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Summary record of the 32nd meeting

Held at the Palais Wilson, Geneva, on Monday, 30 September 2019, at 3 p.m.

Chair: Mr. Zerbini Ribeiro Leão

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

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

Submissions by national human rights institutions and non-governmental organizations

Switzerland

1. **Ms. Winter** (FoodFirst Information and Action Network (FIAN) Switzerland) said that the Committee's concluding observations on the State party's combined second and third periodic reports ([E/C.12/CHE/CO/2-3](#)) had not been acted upon, and that the national and cantonal authorities should engage in a regular dialogue with civil society and designate a focal point on the implementation of the Covenant between review cycles. A timescale and action plan should be established for the implementation of the Committee's concluding observations on the State party's fourth periodic report ([E/C.12/CHE/4](#)), and it would be useful, in order to ensure the equal enjoyment of human rights across the country, for there to be a national human rights institution in line with the Paris Principles.
2. Judging by the fourth periodic report, the restrictive stance adopted by the authorities with regard to the nature and justiciability of economic, social and cultural rights remained unchanged. The direct applicability of the Covenant should be recognized by federal and cantonal courts, a mechanism should be set up to guarantee the compatibility of domestic law with the Covenant and effective judicial remedies should be available in the event of violations of the rights enshrined therein.
3. In order to give full effect to those rights, the Government should, inter alia, enact a comprehensive anti-discrimination law; provide additional protection to asylum seekers, minors, lesbian, gay, bisexual, transgender, queer and intersex persons, persons with disabilities and members of national minorities; prohibit the detention of migrant minors; abolish provisional admission status; regularize the situation of persons without legal status who had been living in Switzerland for years; establish a legal framework requiring companies based in Switzerland to respect human rights and international environmental standards; provide overseas development assistance equivalent to at least 0.7 per cent of the gross national income; reduce carbon dioxide emissions by 40 per cent by 2020; impose a corporate tax rate that served the common good; draft a national action plan to combat gender-based violence; introduce parental leave; set a national minimum wage; provide effective protection against unfair dismissal; set common standards for access and entitlement to social aid; protect natural resources and grant greater recognition to farmers; and ensure an inclusive education system.
4. Delivering a statement on behalf of the Observatoire romand du droit d'asile et des étrangers, she said that the State party had not implemented the recommendation made by the Committee in 2010 to provide social aid, instead of emergency aid, as the last social safety net for everyone living in its territory. Indeed, the provision of such aid remained manifestly discriminatory.
5. Many young persons whose asylum applications were rejected had to drop out of training courses and ended up relying on emergency aid. The situation of Eritrean asylum seekers was particularly troubling, insofar as they were not currently being returned to their country of origin, but were instead being left dependent on emergency aid indefinitely.
6. Persons with provisional admission status were stigmatized, making it harder for them to access the labour market, family reunification procedures and social aid. Despite the barriers to integration that it imposed, however, the status was often granted for long periods. It should instead be abolished, and those who currently had the status should be afforded the same rights as refugees.
7. Detention and deportation procedures needed to be reformed to prevent family separation and the detention of migrant minors. Despite changes in the law, women migrants who were victims of domestic violence continued to face difficulties in renewing their residence permits in the event of separation from their spouses. Lastly, persons

without legal status in Switzerland, of whom there were still many, were denied fundamental rights and left exposed to exploitation.

8. **Ms. Byrne-Sutton** (International Movement ATD Fourth World) said that poverty and extreme poverty should be systematically included among prohibited grounds of discrimination, and that tools should be designed to prevent and punish the discrimination faced by the poorest members of society. For years, disadvantaged parents had seen their children placed in foster care, rather than receiving the protection and assistance provided for under article 10 of the Covenant. In addition to collecting statistics on such placements, the State party should conduct comprehensive assessments of the life outcomes of foster children and make a specific study of the link between placement and poverty.

9. Family members should be included in administrative and legal procedures related to placements and kept abreast of decisions made by cantonal child and adult protection authorities. Furthermore, persons in foster care should be involved in decision-making processes that concerned them and have access to relevant paperwork, which should be drafted in a manner that respected their dignity.

10. The National Programme to Prevent and Fight Poverty 2014–2018 had been poorly funded and had led to few concrete measures. It was crucial for there to be a nationwide policy to ensure that all persons had the financial resources required to meet their basic needs and participate fully in society. In addition, persons affected by poverty should be involved in the development and implementation of poverty eradication programmes.

11. Children from poor families were disproportionately placed in special classes and often failed to move on to vocational training and employment. In response, a national strategy should be drawn up to divert resources towards inclusive education and ensure that children currently in special education were offered one-on-one support. Lastly, steps should be taken to give effect to the right of all persons, including those living in poverty or extreme poverty, to participate in cultural life.

