



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/247
8 March 2005

ENGLISH AND SPANISH
ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 17 (a) of the provisional agenda

**PROMOTION AND PROTECTION OF HUMAN RIGHTS:
STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS**

**Written statement* submitted by the Permanent Assembly for Human Rights (ADPH),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

PROMOTION AND PROTECTION OF HUMAN RIGHTS:
STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

The Permanent Assembly for Human Rights wishes to express its deep preoccupation by the massive and systematic violation to the economic, social and cultural rights that the Argentine population has been suffering since the last military dictatorship (1976-1983) and which reached its more tragic level during the socioeconomic crisis initiated in December 2001. This dramatic situation gives clear samples of the urgent necessity to advance in the total enforcement and justiciability of the economic, social and cultural rights, which next to the civil and political rights conform an integral and indivisible body. In this context, the adoption of a Facultative Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) will constitute a fundamental tool in the struggle for the defense of these severely harmed rights.

The economic policies adopted by the successive governments since 1975, such as the opening of markets, the relaxation of labor laws, the modernization of the economy, the deregulation and state privatization -all of them accompanied by the corrupt and illegitimate nationalization of a private external debt-, generated devastating consequences for the Argentine population in terms of extreme generalized poverty, unemployment, social inequality, and massive and regressive violation of the economic and social rights. As well as corruption, incapacity of control and regulation of the public policies on the part of the State and the consequent ineptitude of the political system to face social demands.

The long social crisis that lives our country exploded in 2002, accompanying the institutional crisis initiated after the outbreak of December of 2001. The socioeconomic model of exclusion and economic concentration was deepened to chilling limits. The State retired completely from its basic functions and contributed with its actions to a deterioration in the observance of economic, social and cultural rights.

The rates of poverty, indigence, unemployment and sub employment reached shameful levels previously unknown in the history of our country and became structural elements of the crisis, whereas the process of concentration of the wealth consolidated its regressive character. In Argentina, the gap between the rich and the poor is dramatically increasing. According to the INDEC (National Institute of Survey and Census), in Capital Federal and Great Buenos Aires, the richer 10% of the population has as an income the 40% of the gross domestic product (GDP) whereas the poorer 10% has as an income the 1,3% of the gross domestic product (GDP). The same source indicates that in 1970 7% of the citizens were under the line of poverty while today the number rises to 50%. The highest level of poverty was reached in October of 2002 when the rate raised to 57.5% in the urban population and to 73.5% among children under 14 years old. During the second semester of 2003, 60% of the children under 14 years old were living in poverty and half of them were living under the line of indigence. These alarming numbers are incompatible with a democratic system.

The Argentine population is in state of threat: we all live under the terror of ending up without work, house, feeding, and access to the health and to education.

The state and provincial institutions, the international financial institutions, the multilateral organizations, the local economic groups and mass media, have made economy to become the value that defines and precedes politics and justice, corroding the same bases of humanity and of democracy. A deep reflection is required to investigate the roles and responsibilities of the institutions that favored the violations to the economic rights, social and cultural.

The governmental actions which generated this deep social emergency can not remain unpunished. The economic, social and cultural rights must be enforceable and justiciable. These rights can be considered justiciable given that they are susceptible to be guaranteed by a court of justice, just like civil and political rights are. However, in order to acquire justiciability for these rights it is necessary to establish proper judicial procedures to try and condemn those who violated them. Also, it is fundamental to develop strategies of enforcement and citizen monitoring to force the government to fulfill its legal commitments and obligations to guarantee and protect of these rights. A social re-appropriation of these rights will put limits to the violations and will allow making progress in the justiciability of these rights.

It is for these reasons that the Permanent Assembly for Human Rights considers essential the adoption of a Facultative Protocol to the International Covenant on Economic, Social and Cultural Rights which would provide an individual complaints mechanism and establish not only positive obligations to the States but also negative ones so as to respect, protect, fulfill, facilitate and ensure these rights, in order to make effective the principles gathered in the World Conference on Human Rights in Vienna where it was proclaimed the indivisibility and interdependence of human rights.

To ensure the effectiveness of these rights, reservations to the Facultative Protocol to the International Covenant on Economic, Social and Cultural Rights should be excluded so that the full commitment of the State can guarantee the integrity of these rights.
