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SUMMARY RECORD OF THE 25th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 30 March 2005, at 10 a.m.

Chairperson: Mr. WIBISONO (Indonesia)

later: Mr. OULD MOHAMED LEMINE (Mauritania)

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The meeting was called to order at 10 a.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)

(E/CN.4/2005/37-41, 42 and Add.1, 43, 44, 45 and Add.1, 47 and Add.1 and 2, 48 and Add.1 and Corr.1 and Add.2-3, 49, 50, 51 and Add.1-4, 52, 63 and 131; E/CN.4/2005/G/7; E/CN.4/2005/NGO/10, 20, 22, 57-60, 80, 94, 97, 110, 115, 128, 129, 142, 147, 148, 153, 180, 185, 192, 218, 219, 230, 243, 248, 256, 257, 264, 281-283, 286, 298, 304, 311, 324, 328 and 340; E/CN.4/Sub.2/2004/20)

1. Ms. de ALBUQUERQUE (Chairperson-Rapporteur of the Working Group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights), introducing the Working Group's report on its second session (E/CN.4/2005/52), said that, in accordance with the programme of work established in November 2004 and based on the relevant provisions of Commission on Human Rights resolution 2004/29, the first part of the session had been devoted to interactive dialogues with the Special Rapporteurs of the Commission on Human Rights and the Sub-Commission for the Promotion and Protection of Human Rights, experts from the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), experts from the treaty bodies and regional mechanisms, including the African Commission on Human and People's Rights, and the Committee of Independent Experts, or European Committee of Social Rights. The second part had focused on the discussion of options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, during which delegations had shared different national experiences, including case law, regarding the rights recognized in the Covenant. The last part of the second session had been devoted to the discussion of two reports of the Secretary-General containing comparative summaries of existing communications and inquiry practices under international human rights instruments and in the United Nations system, and of the draft optional protocol proposed by the Committee on Economic, Social and Cultural Rights in 1997.

2. As a result of the discussions, she had been requested to draft a paper containing a non-judgemental analysis of the different options for an optional protocol that had been proposed by delegations. She intended to present that document to the third session of the Working Group, and hoped that it would enable the Working Group to make further progress in its future deliberations on the elaboration of an optional protocol that would ensure a more effective implementation of the Covenant.

3. Mr. MUDHO (Independent Expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights), introducing his analytical report that contained proposed draft general guidelines (E/CN.4/2005/42), said that the report examined the impact of the debt burden on the ability of poor countries to adopt policies and programmes for the enjoyment of economic, social and cultural rights, and highlighted recent developments and significant initiatives, such as the Heavily Indebted Poor Countries (HIPC) Debt Initiative, and the international and national levels. The report also highlighted the World Bank's new approach to debt sustainability, which advocated country-specific policies in developing appropriate external borrowing strategies. The report described the World Bank's new lending instruments that emphasized the importance of country ownership, and abandoned the one-size-fits-all structural adjustment model.

4. Turning to his mission to Kyrgyzstan (E/CN.4/2005/42/Add.1), he said that the mission had helped him develop an appreciation of typical challenges faced by a country in the process of dual transition to a democratic system of governance and to a market economy. Kyrgyzstan remained highly indebted. Despite the Government's commendable efforts to address the challenges of transition, poverty, governance and human rights, as manifested by its National Poverty Reduction Strategy, further efforts were needed to bring about an improvement in the enjoyment of all human rights by the poor and the vulnerable. Human rights concerns should be better integrated in the implementation of the National Poverty Reduction Strategy. The deterioration of equipment and infrastructure, particularly in the education and health sectors, was impeding the enjoyment of the right to education and health. Spending on those sectors should therefore be better targeted in order to meet the needs of the poor. Countries also required the international community's assistance in implementing the National Poverty Reduction Strategy, and he noted with interest that Kyrgyzstan had concluded a debt reduction and restructuring agreement with the Paris Club. He hoped that the current political crisis would not have a negative impact on the country's long-term development prospects, but would rather be an opportunity to promote the full enjoyment of all human rights, including economic, social and cultural rights, of all Kyrgyz citizens.

5. The experience of Kyrgyzstan proved that good national policies were a necessary but insufficient condition for debt sustainability. While international cooperation in the form of grants and debt relief was essential, it should be additional to official development assistance (ODA). In 2004, the Commission had entrusted him with the task of preparing draft general guidelines to be followed by States and by private, and public, national and international financial institutions in order to ensure that compliance with the commitments derived from foreign debt did not undermine the obligations for the realization of fundamental economic, social and cultural rights. In his report, he identified some elements that could be considered to that end. In order for such general guidelines to be useful, dialogue should be strengthened with the international financial institutions and with Member States that would be beneficiaries. He had therefore recommended that the Commission should authorize an expert consultation to discuss the proposed general guidelines, and should invite international financial institutions to contribute. There was also a need for further thinking on the roles and responsibilities of private creditors.

6. The consideration of new and innovative initiatives was a quite informative aspect of his mandate. That was why he was particularly interested in the recent initiatives of the United Kingdom, under its presidency of the Group of Seven/Group of Eight; the initiatives aimed to increase resources available to developing countries for meeting the Millennium Development Goals. The first initiative consisted of cancelling the debt owed to the International Monetary Fund (IMF), the World Bank and the African Development Bank over the following 10 years; the second dealt with the establishment of an international finance facility. It would also be necessary to facilitate heavily indebted poor countries' access to markets, since aid and debt relief would not be sufficient to enable them to fulfil their obligations under international human rights instruments. Those new developments would obviously have a bearing on developing the proposed draft guidelines, and he looked forward to having consultations with the representative of the United Kingdom and other countries that had adopted innovative approaches. He would also continue the dialogue with the bodies responsible for follow-up to the International Conference on Financing for Development.