12. **Mr. Duyck** (Center for International Environmental Law) said that Switzerland was not upholding its obligation under the Covenant to take preventive measures to mitigate climate risks and their human rights impacts. Not only would the Government fall short of its 2020 carbon emission reduction target but also its 2030 target was not aligned with the emission pathways that the scientific community had found to be compatible with the prevention of the most dangerous levels of global warming. Growing transport-related emissions were having an impact on air quality and, by extension, human health. Moreover, the climate-change impacts of Swiss investments were estimated to be 22 times greater than those of the emissions generated by the entire Swiss population.

13. Consequently, the Committee should focus its recommendations to Switzerland on ensuring that the Government respected its human rights obligation to prevent the most dangerous impacts of climate change, including by taking action in the transportation sector, and that it adopted and implemented policies to guarantee that public and private investments were compatible with the Paris Agreement, including through the divestment of assets away from carbon-intensive industries.

14. **Ms. Crăciunean-Tatu** (Country Rapporteur) said that she would appreciate information on any shortcomings in national anti-discrimination legislation, the legal costs associated with cases of discrimination and any measures taken by the Government that had improved gender equality, particularly in terms of the balance between work and family life.

15. **Ms. Shin** (Country Task Force) said that she would welcome details of the cooperation between the Government and non-governmental organizations. Noting that only two cantons in Switzerland had introduced a minimum wage, she asked what obstacles there were to the adoption of a national minimum wage and whether there was public support for such a move. In its common core document ([HRI/CORE/CHE/2017](#)), the State party claimed that the right to equal pay for work of equal value was enforceable in court and guaranteed by the Constitution. She wished to know if that was true, as there appeared to be no system in place to give effect to the right.

16. **Mr. Caunhye** (Country Task Force) said that he would be grateful to receive information on the discrimination suffered by refugees, asylum seekers, provisionally admitted persons and other minorities in access to education at all levels, including vocational training.

17. **Mr. Windfuhr** asked why students from poor families were more likely to be placed in special classes, what steps had been taken within the Swiss financial sector to promote decarbonization and what impact the Swiss Coalition for Corporate Justice had had or was expected to have.

18. **Mr. Uprimny** asked whether the federal system in Switzerland led to inequalities in the enjoyment of rights.

19. **Ms. Winter** (FIAN Switzerland) said that the authorities responsible for drafting the State party's fourth periodic report did not seem to have taken into account the Committee's concluding observations on the combined second and third periodic reports. FIAN had not been consulted during the drafting process and had had a request for financial assistance in preparing a shadow report turned down.

20. While the right to equal pay for work of equal value was enshrined in law, there was no mechanism for monitoring enforcement and punishing non-compliance, which meant that there was a reliance on employers taking voluntary measures.

21. **Ms. Byrne-Sutton** (International Movement ATD Fourth World) said that, despite the entry into force in 2011 of the Intercantonal Agreement on Special Needs Education, which was designed to enable all children to attend ordinary schools, children with special needs from disadvantaged families continued to be placed in special schools, where the pace of learning was slower and students were less likely to receive education leading to employment.

22. Regarding the cooperation between the Government and non-governmental organizations, International Movement ATD Fourth World had worked closely with the Federal Office of Justice in recent years on a national research programme on foster care.

23. **Mr. Duyck** (Center for International Environmental Law) said that the Swiss Government had acknowledged that financial actors had a carbon footprint on account of their investments in fossil fuels. Nevertheless, the Swiss National Bank had so far ignored calls to avoid investments that harmed the environment. Swiss pension funds, meanwhile, had made disproportionate investments in fossil fuels, which, in addition to contributing to global warming, put the future retirement incomes of employees at risk. A bill concerning financial actors that was being considered by the Federal Assembly provided for a duty of transparency but was not aimed at regulating the conduct of such actors, even those that were publicly owned.

24. **Mr. Rey** (Observatoire romand du droit d'asile et des étrangers) said that, following a restructuring of the asylum process, stays in federal asylum centres were longer, with children spending an average of 140 days there. The education provided in the centres had raised concerns, as students received fewer hours of instruction and were not able to learn all the subjects taught in the national curriculum.

25. Unaccompanied minors who reached the age of majority in Switzerland lost the rights associated with their minor status, and many faced difficulties in accessing vocational training as a result.

26. Provisionally admitted persons struggled to access the labour market in part because of the stigma attached to their status, which made many employers reluctant to offer them opportunities. The problem was all the more worrying as over half of such persons remained in Switzerland for at least seven years.

27. **Ms. Winter** (FIAN Switzerland) said that the high degree of cantonal autonomy in Switzerland enabled the national authorities to shirk responsibility on important issues. The fact that two cantons had adopted a minimum wage, for example, did not obviate the need for national measures in that regard, and the same could be said in respect of anti-discrimination legislation.

28. The previous week, the Council of States had refused to discuss a civil society-led initiative on corporate social responsibility, in the latest in a series of setbacks caused by strong economic interests. The repeated failure of attempts by civil society organizations to negotiate directly with the authorities was particularly problematic as federal popular initiatives, which constituted an alternative means of bringing about change, had only a 7 per cent success rate.

