

# **COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

## **REPORT ON THE THIRD SESSION**

**(6 - 24 February 1989)**

**ECONOMIC AND SOCIAL COUNCIL**

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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## ABBREVIATIONS

AIDS	Acquired immuno-deficiency syndrome
EEC	European Economic Community
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross Domestic Product
GNP	Gross national product
IFAD	International Fund for Agricultural Development
ILO	International Labour Organisation
UNESCO	United Nations Educational, Scientific and Cultural Organization
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization

## EXPLANATORY NOTE

A hyphen between years, e.g. 1981-1985, signifies the full period involved, including the beginning and end years.

## Chapter I

### ORGANIZATIONAL AND OTHER MATTERS

#### A. States parties to the Covenant

1. As at 24 February 1989, the closing date of the third session of the Committee on Economic, Social and Cultural Rights, there were 92 States parties to the International Covenant on Economic, Social and Cultural Rights which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

#### B. Opening and duration of the session

2. The third session of the Committee on Economic, Social and Cultural Rights was held at the United Nations Office at Geneva from 6 to 24 February 1989.

3. The Committee held 25 meetings. An account of the deliberations of the Committee is contained in the relevant summary records (E/C.12/1989/SR.1-25).

#### C. Membership and attendance

4. In accordance with its resolution 1985/17, the Economic and Social Council, at its 17th meeting, on 22 May 1986, elected, by secret ballot from a list of persons nominated by States parties to the Covenant, 18 experts as members of the Committee on Economic, Social and Cultural Rights for a term beginning on 1 January 1987. <sup>1/</sup> The regular term of office of the members of the Committee is four years. In accordance with resolution 1985/17, the President of the Council, immediately after the first elections, chose by lot the names of nine members whose term shall expire at the end of two years. Accordingly, on 26 May 1988 the Council elected nine members of the Committee for the term of four years beginning on 1 January 1989 and expiring on 31 December 1992. The Council, upon the resignation of Mr. Edward P. Sviridov and Mr. Adib Daoudy, also elected two members to fill those vacancies for the remainder of their terms of office, expiring on 31 December 1990. The list of the members of the Committee, together with an indication of the duration of their term of office, appears in annex II to the present report.

5. All members of the Committee attended the third session. Mr. Valeri Kouznetsov, Mr. Jaime Marchán Romero, Mr. Vassil Mratchkov and Mr. Kenneth Osborne Rattray attended only a part of the session.

6. The following specialized agencies were represented by observers: ILO, UNESCO, WHO and FAO.

7. The following non-governmental organization in consultative status with the Economic and Social Council was represented by observers:

Category II: Four Directions Council, International Commission of Jurists

D. Pre-sessional working group

8. In response to a request by the Committee, the Economic and Social Council, in its resolution 1988/4 to 24 May 1988, authorized the establishment of a pre-sessional working group composed of five of its members, to be appointed by the Chairman to meet for up to one week prior to each session. Accordingly, the Chairman of the Committee, in consultation with the members of the Bureau, designated the following Committee's members as members of the pre-sessional working group:

Mr. Philip ALSTON  
Mr. Ibrahim Ali BADAWI EL SHEIKH  
Mr. Wladyslaw NENEMAN  
Mr. Mikis Demetriou SPARSIS  
Mr. Javier WIMER ZAMBRANO.

9. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 30 January to 3 February 1989. Mr. Philip Alston was elected its Chairman/Rapporteur.

10. The principal purpose of the working group was to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. In accordance with the Committee's decision at its second session the aim was to improve the efficiency of the system and to facilitate the task of States representatives by providing advance notice of the principal issues which might arise in the examination of the reports (E/1988/14, para. 361).

11. In the interest of efficiency, the working group decided to allocate to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose was based in part on the preferred areas of expertise of the member concerned. Each draft was then revised and supplemented on the basis of observations by the other members of the group and the final version of the list was adopted by the group as a whole. This procedure was applied equally to both initial and periodic reports.

12. The lists of issues thus drawn up were transmitted directly to the permanent missions of the States concerned with a note which stated, inter alia, the following:

"The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to pose. However, the working group believes that the constructive dialogue which the Committee wishes to have with the representatives of the State party can be facilitated by making the list available in advance of the Committee's session."

13. In addition, the working group gave consideration as to how best the Committee might re-arrange the allocation of time available for it to consider the report of each State party in view of the new element introduced into the process by the list of issues. The working group also discussed the issue of what transitional arrangements might be proposed to the Committee in response

to the new periodicity of reporting endorsed by the Council in its resolution 1988/4. On each of these issues the working group agreed to forward specific recommendations to the Committee to be considered at the appropriate time (see paras. 335-342).

#### E. Election of officers

14. In accordance with Economic and Social Council resolution 1979/43 of 11 May 1979, the Committee at its 1st meeting, on 6 February 1989, elected the members of its Bureau, as follows:

Chairman: Mr. Ibrahim Ali BADAWI EL SHEIKH

Vice-Chairmen: Mr. Juan ALVAREZ VITA  
Mr. Mikis Demetriou SPARSIS  
Mr. Wladyslaw NENEMAN

Rapporteur: Mr. Philip ALSTON

#### F. Agenda

15. At its 1st meeting, on 6 February 1989, the Committee adopted the items listed on the provisional agenda submitted by the Secretary-General (E/C.12/1989/1) as the agenda of its third session. The agenda of the third session, as adopted, was as follows:

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Organization of work.
5. Submission of reports by States parties under articles 16 and 17 of the Covenant, and in accordance with Economic and Social Council resolution 1988 (LX), Council decision 1985/132 and Council resolution 1988/4.
6. Consideration of reports:
  - (a) Reports submitted by States parties under articles 16 and 17 of the Covenant;
  - (b) Reports submitted by specialized agencies under article 18 of the Covenant.
7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies (Council resolution 1985/17).

8. General discussion on the rights contained in article 11 of the Covenant (E/1988/14, para. 365).
9. Report of the Committee to the Economic and Social Council.

#### G. Organization of work

16. The Committee considered its organization of work at its 1st to 4th meetings, held on 6 and 7 February, 13th meeting, held on 14 February, 19th meeting, held on 17 February, and 23rd meeting, held on 21 February 1989. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the third session, prepared by the Secretary-General in consultation with the Chairman of the Committee (E/C.12/1989/L.1);

(b) Reports of the Committee on the work of its first (E/1987/28) and second (E/1988/14) sessions;

(c) Report of the Meeting of Chairpersons of human rights treaty bodies (HRI/MC/1988/1);

(d) General Assembly resolutions 43/114 and 43/115 of 8 December 1988, relating to the implementation of the International Covenants on Human Rights and the reporting obligations of States parties to United Nations conventions on human rights;

(e) Resolutions and decisions of the Economic and Social Council relating to the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/1989/4).

17. In accordance with Economic and Social Council resolution 1979/43 the Committee at its 2nd meeting, on 6 February 1989, considered the draft programme of work of its third session prepared by the Secretary-General in consultation with the Chairman, and approved it, as amended during consideration (see E/C.12/1989/L.1/Rev.1).