7. In conclusion, he thanked the World Bank and IMF for their cooperation, and the Office of the United Nations High Commissioner for Human Rights (OHCHR) for its support for the fulfilment of his mandate.

8. Mr. CERDA (Argentina), said that, during negotiations between the international financial institutions and countries, as Argentina had recently experienced, the specific characteristics of the debt of the country concerned were taken into account. He would like to know what impact the proposed guidelines, which were general principles, could have on those complex negotiations.

9. Mr. FERRER RODRÍGUEZ (Cuba), referring to the new approach to the problem of debt sustainability that the Independent Expert had mentioned in his report, said that the various approaches to the problem that had been proposed so far had only dealt with payments to creditors and not with a substantial reduction of the foreign debt of developing countries. Several social organizations from countries of the North and South had questioned traditional strategies and had recently taken individual initiatives with a view to reducing debt, and were planning to establish regional monetary funds that would be composed solely of countries of the South. It would be interesting to know what the Independent Expert thought of those initiatives, taking into account the absence of sustainable and definitive solutions to the external debt problem.

10. Mr. OBEMBO (Congo) asked what effects the debt burden of the heavily indebted poor countries had on their capacity to implement the Millennium Development Goals.

11. Mr. MUDHO (Independent Expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, in particularly economic, social and cultural rights), responding to the representative of Argentina, said that the draft general guidelines had been adopted by all countries and would principally ensure that the measures required of a country during the negotiation of an agreement did not limit its capacity to ensure the realization of economic, social and cultural rights.

12. While the idea of creating regional monetary funds, as mentioned by the representative of Cuba, was interesting, such regional mechanisms would not solve the problem of debt sustainability. Debt relief and ODA were not enough; it was also necessary for indebted countries to have access to markets to meet their financial obligations. That was the only way to guarantee debt sustainability.

13. Lastly, it was clear that the burden of debt reduced countries' capacities to implement the Millennium Development Goals. There was a direct link between debt relief under the HIPC Initiative associated with the strengthening of ODA, and the realization of those goals.

14. Mr. SENGUPTA (Independent expert on the question of human rights and extreme poverty), introducing his report (E/CN.4/2005/49) said that, in the report, he proposed a definition of extreme poverty. It was a phenomenon that existed in all countries and was a composite of income poverty, human development poverty and social exclusion. The second issue addressed in the report was that of links between extreme poverty and human rights. While it was true that the elimination of human rights violations would not eliminate extreme poverty,

it was also true that human rights violations created favourable conditions for the development of extreme poverty. It was therefore logical to consider that respect for human rights was conducive to the elimination of extreme poverty, and that it was necessary to adopt an instrument, such as a declaration, that characterized extreme poverty as a violation or denial of human rights.

15. He outlined measures that could be taken at both the national and international levels to solve the problem. At the international level, the role of the World Bank and IMF was crucial. Those two institutions should integrate human rights issues into their activities and programmes. In that regard, he had observed a significant change in their attitude, and noted that the question of equity had even been mentioned in the World Development Report. The international human rights community should encourage such changes. It was clear, however, that the problem must first be solved at the national level. Each country had problems that were different from those of other countries, and measures taken in certain countries, such as India or Brazil, or even in a European country, could be examined. An international development programme to expand employment opportunities could also be established in the context of a global campaign against unemployment, which was a serious problem in many countries, including industrialized countries, or a financing facility or special fund for the eradication of extreme poverty could be established on the model of the Millennium Development Fund.

16. Mr. CREDO (Argentina) asked the Independent Expert whether he believed that the International Labour Organization (ILO) and non-governmental organizations (NGOs) that addressed the issue of extreme poverty could make a specific contribution to the proposed global campaign against unemployment.

17. Mr. BERNIS (Observer for Luxembourg), speaking on behalf of the States members of the European Union, wished to know how the Independent Expert planned to coordinate his activities in the area of extreme poverty with those of OHCHR and the Sub-Commission on the Promotion and Protection of Human Rights, in order to avoid possible duplication of work, and how he proposed to take account of the universality of extreme poverty.

18. Ms. BERAÚN ESCUDERO (Peru) asked the Independent Expert what he thought of the work of the Sub-Commission's ad hoc group of experts on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty. She wished to know if he was working with ILO to refine the proposal on job creation as an instrument for combating poverty.

19. Mr. SENGUPTA (Independent Expert on the question of human rights and extreme poverty) said that close cooperation with ILO was essential and that it was also necessary to take account of the experience of some NGOs that were very active in the sphere of social exclusion, particularly in certain countries. Furthermore, he was prepared to work in coordination with the High Commissioner's Office and the Sub-Commission's experts on the question of poverty. His approach would consist of examining the poverty reduction strategies that had been established in all countries, and to see how human rights norms could be incorporated into each of the established programmes in order to enhance the process. He was also ready to support the Sub-Commission in the drafting of a declaration. He did not think that his work would duplicate that of the Sub-Commission. As in the case of the guidelines, his role would be to determine how planned measures and programmes could be implemented in particular cases.