Israel

29. **Mr. Alsourani** (Palestinian Center for Human Rights), speaking via video link, said that the health system in the Gaza Strip had deteriorated owing to restrictions on imports of dual-use items, including certain medical equipment; restrictions on freedom of movement that prevented surgeons from travelling to receive training; and three recent Israeli military offensives that had caused extensive damage to health infrastructure. That meant that patients increasingly needed to be referred to hospitals elsewhere. However, reportedly, only 61 per cent of the 26,000 medical exit permit applications submitted in 2018 had been approved and, in 2017, 54 patients, including three children, had died while waiting to receive their permits. Often, applications were denied because the Government falsely claimed that treatment was available locally, the Government considered the patient's condition not to be life-threatening, or the patient had a close relative who was a member of Hamas or residing in the West Bank without Government permission. Permits had also been denied to demonstrators, which effectively penalized them for exercising their right to protest and resulted in 114 demonstrators, 14 of whom were children, needing to have limbs amputated. Furthermore, patients and their companions were subject to arrest, interrogation and blackmail by Israeli security officers.

30. The Committee should call upon the Government to lift the blockade imposed on the Gaza Strip; allow patients, including demonstrators, to promptly access medical care elsewhere when needed; stop distinguishing between life-saving procedures and those that improved the quality of life; allow necessary medical supplies to enter Gaza; and remove the prohibition on the entry of items with legitimate protective and medical uses.

31. **Ms. Moss** (Physicians for Human Rights Israel), speaking via video link, said that, in its replies to the list of issues ([E/C.12/ISR/Q/4/Add.1](#)), the State party had not included information requested by the Committee on steps taken to ensure that patients seeking health-care services outside the Gaza Strip received timely medical treatments. Without a medical exit permit, Palestinians from Gaza could not access the rest of the Palestinian medical system. The percentage of patients receiving a permit in time for their medical appointment had reportedly declined from roughly 90 per cent in 2012 to 54 per cent in 2017. Certain denials were based on criteria that disproportionately affected women. For example, two thirds of the exit permit applications denied in 2017 and 2018 because the patient had a close relative in Hamas had been submitted by women.

32. The denial of exit permits also put children in a vulnerable situation. From February to October 2018, no permit had been provided for a parent in 60 per cent of the cases where a medical exit permit was granted for a child. That meant the children had to forego important medical treatments or undergo critical medical procedures without a parent by their side. The Committee should urge the State party to abolish the existing exit permit mechanism and ensure that, when the patient was a child, at least one parent received an exit permit prior to the appointment, so as not to delay treatment.

33. In its report ([E/C.12/ISR/4](#), para. 240), the State party had inaccurately stated that it provided health insurance for minors without civil status under a Ministry of Health agreement with the Meuhedet Health Fund. Under Ministry of Health regulations issued in September 2018, certain groups of children, including children of migrant parents, were no longer eligible for coverage. The children would therefore have to wait for treatment until their condition deteriorated to such an extent that they qualified for emergency medical care. She hoped the Committee would urge the State party to reverse its policy and ensure that all children, regardless of legal status, had access to appropriate medical care and services when needed.

34. **Mr. Southlea** (Al-Marsad – The Arab Centre for Human Rights in the Golan Heights), speaking via video link, said that the State party's exploitation of natural energy resources in the occupied Golan, particularly through its issuance of a license allowing an oil company to drill in that region and the construction of a wind farm on almost a quarter of the arable land remaining to Golani Syrians, violated articles 1, 2 and 6 of the Covenant. Ninety per cent of the Golani Syrian workforce was unable to work with any natural resources, despite the community's strong historical ties to agriculture. The limited access to and employment opportunities in industries related to those resources in turn restricted Golani Syrians' access to an adequate standard of living, as recognized in article 11. The Government's interference with the agricultural identity of the region and with Golani Syrians' ancestral ties to their lands constituted a violation of the community's right to cultural expression under article 15. The Committee should condemn the State party's actions in advancing its own energy interests at the expense of the rights of Golani Syrians.

35. **Ms. Ehrental** (ASSAF – Aid Organization for Refugees and Asylum Seekers in Israel) said that, for over a decade, approximately 30,000 Eritrean and Sudanese asylum seekers had been living under a minimal protection policy: while they were protected from deportation to their home countries, they were not eligible for social security, were eligible only for emergency public health care and social services, and had a limited right to work. Despite plans announced by the Government to improve services, almost nothing had changed.

36. In 2017, a new punitive measure had been introduced. Employers were required to deduct 20 per cent of asylum seekers' monthly salaries and deposit the amount in a departure fund. The asylum seekers would only be able to access the deposited funds once they had left Israel, even though the Government acknowledged that they could not return home.