#### H. Establishment of a sessional working group

18. At its 3rd meeting, on 7 February 1989, the Committee set up an open-ended sessional working group, to revise and simplify the general guidelines for the preparation of reports to be submitted by States parties pursuant to articles 16 and 17 of the Covenant, taking due account of the compilation of guidelines prepared by the Secretary-General (E/C.12/1987/2) and recommendations contained in the report of the Meeting of Chairpersons of human rights treaty bodies (HRI/MC/1988/1), and focusing on such specific information as would assist the Committee to carry out its mandate more effectively. Mr. Bruno Simma was elected Chairman/Rapporteur of the sessional working group. The group held a number of meetings during the third session of the Committee. Its meetings were generally attended by a significant number of members of the Committee. In response to a request by the Committee, representatives of ILO and of WHO engaged in a general discussion

with members of the Committee on relevant aspects of the general guidelines. In this regard, the Committee had before it a WHO document entitled "Monitoring the Strategies for Health For All by the Year 2000, Common Framework: Monitoring (CFM)" (DGO/86.1).

19. After discussions on various other aspects of the guidelines, the sessional working group requested its Chairman/Rapporteur to prepare a preliminary draft set of guidelines reflecting the proposals that had been made. The draft was subsequently presented to the Committee by the Chairman/Rapporteur (see chapter V below).

## Chapter II

### SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT, AND IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX) AND DECISION 1985/132

20. In accordance with Economic and Social Council resolution 1979/43 of 11 May 1979, the Committee at its 22nd meeting, held on 21 February 1989, considered the status of submission of reports under articles 16 and 17 of the Covenant.

21. In this connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the compilation of general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1987/2);

(b) Note by the Secretary-General on reservations, declarations and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1);

(c) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports (E/C.12/1989/2);

(d) General Assembly resolutions 43/114 and 43/115 of 8 December 1988 and Economic and Social Council resolution 1988/4 of 24 May 1988.

22. In addition to the reports scheduled for consideration by the Committee at its third session (see para. 24 below), the Secretary-General had received, as at 24 February 1989, the reports submitted under articles 16 and 17 of the Covenant by the following States parties to the Covenant: initial reports on articles 10 to 12 of Jamaica (E/1986/3/Add.12), Mexico (E/1986/3/Add.13) and Ecuador (E/1986/3/Add.14); initial reports on articles 13 to 15 of the Philippines (E/1988/5/Add.2), Jamaica (E/1988/5/Add.3), Argentina (E/1988/5/Add.4), India (E/1988/5/Add.5), Democratic People's Republic of Korea (E/1988/5/Add.6) and Ecuador (E/1988/5/Add.7); second periodic report on articles 6 to 9 of Jamaica (E/1984/7/Add.30); second periodic report on articles 10 to 12 of Colombia (E/1986/4/Add.25); initial global reports on articles 1 to 15 of Luxembourg (E/1990/5/Add.1) and Democratic Yemen (E/1990/5/Add.2).

23. In accordance with Council decision 1981/158 of 8 May 1981, a list of States parties together with an indication of the status of submission of their reports is contained in annex I to the present report. In accordance with Council resolutions 1979/43 and 1988/4, the Committee has made a number of recommendations to the Council with regard to the submission of reports by States parties which are included in chapter V of the present report.

### Chapter III

#### CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT, AND IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX) AND DECISION 1985/132

24. At its third session, the Committee examined 14 reports submitted by 9 States parties under articles 16 and 17 of the Covenant. It devoted 15 of the 25 meetings it held during the third session to the consideration of these reports (E/C.12/1989/SR.5-19). The following reports, listed in the order in which they had been received by the Secretary-General, were before the Committee at its third session:

##### Initial reports concerning articles 6 to 9 of the Covenant

Afghanistan	E/1984/6/Add.12
Panama	E/1984/6/Add.19
Netherlands	E/1984/6/Add.20
Trinidad and Tobago	E/1984/6/Add.21

##### Second periodic reports concerning articles 6 to 9 of the Covenant

Canada	E/1984/7/Add.28
Rwanda	E/1984/7/Add.29

##### Initial reports concerning articles 10 to 12 of the Covenant

Cameroon	E/1986/3/Add.8
Tunisia	E/1986/3/Add.9
France	E/1986/3/Add.10
Trinidad and Tobago	E/1986/3/Add.11

##### Second periodic reports concerning articles 10 to 12 of the Covenant

Cyprus	E/1986/4/Add.2
Poland	E/1986/4/Add.12
Panama	E/1986/4/Add.22
United Kingdom of Great Britain and Northern Ireland	E/1986/4/Add.23
Netherlands	E/1986/4/Add.24

##### Initial reports concerning articles 13 to 15 of the Covenant

Jordan	E/1982/3/Add.38
Rwanda	E/1982/3/Add.42
Iran, (Islamic Republic of)	E/1982/3/Add.43
Netherlands	E/1982/3/Add.44
Trinidad and Tobago	E/1988/5/Add.1

##### Supplementary information submitted by States parties

Zaire	E/1989/5
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25. At its 2nd meeting, held on 6 February 1989, the Committee agreed, at the request of the Governments concerned, to postpone to its fourth session consideration of the initial reports of Afghanistan (E/1984/6/Add.12) and Panama (E/1984/6/Add.19) concerning articles 6 to 9 of the Covenant, the second periodic reports of Cyprus (E/1986/4/Add.2) and Panama (E/1986/4/Add.32) concerning articles 10 to 12 of the Covenant and the initial report of Jordan (E/1982/3/Add.38) concerning articles 13 to 15 of the Covenant. At its 15th meeting, held on 15 February 1989, the Committee also agreed, at the request of the Government of the Islamic Republic of Iran, to postpone to its fourth session the consideration of the initial report of Iran (E/1982/3/Add.43) concerning articles 13 to 15 of the Covenant.

26. In accordance with Economic and Social Council resolution 1979/43 of 11 May 1979, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at its second session, 2/ the names and positions of the members of each State party's delegation are listed in annex V to the present report.

27. In paragraph (f) of its resolution 1985/17 of 28 May 1985, the Economic and Social Council requested the Committee to include in the report on its activities a summary of its consideration of the reports submitted by States parties to the Covenant. In pursuance of that request, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain summaries based on the records of the meetings at which the reports were considered. Fuller information is contained in the reports submitted by the States parties and in the summary records of the relevant meetings of the Committee, which are available to the Council in accordance with its resolution 1985/17.

#### Poland (arts. 10-12)

28. The second periodic report of Poland concerning articles 10 to 12 of the Covenant (E/1986/4/Add.12), was considered by the Committee at its 5th and 6th meetings, held on 8 and 9 February 1989 (E/C.12/1989/SR.5 and 6).

