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ECONOMIC, SOCIAL AND CULTURAL 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).

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Health

The direct incidence of the economic policies on the enjoyment of the right to health is quite evident: and expresses itself on the increase on the rates of children under nourishment, and infantile and maternal mortality, as well as the reappearance of tuberculosis and other endemic diseases which had been previously eradicated. This is a consequence of the disarticulation and disassociation of health, social and economic policies, which reduces their expected impact in terms of solving the essential needs of the underprivileged people. Health measures must be integrated in a strategic planning.

Corrupt practices on the public health sector, the dismantling of the public structures and the pressure imposed by corporations and economic powers also affect the enjoyment of the right to health, as it influences and determines the decision making process and restricts the development of innovative more effective policies. On the other hand, there are no alternative mechanisms that could allow civil society to confront this situation and only human rights organization and sometimes the media have the means to denounce this situation. As for health institutions themselves, their efforts to improve the conditions of the access to health are weakened by the power and impunity of certain unions and corporations.

Unemployment and its psycho-social effects

In Argentina the social gap has increased in parallel to unemployment rates. Unemployment is six times larger among the poor than it is among the rich. In fact, most of the times losing a job implies a severe exclusion from where it is hard to return. Already in 1986, the WHO referred to unemployment as one of the main “epidemic catastrophe” of contemporary society. In Argentina, social rights have always been related to the condition of being employed, as unemployment benefits have always been insufficient and almost insignificant in economic terms, as opposed to what happens in Europe. Instead of being the public system and its measures the ones taking care of social rights, the market appears as the only possible scene to deal with this situation. Thus unemployment is used as a social control method.

This context worsens due to the precariousness of the social benefits for retirement. The government had shortened and restricted social assistance during the last decade, which had made things worst for those pensioners who needed to help their unemployed children.

Also, labour conditions were degraded with the labour flexibilization law, which also affects people with jobs: aware that, in the labour market, supply is larger than demand, employees live in constant fear of loosing their jobs. Whereas unemployed people are forced to accept any job and the vulnerability of their labour rights in order to fulfil their basic needs. If by the beginning of the last century one of the most appreciated social conquests was the eight-hour working day, currently many workers are forced to accept multiple jobs and in unfair conditions: multiple jobs to reach the same remuneration they previously earned with a single job, no payment for working after-hours, etc.

The violence of being excluded from the labour market reinforces traumatic anguish.

Unemployment is not seen as a problem with a social genesis, thus the unemployed person tends to blame himself for his/her situation and isolates him/herself, while society blames the unemployed, as well. A phenomenon of secondary victimization takes place. The unemployed person suffers from social degradation and loses the sense of being a member of society. Families cannot support the anguish and depression that undergoes the unemployed person. In the case of young people who cannot find their first job, their idea future and life project are dramatically affected. They live today but cannot imagine tomorrow. This situation of anguish and continuous present can stimulate the consumption of drugs and alcohol.

In order to solve these problems it is essential to establish unemployment and retirement benefits to cover basic needs of any citizen. It is also important to focus the effort of the government and NGOs on certain risk groups such as maternal, childhood, adolescents and old people.

Education

Despite the persistence of analphabetism and a deep polarization in the distribution of levels of education among the Argentinean population, education does not constitute a priority of public policies. Since 1990, the deterioration of this sector has significantly increased. As a result of the "educational transformation" carried out around those years, the educational services were dismantled: institutions closed and courses suppressed.

The concept of "Level of Educational Risk" (LER) (M. Teresa Sirvent), refers to the "statistical probability that certain groups of the population have to be marginalized -in different ways and degrees- from social, political or economic life according to the level of formal education achieved, in the current socio-political and economic conditions.¹

According to the census of 1991, "in the entire country, 75% of the population aged over 15 that once attended school, has abandoned their studies. This represents 14.215.591 of young and adult people". According to preliminary analyses of Census 2001, more than 14 million people continue in a situation of educational risk.

Thus, we can see "the concept [LER] refers to the phenomenon of discrimination and social injustice. It is not a question of individual insufficiency but one of social exclusion and repression". Public policies must guarantee the right to the education for all. ²

On a qualitative dimension, we can appreciate how indivisibility and interdependence of human rights are also affected. These sectors of the population were and still are excluded from the access to the level of education required to critically analyse the reality that surrounds them and to fully participate in their social, familiar and working life, and will probably end up marginalized and excluded from these fields.

The right to education cannot be seen as an isolated right, separated from the protection of the rest of the human rights. From this integral perspective we state that most of the regions that exceed the national average of basic needs unsatisfied, also exceed the national average

1 Sirvent M.T. (2002). "Textos para leer el contexto". En Revista IICE. N° 19. Marzo de 2002

2 Sirvent. M.T /Llosa, S. (2001) "Jóvenes y adultos y educación en la ciudad de Buenos Aires: hacia una pedagogía de la participación". En: Revista ILCE N°18. 2001. Pág.39

of analphabetism (INDEC). The level of educational risk has increased in poor homes as well as among the young population aged 15 to 19. This allows us to denounce the deep inequalities of our educational and social system. People whose right to education is denied, have no access to the essential tools required to participate on social, political and working fields. This precarious situation does not allow them to denounce the injustice and inequality they are victims of and to demand the fulfilment of human rights.

The Argentinean government is abandoning its main role as guarantor of social rights and adopting a subsidiary one instead, diluting responsibilities and restricting the possibilities to democratise the system. Thus, differentiated circuits of education were consolidated and the access to a complete qualified schooling constitutes a privilege and not a right.