37. Eritrean and Sudanese asylum seekers were becoming poorer, more marginalized and more vulnerable, and had almost no prospect of changing their status; only 14 had received refugee status in Israel. Their social and economic rights were being restricted in order to penalize them for having sought protection in Israel. As the recent elections in Israel had created a window of opportunity for change, she hoped the Committee would send a clear message to the Government that those rights could not be used as a way to push refugees out of the country.

38. **Ms. Morany** (Adalah – The Legal Center for Arab Minority Rights in Israel) said that Government efforts to forcibly displace Bedouins in the Naqab (Negev) region violated the State party's obligations under the Covenant. The Government considered 35 villages, which were home to between 70,000 and 90,000 Bedouin citizens of Israel, to be illegal. All buildings in the villages were therefore considered unlawful and subject to large fines and demolition by heavily armed State forces. The Government denied the villages basic services, such as clean drinking water, electricity, health care, schools and roads, so as to make them unsuitable for habitation. Bedouin communities were being evicted to make room for large infrastructure projects and to build Jewish-only towns, in line with the recently adopted Basic Law: Israel as the Nation-State of the Jewish People. In April 2018, many residents of a Bedouin village had agreed to leave their homes after extremely coercive negotiations, during which police forces had been present. Residents of another Bedouin village were being evicted to enable the Government to expand the Israeli town of Dimona. The Committee should recommend that the Government address those breaches and ensure full implementation of the Covenant.

39. **Ms. Oswald** (Al Mezan Center for Human Rights) said that the closure of Gaza since 2007 was the root cause of the inability of its two million residents to enjoy their economic, social and cultural rights. Violations of those rights included the harassment, arrest and detention of Gaza's fishermen by the Israeli navy and the confiscation of their fishing boats; the lack of access of 95 per cent of residents to clean water; routine power outages; the lack of sanitation services, which heightened the risk of waterborne diseases; severe restrictions on access to health facilities; and food insecurity, which affected 68.5 per cent of households. The Committee should identify the closure as the root cause of the violations and recommend that the policy of closure be ended immediately. Pressure from

the Committee was especially important in protecting Palestinians' rights, as civil claims brought by Palestinians in Gaza to enforce their rights were routinely dismissed.

40. **Mr. Gawronski** (Geneva International Centre for Justice) said that the violation of Palestinians' right to self-determination under article 1 of the Covenant had been exacerbated by the recently amended Basic Law, which explicitly denied them that right. The fact that Israel did not apply the same laws to Palestinians and Israelis constituted discrimination under article 2. The Government's Destruction Order 1797 violated the right to adequate housing under article 11, as it facilitated the destruction of Palestinian homes that were unfinished, even when it was the withholding of authorizations by Israeli authorities that kept them from being finished, or vacant, even when their occupants had been displaced due to the conflict and were unable to return home. The resulting forced evictions also affected other rights under the Covenant, such as the rights to water and sanitation, health and education.

41. **Mr. Schechla** (Housing and Land Rights Network/Habitat International Coalition) said that institutions chartered by the State, such as the World Zionist Organization, engaged in discriminatory physical planning, economic development and water resource management practices. Palestinian families, including those whose members were citizens of Israel, were dispossessed of their land and other means of subsistence. Since the Committee's previous review of the State Party in 2011, State agencies had destroyed 540 Palestinian homes in East Jerusalem, rendering 1,580 Palestinians homeless. According to Government data, the State had demolished a total of 8,456 Palestinian homes in the Naqab region since 2013. In the Occupied Palestinian Territory, 265 structures had been destroyed in the first eight months of 2019, and a village in the Naqab region had recently been destroyed for the 159th time. He hoped that the Committee had sufficient background information and institutional memory to understand the deception involved in the State party's reply to the question in the list of issues concerning the activities of the World Zionist Organization.

42. **Ms. Daoud** (Kayan Feminist Organization) said that violence and discrimination prevented Palestinian women who were citizens of Israel from fully exercising their rights. In cases where women were murdered, the victims had often reached out to the police for support but had not received an appropriate response. The police did not handle those murder cases seriously and failed to bring the murderers to justice. The violence and discrimination that women faced in the workplace limited their economic rights. The State failed to provide a safe working environment for Palestinian women, as sexual harassment regulations were not properly implemented. It had also failed to increase the percentage of Arab women in the workforce, with only 35 per cent of Palestinian women employed. Government data on Arab women were either non-existent or inaccurate.

43. Patriarchal and discriminatory religious courts interfered with the social, economic and cultural rights of families. They had authority with respect to marriage and divorce, enforced obedience laws and did not publish their decisions. By not regulating the religious courts, the Government reinforced the discrimination.