29. The representative of the State party introduced the report. He drew the attention of the Committee to the supplementary information, submitted by his Government in written form, covering the period from 1 April 1986 up to 31 December 1988. He also provided further information, including relevant statistical data related to the implementation in his country of the rights contained in articles 10 to 12 of the Covenant, outlining recent developments in the legal, social and political spheres and showing their impact on the realization by Polish citizens of the rights under consideration. In that connection, the representative of the reporting State provided detailed information on the measures which his Government had adopted and the progress made in achieving the observance of the rights recognized in these articles during the reporting period, and described the factors and difficulties affecting the degree of fulfilment of his Government's obligations under the Covenant. He pointed out that the rights embodied in articles 10 to 12 of the Covenant were fundamental to the Polish People's Republic and, with reference to articles 2 and 3 of the Covenant, indicated that Polish citizens enjoyed

equal rights irrespective of sex, birth, education, profession, nationality, race, religion or social origin (art. 67, para. 2 of the country's Constitution) and that the equal rights of men and women were guaranteed by law (art. 78 of the Constitution) and ensured in practice.

30. In informing the Committee of the recent legislative measures taken in his country, the representative drew attention to the fact that those measures and his Government's social policy in general had been, to a considerable extent, determined by economic circumstances and that the dramatic declines in national income and consumption had been consequences of the economic crisis of the early 1980s. Furthermore, the constraints imposed by a number of countries on economic relations with Poland had caused additional difficulties in economic recovery. Market instability and inflation had made it necessary to raise the level of social benefits and to adopt protective measures aimed at adjusting benefits and pensions to compensate for cost-of-living increases.

31. The representative also emphasized that the major obstacle to implementation of social policy measures in Poland, and therefore to effective implementation of articles 10 to 12 of the Covenant, had been the demographic situation in the early 1980s and especially the relatively high level of births. In 1970, the total number of live births had been 546,000, rising to 693,000 in 1980 and 721,000 in 1983. The statistical data showed that in the period 1980-1985, Poland had accounted for approximately 20 per cent of the natural demographic increase in Europe as a whole, excluding the Soviet Union. In the years 1980 to 1987, the total population of pre-working and post-working age had increased by 1.5 million; however, the total population of working age had increased by only 600,000. The changes in natality trends and population structure had made it necessary to evolve new concepts in family-oriented policy which, along with other pertinent aspects of social policy, gave due regard to the situation of vulnerable and disadvantaged groups of the population.

32. Concluding his introduction, the representative of the reporting State stated that his government policy in implementing the rights contained in articles 10 to 12 of the Covenant was intended not only to establish the formal rights of the individual, but also to provide opportunities for the practical exercise of those rights.

#### General matters

33. With regard to the general framework within which the Covenant was implemented, members of the Committee, having noted that the report had been drafted in 1986, wished to have further background information on the latest developments in the legal, social and political spheres relevant to the realization of rights covered by articles 10 to 12. They also wished to know what types of difficulties had been encountered by the Government in respect to the implementation of the rights in question and how these difficulties had affected the realization of these rights. It was asked to what extent the Government had been aware of the existence of particularly vulnerable and disadvantaged groups and what measures it had taken to protect their rights under the Covenant. It was noted that all data concerning financing was given in the national currency (zlotys) and, for purposes of comparison, it would be helpful to have the United States dollar equivalents.

34. In addition, it was asked whether foreigners, adults and children, had the same rights as Poles in respect to social benefits, housing, etc. and how many foreigners there were in Poland. Further clarification was sought as to the meaning of the term "social democracy" which was used in the report.

35. In his reply, the representative of the reporting State drew attention to written supplementary information submitted by his Government, and stated that economic, political and social transformations of major importance had been and still were taking place in Poland. The State, as well as the entire society, had been making enormous efforts to overcome the painful effects of the economic and social crisis. The economic reform, which had been implemented for several years, the plan of consolidation of national economy, adopted recently, and considerable changes in the political and social system which had shaped the new and different functions of the State had had their significant reflections in the area of social policy. He also pointed out that actions taken by State authorities had been consistently aimed at providing the widest scope of social welfare to all social groups and at easing the consequences of the economic crisis. Within this general context, the representative provided further information on the latest developments both in the national legislation and in the practice of its application relevant to the realization of rights covered by articles 10 to 12 of the Covenant.

36. In particular, the representative of the reporting State indicated that since 1 January 1987, new principles had been introduced concerning the organization and financing of the social activities of enterprises, based on the Act of 24 October 1986 concerning the social and housing fund in the socialized sector, which law had increased basic deductions for enterprises, social and housing funds and provided automatic annual indexation as well as made enterprises more flexible in an independent utilization of those funds. Within this context, the representative pointed out that the above-mentioned Act maintained priority in granting assistance to low-income families, old and disabled people, families with many children and to single persons bringing up children - all being the criteria of eligibility to State assistance within the scheme of its social policy.

37. With reference to the difficulties, the representative provided information in addition to that contained in the report and in the supplementary information, indicating in particular that the main cause of the difficulties encountered by the Polish Government in implementing rights recognized in articles 10 to 12 of the Covenant had been the economic crisis in Poland, accompanied by a large external debt, high inflation and the lack of raw materials needed for industry. The production of some basic foodstuffs had been insufficient. But in spite of all those difficulties, he pointed out, the Polish Government had been making considerable efforts to diminish the social consequences of the economic crises. The recently adopted Plan for the Consolidation of the National Economy had taken account of fundamental social goals, such as the provision of adequate living conditions, protection of the family, and improvement of basic health care services.

38. Referring to the question relating to the national currency, the representative stated that the zloty could not easily be converted since the official rate of exchange was six times lower than the black market rate. For that reason, it had been proper to refer in the report to the national currency and not to the dollar equivalent which could have been, in some

cases, misleading. The representative informed the Committee that foreign nationals were treated on equal terms with Polish nationals with respect to articles 10 to 12 of the Covenant. As for the meaning of the term, "socialist democracy," it was explained that there was no one definition for the term and that the matter was much discussed in Poland. Currently, in Poland, the term "socialist democracy" meant the process and goal of democratization of various institutions at various levels rather than a clearly defined pattern of government.

39. With respect to the existence and situation of particularly vulnerable and disadvantaged groups of the population in Poland, the representative provided additional information and statistical data, paying particular attention to the measures taken by his Government to protect their rights under the Covenant.

Article 10: Protection of the family, mothers and children

40. The Committee wished to have clarification of the following expressions appearing in paragraphs 9, 27 (b) and 36 respectively of the report: "right attitudes toward the family"; "a request for granting childcare leave after the termination of the contract by the manager of the workplace"; and "adult orphans". The Government was asked to specify the main problems which had provoked changes in the policy toward abortion and the nature of those changes. The members wished also to know what the reasons were for amending the Ordinance of the Council of Ministers of 6 March 1986 concerning childcare leave.

41. In addition, the members requested more information on the Institute of Mother and Child mentioned in paragraph 16 of the report; on the alimony fund mentioned in paragraph 21 of the report, and on what the respective contributions of the alimony fund and welfare benefits were; it was also asked, with reference to paragraph 26 of the report, under precisely what conditions were childcare benefits granted and whether the family benefits mentioned in paragraph 23 of the report, were payable in the private sector, and if so, whether the amount payable was the same in both public and private sectors. The members wondered if divorce was a big problem in Poland and how the State was coping with it. With reference to abortion, it was asked under which conditions it was practised; whether the large number of abortions had been caused by an inadequate sexual education or by economic circumstances; how many catholics and non-catholics had recourse to abortion; and what was the impact of the housing situation on the divorce rate and abortion rate.