20. In conclusion, he said that social exclusion was not an individual phenomenon but above all had an impact on social relations. Social exclusion existed in all countries, developing and developed alike. Since situations differed according to countries, it would be useful to examine the issue on a case-by-case basis, which was what he proposed to do at the next stage. Furthermore, the time had come to think of constructive solutions, either solutions that could be found in existing programmes, such as those of the World Bank and IMF, or new ones. The most important thing was to ensure that human rights principles were incorporated into all programmes. In the context of the global campaign against unemployment, it would be useful, to take account of the specific measures that had been taken by the European Union.

21. Mr. ZIEGLER (Special Rapporteur on the right to food), introducing his annual report to the Commission in accordance with resolution 2004/19, as well as the reports of his missions in Ethiopia and Mongolia (E/CN.4/2005/47 and Add.1 and 2), said that the realization of the right to food was decreasing and that hunger was increasing: according to the Food and Agriculture Organization of the United Nations (FAO), 17,000 children under the age of 5 had died of starvation every day in 2004, and the number of gravely undernourished people had increased by over 10 million between 2003 and 2004, while the planet was capable of feeding 12 billion human beings.

22. The first topic studied in the report was that of the 19 voluntary guidelines that had been drafted following the second World Food Summit in 2002 and adopted by the FAO Council in 2004. The guidelines constituted considerable progress, since they indicated to States how to implement the right to food. The second topic examined was more delicate and complex. In accordance with his mandate, the Special Rapporteur must assess the problems relating to the right to food that were occurring throughout the world, and it was generally considered that the current problem was that of the extraterritorial obligations of States, including their obligation to ensure that their actions outside their borders were in keeping with their responsibilities regarding the right to food. The strategy of World Trade Organization (WTO) was aimed at liberalizing and privatizing the economies of all countries as quickly as possible, while all valid scientific research showed that export and production subsidies granted to farmers in countries of the North created an agricultural dumping ground in countries of the South, destroyed family-based agriculture and increased hunger throughout the world. Such lack of coherence was akin to schizophrenia. He cited the example of Switzerland, which had two missions in Geneva, one to the United Nations and the other to WTO; the Missions did not communicate with each other and often adopted contradictory policies. While one Mission upheld the cause of the right to food in the Commission on Human Rights, the other voted for liberalization measures that would increase hunger in Africa, South Asia and Latin America. States must therefore adopt more coherent policies.

23. Sections of his report had been devoted to countries in which the situation was particularly worrying, and to countries that gave rise to some hope. The case of Iraq was particularly serious, since the number of undernourished children in that country had increased considerably between June 2003 and September 2004, since the Anglo-American invasion. In Darfur, over 200,000 people had died of starvation since the beginning of the conflict, and United Nations agencies had been refused access to the region. In the Democratic People's Republic of Korea, 6.2 million people, or one quarter of the population, had been suffering from famine for 12 years

and, despite assistance from the World Food Programme (WFP), the situation remained extremely worrying. In the Occupied Palestinian Territories, the situation was getting worse in Gaza and the West Bank, where over 15 per cent of children were undernourished.

24. On the other hand, there were promising signs, particularly in Latin America and above all in Brazil, which had adopted a programme to end the malnutrition that affected 44 million people, with assistance from France, which had outlined a plan to finance the global fight against hunger, and also from Chile, Spain and other large European countries. In the Bolivarian Republic of Venezuela, the implementation of an intelligent agrarian reform allowed access to land, and a continental institute on the right to food would open soon. Cuba was resisting the blockade and guaranteeing food security for its entire population. Guatemala had invited all heads of State to participate in a continental conference on the realization of the right to food in August 2005.

25. He said that Mongolia, half of the 2.4 million inhabitants of which were nomads, had been freed from Soviet rule in 1990 only to undergo the drastic privatization measures imposed by the Bretton Woods institutions. However, Mongolia, which was little by little rebuilding its capacity for State intervention in the food and health sectors, was a true democracy with a strong human rights commission that controlled the executive's human rights practices. It was the third most subsidized country, receiving funds from organizations and the international community, and its reconstruction programmes and food security strategy deserved support. Ethiopia faced two different problems: successive droughts that had obliged it to turn to WFP, even though the situation had improved considerably; and the fall in coffee prices, which represented 80 per cent of the country's foreign exchange earnings. In cooperation with the international community, the Ethiopian Government had created a food security body, in order to dispense with the need for emergency aid and to establish a coherent development strategy.

26. He was convinced that the neoliberal strategy of ultraliberalization and forced privatization of all public sectors that the Bretton Woods institutions and WTO were imposing, was not the solution. That strategy had been applied for the past 10 years, during which hunger had increased on a large scale all over the world. The only solution was to realize the right to food and to make it justiciable at the national and international levels.

27. Ms. ZEWDIE (Ethiopia) said that, since it had made food security a priority, Ethiopia had made considerable progress in realizing the right to food. Ethiopia's policies and programmes to promote rural and agricultural development played an important role in increasing food production and exports, addressing the problem of chronic food insecurity and meeting the needs of the poor, elderly, disabled and orphans, thereby avoiding their social exclusion. The budget allocated to food security had doubled for the period 2004-2005, and social and environmental risk mitigation guidelines had been developed to alleviate the hardships of persons resettled from food insecure areas to more productive ones. In addition, water and road infrastructures, which were essential for increasing agricultural production, were being developed.