44. **Ms. Lefvert** (Women's Centre for Legal Aid and Counselling) said that many Palestinian women had suffered alarming environmental violations as a result of the Israeli occupation. The Centre's findings showed clear breaches of the Covenant rights to water, to an adequate standard of living, to the enjoyment of physical and mental health, and to work. Despite the State party's legal obligation to respect and report on its implementation of the Covenant in the territories under its control, including the Occupied Palestinian Territory, Israel was in fact using the West Bank as a dumping ground for hazardous waste, while its industrial facilities caused air, soil and groundwater pollution.

45. The Centre called on the Committee to consider the multiple forms of discrimination that Palestinian women faced as a result of those violations, given that their domestic responsibilities left them particularly exposed to pollution, which caused long-term and life-threatening health problems. Israel had also repeatedly failed to meet its obligations under the Covenant by carrying out house arrests of minors, forced evictions, the revocation of residency rights and house demolitions. She urged the Committee to exert pressure on Israel to immediately stop illegal hazardous waste dumping in the Occupied

Palestinian Territory; to ensure equitable access to clean water and end practices that infringed Palestinians' access to natural resources; and to immediately stop forms of collective punishment that had a direct and indirect impact on women.

46. **Mr. Abu Aish** (Negev Coexistence Forum for Civil Equality) said that the Arab Bedouin community in the Naqab region was indigenous to the land, having lived there for more than 200 years. However, the State of Israel denied the community's indigenous status and its connection to the land and was using forceful mechanisms to displace and concentrate Bedouins in the smallest possible area. Bedouins faced constant harassment, the fear of being relocated to urban townships against their will, and the impossible situation of having to ask their oppressor for permission to stay on their own ancestral land. Israel carried out a large number of home demolitions every year, destroying crops and sabotaging roads with the aim of making life unbearable. Decades of non-recognition, lack of investment, demolitions and forced evictions had resulted in a poverty rate of above 63 per cent. That poverty also reflected the constant violation of Bedouins' rights to education and employment and the Government's failure to address the barriers that they faced in accessing the job market. Moreover, since 1948, all decisions regarding Bedouins had been taken behind their backs, without cooperation and with no adequate representation in relevant decision-making bodies. On behalf of the Bedouin population, he appealed for equal access to water and sanitation, for equal education, for the recognition of more than 35 Bedouin villages, and for the international community to stand with the Bedouins in their pursuit of equality and justice.

47. **Ms. Abdallah** (Al-Haq) said that, since its previous review, Israel, as the occupying power, had continued to fail to respect, protect and fulfil Covenant rights for the Palestinian population. It had pursued systematic policies of land confiscation, property demolition and the displacement and transfer of the occupied population, ultimately seeking to erase Palestinian presence through demographic engineering and the expansion of its illegal settlement enterprise. The Government of Israel had long denied and prevented the occupied population's access to and control over land and natural resources, and, together with private actors, it had unlawfully exploited those resources for the benefit of the Israeli economy. The denial of the occupied population's sovereignty over its natural resources and the prevention of its pursuit of economic development forced it into dependency on aid.

48. Al-Haq therefore urged the Committee to call on Israel to fulfil its obligations towards the occupied population under international human rights and humanitarian law, particularly those obligations that referred to the right to self-determination and to permanent sovereignty over natural resources. Israel must halt all discriminatory policies and practices, especially land confiscation and restrictions on movement; stop providing incentives for businesses to operate in illegal settlements; cease its encouragement of Israeli and multinational enterprises whose activities resulted in serious and systematic human rights abuses against the occupied population; and ensure that all business activities respected the obligations of Israel as the occupying power and the principles of corporate responsibility.

49. **Mr. Abashidze** (Country Rapporteur) said that Israel presented the Committee with a very complicated case, since it was obliged to consider the situations both in Israel and in the Occupied Palestinian Territory. Recalling that the Government of Israel took the view that the Covenant was not applicable in occupied territories, he said that the Committee would seek to clarify that position. On the other hand, it was firmly contradicted by the International Court of Justice and by the United Nations treaty bodies, which considered that Israel had human rights obligations stemming from its territorial jurisdiction as an occupying power. However, while the Committee was aware of the violations in the Occupied Palestinian Territory, it should be remembered that it was not a judicial body and that it was required to establish a constructive dialogue with the Government of Israel that would lead to real results. With that in mind, he wished to know to what extent civil society organizations had been involved in the preparation of the State party report and whether – as the State party claimed – they had been able to submit remarks on the Ministry of Justice website. He wondered what had been the result of such interactions and whether the organizations' concerns had been reflected in the report. Lastly, he asked what had been the experience of non-governmental organizations, both in Israel and in the Occupied

Palestinian Territory, in using judicial remedies to protect victims and to restore their rights.

50. **Mr. Uprimny**, recalling that in 2018 the Knesset had adopted the Basic Law: Israel as the Nation-State of the Jewish People, said that the State party had suggested that the Law did not have discriminatory effects on the non-Jewish population. He wondered how civil society organizations evaluated the impact of the Basic Law.