42. Replying to the questions posed by the members of the Committee, the representative of the reporting State clarified the meaning of some paragraphs of the report where faulty translation from Polish had provoked questions. The Institute of Mother and Child was the central research medical centre under the Ministry of Health and Social Welfare whose purpose has been described in paragraphs 11 and 12 of the report. As for abortion, he provided further information and stated, in particular, that it was indicated that the 1956 Statute on abortion had defined the two conditions under which abortion might be performed: health reasons, or especially important social reasons. Some sample surveys had shown that abortions had been performed predominantly under the latter conditions which included, among others, difficult living and housing conditions. The Committee was also informed that the fertility rate in Poland was one of the highest in Europe. In such conditions, the aim was

to spread use of effective family planning methods instead of abortion. However, the Government did not consider it appropriate to revoke the legislation permitting abortions since that would infringe on the fundamental rights and freedom of women. About 130,000 abortions per year were performed in hospitals. The Government estimated that perhaps two or three times that number were performed in the offices of private doctors. Moreover, the Catholic Church had estimated that the figure was between 800,000 and 1 million abortions per year. The Government believed that figure to be an over-estimate but was nevertheless seeking to reduce the number. Abortion was practised regardless of the religion of the women and its frequency depended on their standard of education, their profession and whether they lived in town or in the country.

43. In reply to the question concerning family benefits and inflation, the representative informed the Committee that the family benefit system guaranteed the real value of the benefits paid. There were four thresholds ranging from 2,000 to 7,500 zlotys; the highest level was about 15 per cent of the average monthly wage in the socialized sector and the lowest was about 4 per cent.

Article 11: Right to an adequate standard of living

44. The members wished to have more information on the methodology used to determine whether an adequate standard of living had been achieved and what criteria had been used for measurement; to what extent, if any, had the right to adequate food of the population not been fully realized; what were the major problems in the field of housing. Further details on new legislation in this field as well as statistical data on the extent of homelessness, if any, were requested. It was also asked how the right to housing protected divorced and unmarried couples and how was enjoyment of the right to housing related to the right of liberty of movement and freedom to choose one's residence.

45. In addition the members wished to have more information on the extent to which the price rises due to the current crisis had affected social programmes, how far such programmes had been successful, and what criteria had been adopted to define disadvantaged population groups. It was also asked whether the whole population of Poland, and in particular, babies, children and adolescents, was receiving a sufficient amount of basic foodstuffs for normal development in accordance with WHO criteria. More specific information was requested about the current housing situation. Having noted that despite Poland's great economic difficulties, lower interest housing loans were granted, it was asked how that could be done in conditions of inflation and what the rate of interest was. The members also wished to know to what extent Poland was participating in the international co-operative effort to promote the right to an adequate standard of living and health.

46. In answer to the questions asked, the representative of the State party outlined the main aspects of the governmental policy aimed at the securing of an adequate standard of living for the population in general, for various age groups, rural and urban populations, and in particular for the most vulnerable and disadvantaged groups. Detailed information with relevant statistical data was provided with reference to the implementation of the right to food and right to housing. In particular it was emphasized that an improvement in the supply of foodstuffs was one of the main priority issues in the 1989-1990 Plan for Consolidation of the National Economy and that the Government was

endeavouring to establish a permanent basis for agricultural development. In that connection, information was given on the Rural Development Fund, which would subsidize a number of social activities for farming families and on the Statutory Order of the Council of Ministers No. 47 of 1981, relating to the creation of adequate living conditions in rural areas.

47. The representative also indicated that in 1988, as a result of measures of protection against price rises, permanent and periodic allowances of welfare assistance had been doubled and since 1 October 1988 they had stood at 13,250 zlotys or 90 per cent of the minimum old-age pension. The questions concerning the right to housing were answered, with the emphasis placed on the difficulties encountered and decisions taken at the national level to overcome them. In this regard it was noted that an acute problem existed, that targets set earlier had not been met, and that efforts to reduce the excessive waiting time for apartments had so far not been successful.

Article 12: Right to physical and mental health

48. Members of the Committee wished to receive more information on the availability and accessibility of the health services provided for the rural population as compared with those provided for the urban population as well as on the quality and the scope of health care facilities provided for the rural population in comparison with those available to the urban population.

49. In addition, they wished to have information on infant mortality rates subsequent to 1985; life expectancy; availability of modern equipment and medicines in hospitals; incidents of acquired immuno deficiency syndrome (AIDS), means of prevention which were being used and medical research carried out in that connection; and measures taken by the Government to combat environmental pollution, especially in Upper Silesia.

50. In reply to the questions raised, the representative of the reporting State stated that the existing level of health care was not favourable compared to that of other countries at the same level of development. He noted that infant mortality rates remained almost three times as high as that of some other European countries and Japan and that, over the past 20 years Poland had been among the countries with the highest increase in rates of mortality among males in the 35-64 age group. It was suggested that the unsatisfactory state of health of the Polish population was due to numerous factors including alcohol abuse and low levels of health awareness and aspirations. Thus, in 1984, 13 per cent of per capita income had been spent on alcohol, 2 per cent on tobacco, 2 per cent on hygiene and personal care and 1 per cent on sports, tourism and recreation. The representative stated that as far as health care was concerned, many efforts had been made to develop specialized services in industry and in other branches of the economy, with priority being given to preventive measures and to improved health care for children, young people and the elderly. The provision of health care protection had also a tendency towards growing expenditures as a result of scientific and technological developments. Considerable social costs, he pointed out, were incurred when a high standard of health services was to be maintained free of charge and readily accessible to both rural and urban populations.

51. Detailed information, with some relevant statistical data, was provided in response to questions concerning the rate of mortality, life expectancy;

the availability and accessibility of health care facilities to the rural population as compared with those provided to the urban population; the problem of narcotics and AIDS; environmental pollution and measures taken by the Government to combat it. He paid particular attention, when replying to the questions raised by the Committee's members, to the difficulties encountered by his Government in securing the right to physical and mental health for all in Poland.

#### Concluding observations

52. Members of the Committee expressed their appreciation to the Polish Government for its frank report and to the Polish representatives for their detailed replies. It was observed that the constructive dialogue that had been established between the Committee and the reporting State during the consideration of the second periodic report of Poland on articles 10 to 12 of the Covenant would set a good example for other States parties.

#### Cameroon (arts. 10-12)

53. The initial report of Cameroon on the rights covered in articles 10 to 12 of the Covenant (E/1986/3/Add.8) was considered by the Committee at its 6th and 7th meetings, held on 9 February 1989 (E/C.12/1989/SR.6 and 7).

54. The report was introduced by the representative of the State party, who, as part of his introduction, provided information and answers to the list of issues raised by the pre-sessional working group.

#### General matters

55. The members of the Committee wished to know the impact of the austerity programme implemented since 1988 on the realization of rights covered by articles 10 to 12 of the Covenant. Information was also sought as to the extent of participation of the people of Cameroon in the adoption of the programme of structural adjustment.

56. The Committee sought additional information on the ethnic and religious composition of the society and what impact it had on the enjoyment of the rights covered by articles 10 to 12.