28. Since the majority of the Ethiopian population lived in poor rural areas, it was imperative to apply laws and policies in a consistent and uniform manner in all parts of the country. Despite difficulties, Ethiopia remained committed to ensuring that the population participated in development and measures aimed to address social problems, such as discrimination against women, which would soon be made punishable under the Criminal Code.

29. The Land Certification Policy took account of the realities in the country and was being applied as a priority in regions where sedentary agriculture was dominant and where land was privately owned. In communally administered pastoralist areas, a dialogue with the community and clan leaders had begun on ways of applying the law to avoid all discrimination.

30. Her delegation agreed with most of the Special Rapporteur's recommendations, since they were not in conflict with the activities being undertaken by the Government towards the realization of the right to food in Ethiopia. The full realization of that objective required donor support, in order to shift from emergency aid to long-term development, sustained debt relief and a fair international trade system. No evidence had been found to substantiate allegations that land and food aid in Ethiopia were used for political ends.

31. Ethiopia was striving to build a new democratic system and a market economy, and its efforts, most of which were in their initial stages, were already showing encouraging results. In the light of the constraints of the legacies of the past, expectations about Ethiopia's development endeavours must be seen in the context of its objective reality.

32. Mr. BEKHBAT (Observer for Mongolia), emphasizing that the right to food was at the heart of the human rights system that his country was committed to establishing, said that the Special Rapporteur's mission had made it possible to take stock of the situation in Mongolia, identify problems and determine ways of solving them. The transition to democracy in the early 1990s had been accompanied by extreme poverty, inequality and two previously unknown phenomena, hunger and chronic undernourishment. However, even though the realization of the right to food had taken a step backwards, the economy was showing signs of recovery, which - it could be hoped - would make it possible to reverse that trend. Furthermore, the Government had made the fight against poverty its priority by and was endeavouring to improve protection of the right to food and to implement it progressively, by making the best possible use of available resources and focusing on the most vulnerable and disadvantaged.

33. He supported the conclusions and recommendations made in the report, and requested that an exhaustive study should be carried out swiftly in order to set priorities for the fight against undernourishment and food insecurity and improve access to food.

34. Mr. PIRA (Guatemala) said that the Guatemalan Government was continuing its efforts to reduce poverty and ensure adequate food supplies for the entire population. To that end, it was preparing to submit a bill to Parliament on a system of food and nutritional security, which recognized the Guatemalan people's right to food and defined an institutional structure at the highest political level. The system had three objectives: to eradicate malnutrition, the diseases related to it, and the transmission of that scourge from one generation to the next; to develop and apply effective measures for the provision of food aid to groups suffering from malnutrition; and to integrate the objectives of the national food security policy into strategic plans and public and private sectoral programmes and projects for the country's economic development.

35. The law would strengthen coordination between institutions, which was necessary in order to be able to take targeted measures to assist the poorest people and advance efforts to achieve the Millennium Development Goals. The law would allow all sectors of society to work together

to address the causes of poverty and overcome the obstacles to sustainable development in the country. Guatemala had therefore begun in a dialogue with the Special Rapporteur in order to ensure that he assisted the country and supported its efforts.

36. Mr. FERNÁNDEZ PALACIOS (Cuba) welcomed the fact that the Special Rapporteur had not only demonstrated scientific thoroughness and a sense of political compromise, but had also had the courage to tell the truth. He asked what additional measures could be taken to promote and disseminate the voluntary directives that had been approved by the FAO Council.

37. Mr. SHALABY (Egypt) said that hunger in the world, particularly in the poorest continent, Africa, was immoral and a disgrace for humanity. States must, as a matter of urgency, demonstrate political will, recognize their extraterritorial obligations and implement the FAO voluntary directives by incorporating them in development programmes. He wished to know what other, essentially pragmatic and financial, measures could be taken at the international level to assist African countries in realizing the right to food.

38. Mr. CERDA (Argentina), referring to paragraph 60 (f) of the Special Rapporteur's conclusions and recommendations, concerning the extraterritorial obligations of Governments, said that he wondered how it would be possible to ensure follow-up in that regard.

39. Mr. BERNIS (Observer for Luxembourg), speaking on behalf of the States members of the European Union, welcomed the Special Rapporteur's willingness to cooperate with WFP, and asked what form such cooperation could take. He wished to know how the role of civil society and cooperation between international and regional organizations could be strengthened in the fight against hunger and malnutrition.

40. Mr. XIA Jingge (China) said that he had particularly appreciated the link that the Special Rapporteur had established between agricultural subsidies by the countries of the North and the enjoyment of human rights, and emphasized the importance of agriculture in guaranteeing the right to food in many developing countries. He wondered whether the Special Rapporteur had raised that issue with other international organizations, such as WTO, and whether decisions had been taken in that regard.

41. Mr. SUMIRAT (Indonesia), welcoming with interest the Special Rapporteur's conclusions and recommendations, said that he wished to know the Special Rapporteur's opinion on the usefulness of food reserves in ensuring access to food.

42. Mr. ZIEGLER (Special Rapporteur on the right to food) thanked all the speakers for their interesting comments. Addressing the Ethiopian delegation, he said that he would not focus on the few criticisms mentioned in the report. The fact that the Ethiopian Government had doubled its budget for food aid bore witness to its determination to provide food security as a matter of priority. Responding to the Mongolian delegation, which had referred to the difficulties faced by countries in transition and stressed the need for continued cooperation to assist vulnerable groups, he said that OHCHR and the University of Geneva, among others, were open to all requests for cooperation. He welcomed Guatemala's adoption of a law on food security. The fact that a government as conservative as the Guatemalan Government had taken the initiative to draft such a law demonstrated that the need to realize the right to food had taken root in Latin America beyond the circle of trade unions and churches.