51. **Ms. Liebenberg** (Country Task Force) said that, while she understood that violations of the Covenant had arisen owing to the blockade of Gaza, she wondered what kind of interim measures might improve the situation in terms of access to health. Was there any scope for the relaxation of rules on exit permits and the import of “dual-use” medical equipment, so as to improve access to urgent medical treatment? She would also be grateful for information on the Israeli courts’ attitudes towards claims for damages originating in the Occupied Palestinian Territory, which were said to be routinely dismissed. Had any successful challenges been brought against demolitions or evictions? Similarly, she was interested to know the status of the land claims of the dispossessed Bedouin community in the Naqab region, and how that community might respond to any suggestion from the Government that moving to a recognized village would facilitate poverty reduction.

52. **Mr. Windfuhr** said that he wished to know more about how spatial planning was carried out in the Occupied Palestinian Territory and Bedouin areas and what legal procedures might be followed in response to violations committed in the spatial planning process. In particular, was there a land cadastre, and were the rules on forced evictions and demolitions the same in all occupied territories?

53. **Ms. Shin** said that it was necessary to distinguish between the situations of Palestinian women who lived in occupied territories and those who lived in other areas. She asked whether Israel had made any progress in narrowing the huge wage gaps that existed between Jewish people and Palestinians and between women and men. She wondered whether there had been any deterioration in Palestinian women’s and children’s access to health since the previous review, and whether it was still common for Palestinian women in need of urgent hospital treatment, including pregnant women, to be stopped at checkpoints. Lastly, she requested the civil society organizations to provide further information on domestic violence affecting Palestinian women, distinguishing between the situation faced by Palestinian women in the occupied territories and those who lived in other areas.

Ecuador

54. A representative of Coalición Defensores de Derechos Colectivos, speaking via video link, said that she represented a coalition of organizations that had submitted an alternative report on the impact of the measures taken in relation to the loan arrangement under the Extended Fund Facility of the International Monetary Fund (IMF), approved in early 2019. Those measures had not been the subject of a human rights impact assessment, while the information provided in the State party’s report dated from 2017 and therefore did not take their effects into account. It was particularly troubling to note that such measures were again being implemented, several years after the Committee had noted in its concluding observations of 2004 ([E/C.12/1/Add.100](#)) that structural adjustment policies had negatively affected the enjoyment of economic, social and cultural rights by the population. Another problem was that details of the IMF arrangement had not been disseminated and the public was not aware of the economic measures it entailed. Furthermore, human rights organizations were seriously concerned that the arrangement did not meet the requirements set forth in the Constitution and had not been adopted with the same rigour as an international treaty; that legislation had been enacted whose effect was to deprive the State of revenues essential for the financing of economic, social and cultural rights; and that the capacity of the State had been diminished by the dismantling or weakening of its institutional framework. In that regard, the Government had discontinued the National Development Plan 2017–2021 and instead was implementing the Prosperity Plan 2018–2021, whose goals appeared to be detrimental to human rights. Indeed, the coalition considered that all of the aforementioned measures would have a negative impact on the

reduction of poverty and inequality, and thus on the enjoyment of economic and social rights.

55. **Ms. Guamán** (Instituto de Pensamiento Político y Económico “Eloy Alfaro” and Centro de Derechos Económicos y Sociales), speaking via video link, said that she too represented organizations whose alternative report focused on the impact of the measures taken in relation to the arrangement with IMF. That agreement was centred on implementation of the Prosperity Plan, whose targets included a significant reduction in public expenditure, which was likely to reduce the State’s capacity to safeguard rights. It was proposed that the number of State employees would be reduced by 10 per cent, accompanied by wage devaluation in the private and public sectors. However, the Government had failed to publish any impact assessments in that regard or to explain how it planned to sustainably deliver public services, considering that 80 per cent of public employees worked in education, health, security and social inclusion. Meanwhile, labour reforms undertaken in 2017 had led to the introduction of special employment contracts in various sectors, resulting in the further casualization of employment in those sectors. Measures supported by IMF included allowing less rigid labour contracts, in order to increase the labour-force participation of women and young people, increasing the probation period prior to the offer of an open-ended contract, and reducing hiring and firing costs. The Government had also agreed to extend the working week and to tighten financial supervision of the grassroots economy.

56. Consequently, she recommended that the Committee should urge the State party to establish mechanisms to consider and review dismissals of public-sector workers; to take measures to prevent the abuse of precarious forms of work; to avoid using labour reforms as a means of internal devaluation designed to attract foreign investment; and to strengthen labour inspection mechanisms and adopt improved legislation on safety at work.