57. With regard to assistance to underprivileged groups, it was asked by a member whether traditional forms of social security based on the extended family and the village community were still prevalent.

58. As regards the austerity programme adopted by his Government in 1988, the representative stated that Cameroon, like all other African Governments, believed in the need for a structural adjustment programme, but the Government was trying to make the programme a humanitarian one. He explained that the programme was now being evaluated and further information on it would be provided in the next report. Before its adoption, the austerity programme had been explained to the people in each department and in provinces, and the members of Parliament had explained the programme to their constituencies.

59. With regard to the effect of the tribal and religious composition of the country on the enjoyment of the rights in the Covenant, he said that this had no effect on the enjoyment of these rights, since Cameroon was a secular State.

Article 10: Protection of the family, mothers and children

60. The members of the Committee wished to know whether previous authorization of public authorities was needed for contracting a religious marriage, whether unmarried couples had the same legal status as married ones, whether divorce existed, and if so, whether it could be initiated by the wife. Information was also sought as to the proportion of customary and civil marriages.

61. The Committee also wanted to know whether abortion was legally permitted, and in this regard it was asked what the position was if the life of the woman was in danger as a result of the pregnancy.

62. The members of the Committee requested statistical information related to "the pre-natal allowances, maternity allowances, allowances to cover medical fees for pregnancy and if necessary benefits in kind" referred to in paragraph 16 of the report. It was asked in this regard whether a large number of the families eligible for benefits from the National Social Insurance Fund actually availed themselves of these benefits.

63. Information was sought on equality of the sexes before the law, in particular whether it extended to equality of rights within the family, or whether wives were obliged, for example, to seek permission of their husbands before engaging in work outside the home, and to what extent women had access to higher education. The Committee wanted to know in this regard whether rural women, who produced and marketed the substantial amount of the locally consumed foodstuffs, had access to management expertise and credit.

64. In reply to the questions, the representative of the State party explained that no previous authorization by public authorities was needed to contract a religious marriage. There were three kinds of marriage in Cameroon, namely, customary, civil and religious. He pointed out that customary marriages, which took place without the intervention of the public or religious authorities, were fully recognized at the village level. Civil marriages were the most common form of marriage. He stated that divorce existed in Cameroon and could be applied for by the wife as well as the husband. It was applicable only in the case of civil marriage. In the case of customary marriages, the husband repudiated his wife.

65. He stated that unmarried couples did not have the same rights under the law as married couples. However, the father of a child born of a free union was obliged by law to recognize the child, and pursuant to an ordinance of 1981 the words "born of unknown father" could no longer be entered on a birth certificate.

66. He stated that in Cameroon abortion was a criminal offence, except when the life of the mother was in danger.

67. As regards the statistical information the Committee had sought, the representative regretted that it was not possible to provide it because in Cameroon statistical services were not very well developed. However, with respect to the demographic situation of the country, he stated that the birth rate was in the order of 2.8 per cent, and in 1985 the population was 9.5 million. The results of the census of 1986 were not yet officially known, but it was estimated that the population would be about 12 million.

68. In connection with equality of treatment between men and women, he stated that equality of sexes is proclaimed in the preamble of the Constitution of the Republic of Cameroon and this right was applied at all levels in both public and private sectors. In education, all children of both sexes had the same right and equal access to all institutions of learning, including the university. With regard to credit facilities for rural women who were engaged in food production, the representative explained that financial institutions did not discriminate against women, but it could be a question of creditworthiness. Although there were no legal restrictions for married women to work, the question of whether the wife took up employment outside the home was a matter entirely between the couple and depended on their means of income.

69. With regard to social security, the representative stated that in his country the system was not as fully developed as it was in developed countries. The National Social Insurance Fund covered only part of the employees, those in the private sector, since those in public sector were covered through their employment. The State as well as the employers and the employees contributed to the Fund, but the system suffered from lack of willingness on the part of the contributors.

Article 11: Right to an adequate standard of living

70. The members of the Committee wanted to know whether there were institutions and programmes entrusted with the task of providing food to the poorest groups of the society and also sought statistical information on that subject, and how the prices referred to on paragraph 56 (b) of the report "that are remunerative to producers and reasonable to consumers" were established. Clarification was also sought as to whether there had been a marked decline in calorie intake among children between 1973 and 1986.

71. The members of the Committee also wanted to be informed what percentage of the population had already benefited from the government policy aimed at resolving the problem of the living environment in general and housing in particular and how many people continued to live under inadequate housing conditions.

72. In reply to the questions raised by the members of the Committee, the representative stated that there were no State institutions entrusted with the task of providing food to the poorest groups in society, but there were private associations, both religious and lay, which undertook that function. He pointed out in this regard, however, that Cameroon was one of those countries in Africa which had self-sufficiency in food both in the cities and in the rural areas. To fight against malnutrition three major solutions had been adopted by the Government: promotion of subsistence farming, extension of communication network and promotion of teaching of cookery at the village level. With regard to the fixing of prices, he stated that it was not scientifically-based, but that the prices were determined by supply and demand.

73. The representative regretted that no statistics were available to determine the percentage of the population that had benefited from the government's policy aimed at resolving the problem of the living environment and housing nor on the percentage of people who continued to live under inadequate housing conditions. He pointed out, however, that a great effort had been made to create new housing at reasonable prices; in most cases, the rent paid by the tenants was part payment for the house. He further explained

that due to the African tradition of extended family, homeless in the European sense did not exist, for even the youths from the rural areas were easily integrated in the extended family in the cities. However, his Government was doing all possible to prevent the exodus of youths from the rural areas by developing economic and cultural activities in the countryside.

Article 12: Right to physical and mental health

74. Members of the Committee requested statistical data concerning health care centres and hospitals and asked what was the percentage of the national budget spent on health care services during the last five years. The Committee also sought information as to how the users contributed to the costs of health services which were funded by the State, how much was their share of contribution, especially in certain rural areas, and whether treatment could only be obtained in return for payment in cash.

75. The Committee wanted to know whether medical services were equally accessible and of the same quality in the rural areas as in the urban areas, or whether there was a disparity, and what was the number of doctors and medical aids (para-medicals).

76. The representative of the State party, in response to those questions, stated that since he did not have time to consult with the relevant officials in his country, he was unable to provide statistical data requested by the Committee. He stated however, that every district had at least one health-care centre and every provincial capital had a hospital. In 1974, the official number of beds in publicly managed hospitals in Cameroon had been 20,490 and by 1984 that figure had risen to 26,382 and that did not include beds in hospitals managed by religious institutions. He stated that health care infrastructure had been expanded; two general-referral hospitals had been built, which were as good as any in the world, and the supply of medicines had been improved. As for the number of doctors in the country, there was 1 doctor for 800 patients, and the situation was improving rapidly.

77. He pointed out that disparity in health care between urban and rural centres existed in most countries; however, all doctors, in both the urban and the rural centres, had the same qualifications, and accessibility to health care in the rural areas depended to a greater extent on communication network.