43. On the question of respect for extraterritorial obligations, which had been raised by the Argentine delegation, he said that Governments themselves should ensure that all international organizations, including the United Nations and WTO, defended the right to food in a coherent manner. It would then be necessary to ensure that civil society obliged private transnational corporations to respect the right to food. Regarding cooperation with WFP, mentioned by the delegation of Luxembourg, he said that WFP had invited him to its world congress, which would be held in Dublin, and that the idea of a justiciable human right to food was progressing little by little. He believed that the voluntary directives on the right to adequate food, drafted on the basis of an initiative by Cuba and adopted by FAO, were an important victory. Those directives should be included in each Government's multilateral and bilateral cooperation programmes. The Egyptian delegation had rightly noted that hunger was a disgrace for humanity. The Brazilian Zero Hunger Programme, for which realistic funding was planned, would certainly be an effective weapon against hunger, if Latin American heads of State joined together to support the initiative that had been the outcome of the Guatemala Conference.

44. Responding to the Chinese delegation concerning his relations with WTO, he said that the sharp contradictions between the Commission on Human Rights, which had a normative approach to development, and WTO, which was governed by the Washington Consensus, would not prevent discussions from continuing. Lastly, in response to the Indonesian delegation, he said that food reserves were a very good method of combating hunger, and India was a good example in that regard.

45. Mr. TEKLE (Eritrea) said that, although poverty continued to be the main obstacle to the attainment of economic, social and cultural rights the goodwill and cooperation of nations and the proper setting of priorities could help to overcome that obstacle. Those priorities included education, which was essential in the age of knowledge and information but not enough land and capital for all, and health, an area in which considerable progress had been made, but which thus far had benefited only a few regions of the world. There was an urgent need to reverse the dangerous trend of marginalization and exclusion, which was the result of globalization, and to create an international environment based on a new ethic, promoting balanced development for all, and characterized by social justice and mutual benefit.

46. The Eritrean Government had made great efforts to promote and protect economic, social and cultural rights. It had signed the International Covenant on Economic, Social and Cultural Rights, as well as the International Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and had incorporated several of the provisions of those instruments into its Constitution. It had promulgated laws and guidelines on several social and labour issues, had included the rights to education and health in its education and health systems, had allocated 25 per cent of the national budget to the social sector and had released considerable resources to improve and develop basic infrastructure. Noting that the major summits on economic, social and cultural issues that had been organized over the past decade had provided an opportunity to witness the wave of a new humanitarianism, his delegation did not doubt that the declarations and plans of action adopted would be of decisive importance in the search for ways and means of ensuring the fullest extent of human dignity and security for all peoples.

47. Mr. OULD MOHAMED LEMINE (Mauritania) said that his country had made the fight against poverty the cornerstone of its development policy. The satisfactory results in improving the population's living conditions had led to Mauritania's being one of the first countries to benefit from the HIPC Initiative. Mauritania had devoted all of the resources from that initiative to programmes for combating poverty, which had been established in conjunction with the recipient populations and concerned all regions. An agency for universal access to basic social services and an urban development agency were responding to basic needs through the establishment of essential infrastructures. The innovative policies implemented in particularly vulnerable districts had enabled the poor, particularly modest households headed by women, to have access to decent housing.

48. In order to address the structural food deficit, the Government had undertaken large irrigation and land development projects and had established a structure that granted loans to farmers at very favourable loans. In the area of health, the Government had recently built and renovated several hospitals and had re-equipped dozens of health centres. It organized annual vaccination campaigns for children, and was carrying out a large-scale campaign against AIDS. With regard to culture, government policy focused on the acquisition of knowledge, the promotion of research, publishing, books and reading, and on the protection and development of cultural heritage.

49. In the context of basic education policy, measures had been taken to improve the quality of teaching, consolidate the decentralization of the education system and eliminate all gender and regional disparities. A broad campaign aimed at the complete eradication of illiteracy had been launched across the country. Civil servants' salaries were periodically reviewed, and the guaranteed minimum wage for the private sector had been tripled. Mauritania was resolutely continuing its long-standing efforts to combat poverty, with a view to consolidating gains and strengthening the foundation of economic and social progress and, consequently, the rule of law and pluralist democracy.

50. Mr. CERDA (Argentina) said that he supported the statement made by the representative of Mexico on behalf of the Group of Latin American and Caribbean States. At its next session, the Working Group should consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights should examine, as a matter of priority, the rich inter-American experience in that area and analyse the contribution of the Protocol of San Salvador. The document that was to be prepared for the following session should contain the necessary elements for the swift drafting of an optional protocol, which would make it possible to consolidate the justiciability of those rights. In that regard, his delegation announced that it would for the first time, be a sponsor of the resolution on that subject that would be submitted to the Commission.

51. Argentina was in favour of globalization "with a human face". Appropriate national policies, implemented by a responsible State, associated with international cooperation and the establishment of a balanced and interdependent international order could improve the well-being of individuals, and help to combat discrimination and eliminate poverty. He emphasized the importance that Argentina attached to the process of subregional integration in the context of the Southern Common Market (MERCOSUR), which was not simply a trade agreement but also a political project. The mobilization of sufficient resources and the sustainable restructuring of public debt could contribute to the realization of economic, social and cultural rights.

