls were often forced into marriage or were sold in the Middle East); early pregnancy (as was the case in Tanzania, where pregnant girls were expelled from school and disowned by their families); traditional practices (as in Mauritania, which practised caste-based slavery, forcing girls to become domestic servants and boys to beg).

25. The placement in institutions had serious consequences on children deprived of a family environment, particularly those aged less than 3 years. Apart from the deleterious effects on their health and development, it made them particularly vulnerable to the risk of becoming victims of violence and to exploitation for sexual or economic purposes or of becoming street children. It was therefore appropriate to provide children, even within an institutional environment, the means of becoming independent and self-sufficient adults capable of entering the labour market and finding accommodation when they left their foster homes. He invited the Committee members to use the above-mentioned guidelines when making recommendations to that effect for States parties.

*The first part (public) of the meeting rose at 4.45 p.m.*