Concluding observations

78. In concluding consideration of the report, the Chairman and several members of the Committee thanked the representative of Cameroon for having answered some of the questions raised by the members of the Committee and for having contributed to establishing a constructive dialogue with the Committee. The view was expressed that future reports of Cameroon should take into account the questions raised and should also provide statistical data so as to enable the Committee to determine the trend and progress made in the enjoyment of these rights. It was observed that the report emphasized the legal aspects of the implementation of the rights of the Covenant rather than the factual aspects.

Canada (arts. 6-9)

79. The Committee considered the second periodic report of Canada on the rights referred to in articles 6 to 9 of the Covenant (E/1984/7/Add.28) at its 8th and 11th meetings, on 10 and 13 February 1989 (E/C.12/1989/SR.8 and 11).

80. Introducing this report, the representative of the State party said that Canada was a federal country comprising 10 provinces and 2 territories, the respective powers of the central Government and the governments of the provinces being defined in the Canadian Constitution Act, while those of the territories were conferred by legislation. Although it was for the central Government to ratify international treaties, direct responsibility for their implementation lay with the provincial governments and the governments of the territories, which were required to account for the measures they had adopted.

81. In the case of reports prepared under various international human rights instruments, he said that they were widely disseminated in Canada with the express aim of encouraging Canadians to familiarize themselves with the measures adopted and to gain a better understanding of the responsibilities entered into by their Government.

82. He emphasized the importance of the Canadian Charter of Rights and Freedoms and of its provisions on rights to equality; the Charter had entered into force in 1985 and had led to the amendment of several laws and the annulment by the courts of many provisions held to be at variance with it. Furthermore, the courts frequently referred to the provisions of the Covenant in interpreting the relevant provisions of the Charter.

83. Referring to new developments in Canada since the report had been drafted, he stated that the Province of Ontario had adopted legislation on equality of remuneration, that other provinces had adopted legislative provisions concerning equal pay for equal work, and that the protection accorded to workers as regards occupational safety and health had been considerably increased in Nova Scotia. Despite regional disparities, the unemployment rate had continued to decline in all regions (from 9.4 per cent in December 1986 to 7.6 per cent in December 1988). In particular, the unemployment rate for women and young people had fallen steadily in recent years and, in December 1988, had stood at 9.6 per cent in the case of adult women and 11.9 per cent in the case of young people.

84. Lastly, referring to the work of the federal, provincial and territorial commissions on the rights of individuals, which administered legislation on those rights, and to their courts of inquiry, he stated that they were constantly confronted with new situations that obliged them to find solutions for which there were no precedents. Thus, the subjects taken up included problems relating to AIDS virus detection tests, the use of drugs at work and employment opportunities for disabled persons.

General matters

85. The Committee took note with appreciation of the report submitted by the Government of Canada and commended the representatives of the State party on its presentation. It was, however, generally felt that the report was too legalistic and did not contain sufficient information on the practical implementation of the rights set forth in articles 6 to 9 of the Covenant.

86. With regard to the general framework within which the Covenant is implemented, members of the Committee inquired whether the division of powers between the Federation and the Provinces had led to any significant disparities in the enjoyment of the rights set forth in articles 6 to 9 of the Covenant by citizens of the different provinces, whether there were any possible adverse consequences for the enjoyment of these rights flowing from the entry into force of the Canada-United States of America Free Trade Act, and whether any consideration had been given to the inclusion of economic and social rights in the Canadian Charter of Rights and Freedoms. Further information was sought concerning the measures adopted by the Government pursuant to its responses entitled "Toward Equality", mentioned in paragraph 12 of the report, and on the meaning of the third section in paragraph 6 of the report, concerning paragraph 6 (2) (b) of the Constitution.

87. In addition, members wished to know whether there was a constitutional court to settle disputes arising between the central Government and a province, and what the constitutional differences were between the provinces and territories. Further information was sought concerning the justiciability of social and cultural rights, and any measures taken by the Government to disseminate information concerning the Covenant, including the role of non-governmental organizations in such endeavours and in the elaboration of the report. They also wished to receive further information on the Canadian jurisprudence regarding economic, social and cultural rights, in particular in respect of the new legislation on sexual harassment in Quebec, and inquired what steps had been taken to combat indirect discrimination against women.

88. Referring to the situation of the most vulnerable and disadvantaged groups, they wished to know what specific measures had been taken to provide a minimum income for everyone, including the long-term unemployed, in which respect the rights of foreigners and refugees were restricted as compared with those of citizens, whether specific legislation applied to the many immigrants who came to Canada to find work, and what was the meaning of the term "visible minority" used in the report.

89. With regard to the indigenous population in Canada, in particular the Mikmaq Indians in Nova Scotia, it was asked how article 1 of the Covenant was implemented in practice, whether amendment to the Indian Act had already been enacted following negotiation between the Government and Indian minorities, whether the Mikmaq Indians had sought the intervention of the Ombudsman in their case, and what was the current status of treaties between the Government and indigenous populations. Further information was also requested concerning the unemployment rate among Mikmaq Indians, the Native Economic Development Program, and the Government's view on its dispute with the Mikmaq Indians regarding the administration of their territory. Lastly some members wished to know what the position of the Government was with regard to the information contained in the written statement submitted by the Four Directions Council (E/C.12/1989/NGO/1).

90. Lastly, the observer of ILO informed the Committee about the ratification and application by Canada of the relevant ILO conventions.

91. Replying to questions asked by members of the Committee, the representative of the State party referred to the distribution of powers between the federal Government and the provincial governments, and emphasized that federalism was not a source of any appreciable disparities as regards

observance of the rights provided for in the Covenant. Where necessary, provincial programmes for the protection of a particular right were financed to a large extent by federal credits so as to ensure uniform protection throughout Canadian territory. Furthermore, pensions paid under the Canadian pension plan were standardized and payable irrespective of place of residence in Canada. However, in the case of other rights, such as those guaranteed by article 7 of the Covenant, for whose enjoyment the financial aspect was of lesser importance, the various governments enjoyed a certain independence in adopting the necessary legislative and administrative measures. So as to ensure co-ordination of provincial and territorial human-rights policies and to resolve any conflicts that might occur, ministerial conferences on the subject were held regularly and a committee on governmental action at the national level met twice a year. Moreover, courts before which disputes had been brought by private individuals or a provincial government, or by the federal Government for an advisory opinion, were also empowered to resolve disputes between the federal and provincial authorities. As to the difference in status between the provinces and the territories, he pointed out that in practice both types of entity had the same legislative and executive powers. The constitutions of the territories, unlike those of the provinces, were enunciated in federal legislation. Nevertheless, it seemed unlikely that there could be any amendment to that legislation which had not been endorsed by the territorial government in question.

92. Referring to the free trade agreement recently arrived at by Canada and the United States, he expressed his conviction that it would lead to an expansion of the Canadian economy and an increase in job creation. It did not limit the capacities of governments in Canada to develop and strengthen social programmes and, moreover, federal and provincial labour legislation was not covered by the agreement.