52. Mr. ACLHARYA (Nepal) said that it was a sad fact that there was a growing tendency to emphasize civil and political rights, and stressed the need to give economic, social and cultural rights all the attention they deserved. Despite widespread poverty and the ongoing insurgency, the Government of Nepal was implementing a development policy that focused on broad-based economic growth, social sector development, inclusion of deprived and marginalized groups and good governance. In the field of education, the objective was to provide universal access to quality basic education by 2015, while allowing children to receive primary education in their mother tongue and ensuring that the gender balance was maintained among students and teachers alike. In the area of health, targets had been set to provide 80 per cent of the population with drinking water, and provide primary health care in all villages. The Government was also taking measures to preserve the different languages, cultures and traditions that existed in the country in order to promote a feeling of cultural identity. Counting on the increased support of the international community to help Nepal progress in those different areas, his delegation emphasized the urgent need for the full implementation of the Millennium Development Goals and the Brussels Programme of Action for the Least Developed Countries, and stressed that, although national action was essential, it must be supported by sustainable debt-relief measures, additional ODA, an increasing flow of foreign direct investments and equitable terms of trade that ensured effective market access for products and facilitated the movement of labour from the developing countries.

53. In conclusion, the Nepalese delegation considered that the recommendations and suggestions made by the various Special Rapporteurs merited serious consideration by the Commission, which had an important role to play in the realization of economic, social and cultural rights, as did the Committee on Economic, Social and Cultural Rights, to which Nepal would submit its next report in 2006.

54. Mr. PARK (Republic of Korea) said that, while the realization of economic, social and cultural rights was the responsibility of all States, international cooperation was indispensable in order for States to discharge that obligation effectively. In particular, such cooperation was necessary in order to ensure that developing countries also benefited from globalization. It was imperative that, in order to make the best of external aid, each country established economic, social and political institutions that guaranteed good governance, and drafted focused and coherent policies, particularly to reduce poverty and promote education. Those elements had been brought to light during the Seminar on the Good Governance Practices for the Promotion of Human Rights, which had been held in the Republic of Korea in September 2004.

55. His delegation was in favour of continuing discussions on the best way of ensuring the effective implementation of the International Covenant on Economic, Social and Cultural Rights, including the introduction of an individual complaints mechanism. Since there were many different views regarding the interpretation and implementation of the rights in question, his delegation attached great importance to the work of the Committee on Economic, Social and Cultural Rights, and hoped that the draft general comment on article 3 of the Covenant currently under consideration would contribute to strengthening gender equality in the realization of economic, social and cultural rights.

56. Mr. Ould Mohamed Lemine (Mauritania) took the Chair.

57. Mr. KOTTUT (Kenya) said that, with assistance from the international community, the Government of Kenya hoped to ensure the progressive realization of economic, social and cultural rights. Its efforts in that regard were being impeded by poverty, as well as by the debt burden, lack of access to foreign markets, low levels of ODA and net financial outflows. It was therefore essential that developed countries assisted developing countries, for example by contributing 0.7 per cent of their GDP, as had been agreed, to ODA.

58. His delegation welcomed the activities of the Special Rapporteurs who addressed economic, social and cultural rights. Both the Special Rapporteur on adequate housing and the Special Rapporteur of the Sub-Commission on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, had visited Kenya in 2004 at the invitation of the Government. Furthermore, his delegation particularly appreciated the work carried out by the Independent Expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, whose suggestions merited the Commission's close consideration. Kenya fully endorsed the conclusions of the Special Rapporteur on the right to education, which emphasized that the cost of education remained an obstacle to development in many countries. In that regard, thanks to valuable support from intergovernmental organizations and development partners, primary education had been free of charge for all in Kenya since January 2003.

59. His delegation considered that the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights would contribute to putting economic, social and cultural rights on an equal footing with civil and political rights, and would further encourage States parties to the Covenant to take specific measures to ensure the realization of those rights.

60. Mr. MNATSAKANIAN (Armenia) welcomed the fact that, during the previous year, nine new States had acceded to the International Covenant on Economic, Social and Cultural Rights, and noted with particular interest the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights (E/CN.4/2005/39), which contained information on the technical cooperation activities carried out by the High Commissioner's Office. In that regard, the Government of Armenia and the United Nations Office in Yerevan had adopted the United Nations Development Assistance Framework, which complemented the poverty reduction strategy drafted by the Armenian Government and aimed to reduce inequalities in all areas. The Armenian Government also welcomed the efforts of OHCHR to increase the links between human rights and the Millennium Development Goals, and looked forward to acquainting itself with the brochure that was currently being prepared, which would highlight the relevance of human rights to strategies for achieving those Goals.

61. The Armenian Government continued to follow with interest the work on the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. In that regard, he emphasized the progressive nature of the realization of those rights and drew attention to the current asymmetry in available implementation mechanisms for civil and political rights and for economic, social and cultural rights. The Working Group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights would benefit from a dialogue with organizations of the United Nations system and should also begin a dialogue with other competent bodies, including at the regional level.

62. In 2004, the Armenian authorities had consolidated the national institutional framework in the field of social and labour rights. Following Armenia's accession to WTO and the establishment of the relevant legal environment for the evolution of business practices in a market economy, measures had been taken to improve relations among social partners. Amendments had been made to the Labour Code, a new system of labour inspection had been established, and Armenia had acceded to nine ILO Conventions. The current priority was to consolidate the framework for social dialogue, and to revitalize labour organizations and trade unions. Considerable progress had also been made in the area of social security. In particular, a social security card system had been introduced in the context of the Government's efforts to rationalize its social protection policy.