57. **Mr. Iturralde Ruiz** (Centro de Derechos Económicos y Sociales), speaking via video link, said that the Ecuadorian State bore responsibility, both by action and by omission, for the contemporary forms of slavery affecting hundreds of persons of African descent living and working on the estates of the Japanese transnational company Furukawa Plantaciones C.A. del Ecuador. Despite having been informed of the situation over a year previously, the Government had done nothing to protect the families concerned: children on the plantations began working at the age of 8; 83 per cent of workers had suffered serious work-related accidents; and 30 per cent of them did not have even birth certificates. The Ombudsman’s recommendations of 18 February 2019 concerning full reparation for the violations had not been followed; administrative sanctions had been imposed on some of the company’s smaller estates, with a derisory fine of US\$ 130,000 and a one-month suspension of activities. Nine United Nations special procedures had held a consultation with the Government on the case, but it had simply argued that the administrative measures adopted had resolved the issue.

58. As the administrative sanctions imposed did not correspond to the serious nature of the violations, the Government should promptly address the Ombudsman’s recommendations, including expropriation of the lands of the Furukawa estates, as provided for in article 103 (g) of the Organic Act on Rural Land and Ancestral Territories, and ensure full restoration of the human and economic rights of the families living in slavery through the provision of land and financial resources.

59. **Ms. Martínez** (Pacto por la Niñez y Adolescencia), speaking via video link, said that, despite decades of government denial, huge numbers of children and adolescents in the country suffered violence, most of them at the hands of people they knew and trusted. Of the 17,500 complaints of sexual abuse of children and adolescents registered between 2014 and 2018, only 1,500 had resulted in sentences for the perpetrators. Seven of every 10 victims were young girls, and 40 girls under the age of 14 and 70 adolescents were raped every week, most commonly by members of their own families. Ecuador had one of the highest rates of early pregnancy in the region, at 111 per 1,000 live births but, on 17 September 2019, the National Assembly had nevertheless voted against a motion to decriminalize abortion in the case of rape, thus denying girls the help they desperately needed.

60. Children were not even protected at school: over a hundred cases of sexual abuse in the education system were recorded each year, and most of the perpetrators escaped justice. The State had done nothing to address the existence of child pornography networks, many of them involving abuse of young children in schools. Two in every 10 students were victims of bullying and 26 per cent of victims had attempted suicide, which was the first cause of death in adolescents – 92 adolescents and 11 young children had killed themselves in 2019. Extreme abuse was suffered by 4 in every 10 children in the home, in care centres and in the community. The absence of any policies on mental health or social problems such as domestic violence compounded those issues. One in five of all disappeared persons in Ecuador were children, 20 per cent of them likely to have become victims of trafficking.

61. Despite a recommendation made by the Committee on the Rights of the Child, the Government had not adopted a strategy to raise public awareness of 18 years as the legal minimum age of marriage and child marriage remained a common social practice, reinforced by the patriarchal tradition and the persistence of gender stereotypes. The Comprehensive Organic Criminal Code now defined femicide as a crime, but 87 young women aged between 15 and 24 years had been murdered between 2014 and 2019 and 20 children had lost their mothers to femicide already in 2019 alone.

62. There were no clear legal definitions of the different forms of violence against children, many of which remained invisible: abuse committed by members of the clergy, abuse on the Internet, and discrimination against lesbian, gay, bisexual, transgender and intersex children and children with disabilities. The Government should strengthen the system to defend children's rights in order to bring about social change that would protect the country's children.

63. **Ms. Pareja Diaz** (National Coalition of Women of Ecuador), speaking via video link, said that corruption cost the country around US\$ 10 million every day, a sum that could be used to improve the quality of life, particularly for vulnerable groups. Corruption affected women and men in different ways: sexual extortion and crimes against women went unpunished, and corruption in the legal system took women far from their children or deprived them of food.

64. Gender-based violence was a huge problem, with 6 in every 10 Ecuadorian women, many of them from indigenous communities or of African descent, having suffered psychological, physical, sexual or property-related violence. Sexual violence and impunity were also prevalent in the educational system, and 2,500 girls under the age of 14 gave birth each year as a result of sexual violence. A budget of US\$ 658,000 had been assigned to combating gender-based violence in 2019, but US\$ 86 million was needed to implement the 2018 Comprehensive Organic Act on the Prevention and Eradication of Violence against Women throughout the country.

65. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health had recently expressed his regret at the National Assembly's vote against legalizing abortion in cases of rape. It was up to the Executive, and particularly the President, to change the situation and thus safeguard the lives and health of the thousands of girls and women who had been raped in the country.

66. **Ms. Witt** (Coalición contra el Abuso Sexual a la Niñez), speaking via video link, said that official figures showed that one child was sexually abused every three hours and that 3,000 girls between the ages of 10 and 17 years had given birth as a result of rape in Ecuador in 2019. Of the complaints made, 87 per cent did not reach the courts and only 7 per cent of those that did resulted in sentences for the perpetrators. The investigation agencies, victim support services and the judicial system all lacked specialized resources, with inadequate numbers of psychologists and social workers and only two forensic doctors for the whole country. The recent agreement between the Government and IMF would mean a further reduction in government services. The inherent shortcomings in the justice system led to impunity, which only encouraged perpetrators. There was an urgent need for clear, consolidated figures on cases of sexual violence against children. The current situation, in which the person considered as a child's legal representative in such cases might be the perpetrator of the abuse, must be changed to allow the appointment of a public defender. She called on the Committee to urge the Government to adopt policies to prevent

and eradicate sexual violence against children and adolescents, taking account of the best interests of the child.