93. Replying to other questions, he said that certain economic and social rights were already enunciated in the Canadian Charter of Rights and Freedoms, such as the right to work in the place of one's choice and freedom of association. As regards the inclusion of other rights, Parliament had considered that it was preferable to leave it to the competent legislative bodies to settle complex questions requiring solutions geared to a constantly changing economic and social situation. Nevertheless, several provincial laws, including the Quebec Charter of Rights and Freedoms of the Individual and the Saskatchewan Human Rights Code, unequivocally guaranteed several of those rights. As regards governmental initiatives to give effect to the policy for the promotion of equality, he highlighted various measures already taken concerning the statutory age of retirement, the access of women to certain posts in the Canadian army and social benefits intended for part-time workers. As to article 6 of the Canadian Charter, he stated that the provisions of that article enabled a province to establish preferential employment programmes for residents of that province if provincial employment rates were below the national average.

94. He reminded the Committee that international treaties did not, in Canada, automatically have force of law, but they must be the subject of legislative measures incorporating them within Canadian law. Nevertheless, the Canadian courts frequently referred to them in interpreting the Canadian Charter of Rights and Freedoms, as was apparent from a recent decision by the Canadian Supreme Court on certain trade union rights, a decision which had very clearly been based on the Covenant. In that connection, he admitted that the report

had not given sufficient information describing the progress made and jurisprudence relating to articles 6 to 9 of the Covenant. He pointed out, however, that jurisprudence relating to those rights had, in many cases, been so recent and tentative that it was very difficult to refer to it. Responsibility for drafting the reports submitted by Canada lay with the country's 13 governments. After being prepared, they were circulated to non-governmental organizations, which had an opportunity of submitting their comments to the Government.

95. Referring to other questions, he described the various legislative measures and jurisprudence relating thereto prohibiting sexual harassment at work. The Canadian Supreme Court had recently held that employers were indirectly responsible for any sexual harassment in their undertaking. It was therefore incumbent on them to take any measure contributing to deterrence, prevention or information on that prosecutable act and the proceedings to which it might give rise. Trade unions and employers had endeavoured to eliminate such behaviour and, in some cases, offenders had been dismissed. He also drew attention to the various codes relating to human rights and Canadian law on the rights of individuals, which protected the citizen against any form of racial discrimination. He further emphasized that lawful immigrants or permanent residents were entitled to equal treatment with Canadian citizens as regards the implementation of articles 6 to 9 of the Covenant.

96. Referring to the numerous questions asked about Canada's aboriginal populations, he emphasized the complexity of the problem, and explained that the situation of those populations varied widely. Thus, in the case of Indians alone, there were in Canada more than 590 groups with very different languages and cultures. Although some Indians enjoyed a more than satisfactory standard of living, quite clearly the economic and social situation of far too many aboriginals was deplorable. The Canadian Government was endeavouring to respond constructively, equitably and effectively to their needs and aspirations by making the necessary changes. Thus, legislation relating to the Indians had been appreciably revised, in particular as regards the retention of Indian status by women who married non-Indians. The laws relating to the Cree Naskapi in Quebec and the Sechelt Indians bore witness to the Government's desire to grant greater autonomy to Indian groups. Generally speaking, self-determination was a recognized right of the Canadian people as a whole, but it could not allow action liable to jeopardize Canada's territorial integrity or political unity. He informed the Committee that the Government had made 19,000 hectares of land available to some 14,000 Mikmaqs. In addition, it was continuing its policy of granting them greater responsibility for the management of their own affairs. Programmes were thus being financed with the aim of reviving Indian art and handicrafts, training Indian heads of undertakings and granting loans to persons wishing to set up a company.

#### Article 6: Right to work

97. Members of the Committee wished to know which steps had been taken by the Government to promote realization of the right to work by everyone and to ensure the equal rights of men and women in the enjoyment of this right, how the Government reconciled the increase in unemployment rates from 6 per cent to 14 per cent with its obligations under article 6 of the Covenant, why the unemployment rate was so high among women, young people and ethnic groups and what measures were envisaged to reduce it, and how programmes for vocational

guidance and training were financed. Further information was requested on the 1982 National Training Act, on any integrated national plan aimed at the rehabilitation of the unemployed in useful and productive employment and the balancing of supply and demand in the labour market, and on the protection provided for job security, in particular, with regard to compensation for dismissals, re-instatement in the case of unjustifiable dismissals, the role of industrial courts in such matters and the promptness of adjudication in relevant cases. In this connection the view was expressed that the 10-year period after which, in the event of dismissal, workers had a guaranteed right to work was too long.

98. Additionally, members referred to the legislation on the abolition of compulsory retirement and inquired how long people normally worked in Canada, whether the legislation had had any adverse effects on the unemployment rate, whether persons working after the age of 65 received the same pension as those who had retired at that age, whether receipt of an old age pension was compatible with continuance at work, whether any measures had been taken to provide special work for elderly persons who could no longer work normally, and how pension funds were administered. Further information was also sought on the implementation of the right to equal access to work for men and women.

99. Replying to the points raised, the representative of the State party indicated that the unemployment rate had been declining steadily for several years and that the number of jobs created had been increasing steadily. Following consultations with the provinces, business circles and the trade unions, the federal Government had adopted in 1985 a Canadian employment strategy. This comprised six major programmes, the aims of which included better adaptation of workers to the development of technology and changes in the labour market, better access to employment for disadvantaged groups, including the long-term unemployed, encouragement of training in specialized fields and promotion of innovative approaches to the changing labour market. In 1988-1989, funds totalling \$1.6 billion had been allocated for this strategy. Discrimination in employment or in working conditions was prohibited by law and, additionally, the Federal Employment Equity Act imposed on employers an obligation to seek to employ women, native people, members of visible minorities, and handicapped persons, by eliminating systemic obstacles and adopting programmes of action. The fact that the unemployment rate for adult females had been slightly higher than that for adult males since 1983 was due to the fact that women worked in seasonal industries in certain areas, or to their concentration in certain sectors which had been more seriously affected by economic fluctuations. A feature of the participation of young people in the economically active population was the marked fluctuation between study, part-time work and seasonal work. The employment situation of the Mikmaq Indians was unsatisfactory and special measures had been taken to put an end to their economic dependence.

100. Referring to the measures taken to ensure job security, the representative drew attention to various laws providing for reasonable notice or the payment of a termination allowance in the event of dismissals. The notice could be dispensed with in certain circumstances and in the case of fixed-term contracts. Expeditious and inexpensive appeal procedures were available to workers and they were protected against abusive dismissal. Furthermore, both the Canada Labour Code and the Codes of Nova Scotia and Quebec dealt with the question of unfair dismissal by establishing an actual right to employment in such cases, subject to seniority in employment, ranging

from 1 to 10 years according to the different codes. The question of reduction of the 10-year period could be settled only by the political authorities concerned.

101. In connection with Canada's policy regarding a statutory retirement age, the representative referred to the general ageing of the population. He also pointed out that mandatory retirement at a particular age might present problems under article 15 of the Canadian Charter of Rights and Freedoms, which prohibited discrimination based on age. In that connection, he mentioned certain judicial decisions and said that the Government was determined to abolish any provisions establishing a specific age for retirement. An experiment carried out in Quebec since 1986 had shown that such a policy had no effect on employment: most workers were still retiring at the customary age. Compulsory retirement had thus been eliminated in the Federal Civil Service and amendment of the Canadian legislation on the rights of the individual was envisaged. Replying to another question, the representative said that the contributions paid by wage-earners and employers to the Canadian pension fund were deposited in a special account and did not become part of the public revenue.