63. The case of Armenia demonstrated that, despite their social cost, liberal economic policies promoted growth, from which the whole population would gradually benefit. The implementation of liberal economic policies did not contradict the priorities of a pro-poor and rights-based development model.

64. Ms. AL-SABAH (Observer for Kuwait) said that, since Kuwait had acceded to the Covenant, the Government had spared no effort to ensure the realization of economic, social and cultural rights. The 1962 Constitution guaranteed the protection of those rights. It was important for all citizens to participate in public life and, in that regard, education was crucial to the development of human potential. Education in Kuwait was compulsory and free of charge, and there were many education institutions. Programmes had been established to promote the independence and integration of persons with special needs, and the establishment of a number of scientific and cultural institutions bore witness to the importance that Kuwait attached to scientific research, creation and innovation. The full realization of the right to education was essential for any country that wished to keep up with scientific and technological developments.

65. Mr. NAFI (International Federation of Red Cross and Red Crescent Societies) said that, through its activities, the Federation contributed to the realization of economic, social and cultural rights, and the achievement of the Millennium Development Goals, even in the most difficult conditions. In Iraq, for example, the Federation, which was working closely with the Iraqi Red Crescent Society, continued to provide emergency humanitarian aid, and it was not clear when it would be possible to resume normal assistance programmes, although those programmes were aimed at achieving seven of the eight Millennium Development Goals. The interdependence of economic, social and cultural rights and the Millennium Development Goals had been noted by the United Nations Secretary-General in his report, entitled "In larger freedom: towards development, security and human rights for all", in which he emphasized the importance of transparency, accountability, good governance and grass-roots pressure. That approach was similar to that which had been followed for many years by the Federation, which was prepared to exchange experience in that area with the relevant United Nations institutions.

66. Mr. ALAEI (Observer for the Islamic Republic of Iran) said that it was high time that economic, social and cultural rights were addressed in the same way as civil and political rights. Poverty and exclusion lay behind the many acts that endangered peace both within and beyond borders, and social and economic inequalities were impeding participation in public life and access to justice. The progressive realization of economic, social and cultural rights at the national level depended largely on international cooperation. Although globalization had stimulated economic growth, its benefits had been distributed very unequally. Those who had

benefited most were obliged to participate in efforts to combat poverty, hunger, malnutrition, unemployment and illness. Charity and donations were not real indicators for assessing the degree to which rich countries had contributed to the realization of the Millennium Development Goals.

67. His delegation supported the idea expressed in the analytical study of the High Commissioner for Human Rights on the fundamental principle of participation and its application in the context of globalization (E/CN.4/2005/41), according to which, States, as the primary duty bearers of human rights, must have the capacity to defend the participatory rights of individuals at the global level. However, the capacity of poor countries to defend those rights, which was already weak, was further reduced when decisions affecting globalization were taken outside of the multilateral system. States should refrain from adopting unilateral coercive measures that were contrary to international law and the Charter of the United Nations, as the General Assembly and the Commission on Human Rights had repeatedly requested over the past few years.

68. Mr. AL-SALAH (Observer for Yemen) said that Yemen had ratified the International Covenant on Economic, Social and Cultural Rights on 29 November 1987 and was also a party to other international treaties, including ILO Conventions. Since 1995, the Government had been carrying out an economic, financial and administrative reform programme in cooperation with IMF, the World Bank and other donors. It had also established a social security network to reduce the negative effects of the economic reform programme through the development of health and education services and job creation. The Government had established a social care fund, which had already assisted 550,000 persons in difficulty situations, and a social development fund, from which 7 million people had benefited. Furthermore, the public works programme, which comprised 435 projects, had created work for 2.5 million people.

69. The Government of Yemen was seeking to extend the right to compulsory free education. The number of public and private educational institutions was increasing, and special attention was being paid to education for women and girls and to the fight against illiteracy. Those measures had been taken in the context of a number of national education strategies.

70. Mr. BERZINJI (Observer for Iraq) said that, as everyone was aware, Iraq had undergone a difficult period, owing to the war, the economic embargo to which it had been subjected for over 13 years and the mistakes of the former regime, which had deprived Iraqi citizens of their basic rights. The new regime was taking measures to raise the standard of living of Iraqi citizens, including by increasing the salaries of civil servants. While the former regime had led to the departure of many qualified professionals, the new Government was trying to establish an education system adapted to the transition period, through the application of education reform strategies.

71. Iraq was a multicultural and multi-ethnic country, and all groups of the population had suffered under the former regime. Since the fall of that regime, the country had become more open in all areas, and the Government was trying to mobilize all of its economic and other resources with a view to establishing a democratic, pluralistic, federal and unified State. The Iraqi people hoped to receive aid from the international community in order to be able to rebuild the country and exercise all the rights that it had been denied for over 30 years.

72. Mr. INGRAM (World Bank) said that, in his proposals for reform, the Secretary-General emphasized economic, social and cultural rights. He welcomed the visit to World Bank headquarters by the Independent Expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, and the Independent Expert on the question of human rights and extreme poverty, as well as the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Close cooperation between the Bank and the Commission had made it possible to identify systemic as well as country-specific difficulties in the implementation of economic, social and cultural rights. While welcoming the progressive convergence of thinking of the Commission and the World Bank, the Bank did not agree with all the conclusions of the Special Rapporteurs, and considered that visits by each Rapporteur to only one or two countries did not do justice to either the performance by many countries, or the work of the Bank.