67. **Mr. Martínez** (Pacto por la Niñez y Adolescencia), speaking via video link, said that there had been a clear reduction in total social investment in the wake of the agreement with IMF, but it was not possible to ascertain the figures related to children and adolescents as the Government's classifier for gender equality allowed local authorities to choose whether to report information on the social budget they devoted to children.

68. The Government should be asked to provide clear statistics on child labour, as the figure of 522,000 child workers given in the State party report contradicted the number of 370,000 published recently by official sources. There was no policy on eradicating child labour: the Government had stated in the report that the numbers would be reduced to 2.7 per cent of children by 2021, but it had given no indication of how that would be achieved. Human development vouchers were to be issued to families to assist with health care and education, but it was not known how the scheme was organized, whether the targets could be achieved or even if there was a list of potential beneficiaries. There was little information on the results achieved by the intersectoral council set up 10 years previously to coordinate public policy, and the Government's child labour registration system had recorded only 400 cases of child labour.

69. The Committee should urge the Government to explain how it intended to establish a comprehensive system to protect children and adolescents, including through transparent reporting by local authorities.

70. **Ms. Salao** (Taller de Comunicación Mujer), speaking via video link, said that the Comprehensive Organic Act on the Prevention and Eradication of Violence against Women was a matter of concern as it had not taken account of the recommendations made by the treaty bodies on intersectoral action to protect members of the lesbian, gay, bisexual, transgender and intersex community. She urged the Committee to call on the Government to harmonize standards and policies in the country so that the Act covered all grounds of discrimination, including sexual orientation and gender identity.

71. Since 2013, 435 women had been imprisoned under the legislation on abortion and were deprived of access to health care, despite their extreme vulnerability. Another serious problem was that of so-called "rehabilitation clinics", where attempts were made to force a change of sexual orientation or gender identity. The authorities had rescued hundreds of persons from such places, but non-governmental organizations had not been able to ascertain any information on the clinics or the state of the victims and it was feared that the practices continued.

72. **Mr. Navarrete** (Comité Permanente por la Defensa de los Derechos Humanos), speaking via video link, said that, in its 2016 concluding observations on the sixth periodic report of Ecuador ([CCPR/C/ECU/CO/6](#)), the Human Rights Committee had called on the State party to eliminate overcrowding in prisons, but the number of prisoners had quadrupled in the previous decade, from 9,000 in 2009 to 40,000 in 2019, with the number of prisons increasing only from 33 to 55.

73. **Ms. Morez** (Centro de Derechos Económicos y Sociales), speaking via video link, said that, in February 2018, the Government had called a popular consultation and referendum, including on a restructuring of the Council for Public Participation and Oversight, in which it had attempted to remove the citizen members from the Council and directly appoint an interim Council, without going through the merit-based recruitment process. The Government had then tried to silence those human rights defenders who had protested against the move. Calls by the economist Ricardo Patiño for peaceful resistance against the Government's social and economic measures which, he had said, contravened article 98 of the Constitution and impacted the human rights of all Ecuadorians, had been met with trumped-up charges being brought against him.

74. The Committee should call on the State to hold a discussion on its economic measures, to refrain from using the political and judicial system to prosecute human rights defenders, and to guarantee due process for all, especially in the current context of austerity.

75. **Mr. Suarez** (Land is Life), speaking via video link, said that the rights of the indigenous peoples of Ecuador, especially the four groups of isolated indigenous peoples, were threatened as their lands were encroached on by extractive industries and the related road infrastructure, a process that was leading to their extinction. In addition, they lived in a state of conflict with the neighbouring Waorani peoples. Ecuador had no formal policy on the protection of isolated indigenous peoples, and the agency responsible for their rights had been disbanded in 2018 during the merger of the Ministry of Justice with the National Secretariat for Governance; the new joint institution offered no safeguards for indigenous rights over those of the mining industries. Pursuant to decree 751, adopted by the current Government, the protected area for those isolated indigenous peoples would be extended, but the decree also allowed extractive activities in a substantial part of their lands.

76. **Mr. Macías** (FIAN Ecuador), speaking via video link, said that there was huge inequality in access to land in Ecuador, with much of the country's land given over to commodity crops. The area under oil palm had grown by 150 per cent between 2000 and 2014, and the lands of indigenous peoples and small farmers had suffered catastrophically from mining activities. If current applications were granted, 2,157,000 hectares of the country would be occupied by large-scale mining concessions operated primarily by foreign companies.

The meeting rose at 6 p.m.