73. The Bank contributed to the realization of human rights by assisting client countries in providing their citizens with more equitable access to basic services, including health, education and nutrition. It ensured that the reforms undertaken in countries to which it granted loans were implemented with the participation of all stakeholders. In that way, the poor themselves were given the opportunity to inform the government authorities of their real needs. The World Development Report 2006, on equity, explored the root causes of inequalities in income, health and education.

74. The Bank appreciated the Commission's consideration of the theoretical connections between poverty and human rights violations, and remained convinced that the improvement in the human rights situation in a country depended primarily on the country's willingness to respect, protect and realize those rights. Applying human rights conditionality was meaningless without the principles of country ownership, participation and accountability. Moreover, the burden of such conditionality would most likely be borne by the poorest and most vulnerable.

75. Mr. ERGUDEN (United Nations Human Settlements Programme (UN-HABITAT)) said that, according to the indicators developed by UN-HABITAT, more than 1 billion people, or a third of the world's urban population, currently lived in slums. In sub-Saharan Africa, 72 per cent of the population lived in shantytowns. If nothing was done to stop that trend, 1.6 billion people would be living in slums by 2020, and target 11 of the Millennium Development Goals - "by 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers" - would not have been met.

76. The United Nations Housing Rights Programme was the main UN-HABITAT initiative for ensuring the realization of human rights in general and the right to housing in particular. Since its establishment three years previously, many activities had been carried out, such as the creation of an Internet site on the right to housing, and the publication of a series of reports concerning housing legislation and indigenous peoples' right to adequate housing. Work on establishing a global system to monitor and evaluate progress in the realization of housing rights had advanced significantly. Indicators on housing rights were being formulated in conjunction with the Committee on Economic, Social and Cultural Rights, and regional consultations and capacity-building seminars had been held or planned. UN-HABITAT had also established an

advisory group on forced evictions and supported the mandate and work of the Special Rapporteur on adequate housing. In conclusion, he invited States that were in a position to do so, in accordance with Commission resolution 2004/21, to provide financial support for the joint UN-HABITAT and OHCHR Housing Rights Programme.

77. Mr. TRU (Observer for Viet Nam) said that the Government of Viet Nam had made considerable efforts to promote the economic rights of the population through the process of liberalization and regional and international integration. That policy had resulted in a stable and relatively high level of economic growth (over 7 per cent a year, over the past 15 years). More than 5 million jobs had been created between 2001 and 2004, poverty had declined, and the population's standard of living had improved, since the level of poverty had fallen from 58 per cent in 1992 to 8.3 per cent in 2004. Target 1 of the Millennium Development Goals on poverty alleviation had therefore been met well before 2015.

78. The Government of Viet Nam was also striving to ensure the equal development of all regions and ethnic groups. Development plans had been established for mountainous and remote regions. Although it was a poor country, Viet Nam always gave priority to developing health care, culture and education. All children attended primary school, and illiteracy had been eradicated. The cultural values of ethnic groups were protected.

79. Mr. GODET (Observer for Switzerland) said that the existing methods and norms for promoting and protecting economic, social and cultural rights often proved insufficient, even though some progress had been made. The establishment of the voluntary directives to support the progressive realization of the right to adequate food was an important step. Switzerland invited all States and other interested actors to apply those directives.

80. The Swiss delegation welcomed the decision of the Working Group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights to focus on specific issues. The Working Group's success would be a major step forward in the promotion of economic and social rights and in the affirmation of the indivisibility of all human rights.

81. The Commission faced a number of challenges, and it was difficult to introduce new subjects. However, it would be important to study issues relating to water, and particularly to define the right to water as a human right. That right was already recognized as being part of the right to an adequate standard of living and the right to health, and was therefore not a new right but rather a complement to those two rights. An in-depth discussion on the right to water should be held in order to ensure equal access to water for all.

82. Mr. MARTABIT (Observer for Chile) said that his delegation associated itself with the statements made the previous day by the representative of Mexico on behalf of the Group of Latin American and Caribbean States. Since 1990, the Chilean Government had established a development strategy that focused on improving living conditions and combating poverty, inequality, various forms of discrimination, and exclusion. It had increased social coverage and developed basic services in the areas of education, health and housing. A national plan for tolerance and non-discrimination aimed to guarantee equal opportunities. A new institutional

framework promoted culture and artistic creation. Notable progress had been made in the areas of the right to work and social security. With regard to the family, Chile had adopted a law on civil marriage that brought the minimum age of consent to marriage to 16 for both men and women, and laws against sexual exploitation and sexual harassment.

83. In 2004, Chile had submitted its third periodic report to the Committee on Economic, Social and Cultural Rights, which in its concluding observations had taken note of the considerable reduction in infant and maternal mortality rates, the increase in the number of children registered in primary and secondary schools, the progress made in the fight against poverty, the adoption of programmes to assist the poorest members of the population, and various initiatives to improve the situation of indigenous peoples. The Chilean Government also paid particular attention to the concerns expressed by the Committee, and was striving to follow up its recommendations.

84. The progressive nature of the realization of economic, social and cultural rights should not prevent the assertion of those rights, and the international community should guarantee effective remedies against any violation of those rights. For that reason Chile, with the other States members of the Group of Latin American and Caribbean States, supported the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, which would enable the Committee to receive individual complaints.

The meeting rose at 1 p.m.