Article 7: Right to just and favourable conditions of work

102. Members of the Committee wished to know what methods were used in Canada for the determination of salaries and wages, whether there were any prior consultations with employers and unions before the Government issued minimum wages-orders, and whether there were benchmarks for safety and health which had been nationally agreed among social partners. Further information was sought on any specialized and professional inspectorate responsible for the enforcement of standards relating to safe and healthy working conditions. Furthermore, it was asked what the present state of jurisprudence in respect of legislation in this area was, whether there were severe penalties for infringing such legislation, especially when occupational accidents resulted in death, and whether such legislation had to be enacted at the provincial as well as the federal level.

103. In addition, members wished to receive further information on the practical implementation of the right to equal remuneration for men and women, and on the equal opportunities legislation. They further inquired what was the percentage of senior women civil servants and managers, and whether Quebec had any plans for reducing the number of civil servants. It was also asked whether it was intended gradually to reduce the maximum working day and the maximum working week, in particular in the Northwest Territories, and why maternity leave was not remunerated in Canada.

104. Replying to the questions asked, the representative said that the law guaranteed a minimum wage, the amount of which was reviewed and increased periodically by orders made following consultation between the employers and the trade unions. The minimum wage constituted a floor and wage-earners or their trade unions could negotiate a higher minimum wage with their employers. In 1987 female workers' wages amounted to 65.9 per cent of those of male workers, compared with 58.4 per cent 10 years earlier. Various laws prohibited discrimination between men and women in the matter of working conditions. However, while the legislation providing for equal pay for equal work presented no difficulty of implementation, the same was not true of legislation providing for equal pay for work of equal value, where complex

criteria were involved. Equity in the matter of pay was designed to prevent certain categories of employment where women predominated being less well paid than other categories where male workers predominated, for work of equal or comparable value. The provincial commissions on human rights had mostly to concern themselves with the many complaints received on this subject.

105. Referring to the questions asked concerning workers' safety and health, the representative said that the competent inspection services generally included doctors, engineers and specially trained technicians. Throughout the country, moreover, there was now a tendency towards promotion of co-operation in this field between employers and wage-earners through establishment of joint safety and health committees. Regarding the establishment of safety and health standards, the representative drew particular attention to the WHIMS system whose purpose was to develop uniform criteria for the production, import and use at workplaces of dangerous substances. This system, instituted in 1987, had been developed following intensive consultations between all the social sectors concerned. Infringement of the regulations on the health of workers and industrial hygiene could entail the imposition of a fine which, at the federal level, could amount to \$100,000 in the case of serious offences. The fine could also be accompanied by a prison sentence. However, most disputes in this area were settled at the level of the government departments concerned.

106. Replying to other questions, the representative explained that the policy of reducing the number of civil servants in Quebec was part of a rationalization effort aimed at making the administration more efficient. Several State enterprises had been privatized and certain entities forming part of the civil service had been reorganized. The normal average duration of work in Canada was 8 hours per day and 40 to 48 hours per week, work exceeding the normal duration and up to the legal maximum being paid at overtime rates. In the Northwest Territories, where the period of daylight was very long in summer, and where most of the work was done during that season, both the workers and the employers had expressed a desire for a maximum working day of 10 hours and a maximum working week of 54 hours, as that would make it possible for workers to stay a shorter time away from their families.

107. The representative also explained that the federal Government's unemployment insurance scheme provided for 15 weeks of maternity leave. In the event of the death of a mother, it was possible for the father to take paternity leave on health grounds in order to care for his child. Furthermore, employers were prohibited from dismissing a female wage-earner during her maternity leave.

#### Article 8: Trade union rights

108. Members of the Committee wished to receive further information on the application of the legal provision according to which unions should not act in a manner that was arbitrary, discriminatory or in bad faith, on whether this provision did not vest excessive discretionary power to the Minister of Labour, on whether this provision was compatible with the rights set forth in article 8 of the Covenant, and on any court cases in this matter. Additional information was also requested on collective bargaining and on whether there was a balance of power between unions and employers and on the role of the State in collective bargaining. Clarification was also sought of the

compatibility of the prohibition of strikes in disputes concerning collective agreements with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (Convention No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (Convention No. 98), and the Labour Relations (Public Service) Convention, 1978 (Convention No. 151). In particular, clarification was requested concerning the application of the industrial relations legislation under which strikes and lockouts were prohibited when a collective contract was in force. Furthermore, members wished to receive further information on trends in the membership of trade unions over the past six years.

109. In reply, the representative of the State party said that the obligation to ensure equitable representation was designed to protect the wage-earners affected by a collective contract by obliging the trade unions to ensure representation of all the wage-earners affected, in an equitable and non-discriminatory fashion. In his view, this provision was entirely consistent with the rights enunciated in article 8 of the Covenant. Any dispute in this area was dealt with by the Canadian labour relations council, a body composed of trade union and employers' representatives. The legislation governing collective negotiations was designed to support efforts made by the social partners to maintain constructive relations and prevent unfair practices. It was thus quite logical that where trade unions and employers had concluded a collective contract they should undertake not to resort to strikes or lockouts while the contract was in force. The rate of trade union membership had declined from 40 per cent in 1983 to 37.6 per cent in 1987 owing to the rapid growth of new jobs since 1983. The representative also explained that the limitations on the right to strike imposed in essential services or in the event of a national crisis endangering the population as a result of a strike was in conformity with the ILO principles and conventions on freedom of association. In certain cases, however, the ILO Committee on Freedom of Association or the Committee of Experts on the application of ILO conventions and recommendations had made suggestions and recommendations. In this connection, the representative pointed out that Canada had always co-operated with those monitoring bodies by furnishing requested information in due time.

#### Article 9: Right to social security

110. Members of the Committee wished to receive further information regarding the level of unemployment benefits as compared with wages, and the consequences of the exhaustion of an individual's entitlement to unemployment benefits. It was also inquired whether university and high school graduates were entitled to any benefits before they could find their first employment. Additionally, members wished to receive further information on the benefits available to women workers, and on Canada's attitude toward international co-operation and its contributions to international funds. It was also asked why Canadian public expenditure on social security benefits seemed to be lower than in other comparable countries, whether foreign workers involved in industrial accidents were entitled to social security benefits or whether they could be deported, and whether, if a mother died, the father was entitled to leave of absence when his child fell sick.

111. The representative of the State party said that the unemployment benefit amounted to 60 per cent of the average wage received during the period of employment, up to a maximum of \$383 per week. At the end of the period of

payment of the allowance, the recipient could apply for assistance to the province or to the local authority concerned. Secondary school or university graduates could likewise apply to the local authority for help when seeking initial employment. Referring to bilateral agreements on social security, the representative said that ILO sought to encourage its members to conclude such arrangements in order to eliminate obstacles to the movement of workers and to ensure greater justice in the area of social security. In that area, the Canadian Government encouraged the conclusion of bilateral agreements.

#### Concluding observations

112. In concluding consideration of the report, members of the Committee renewed their thanks to the delegation for having responded in considerable detail to many of the questions posed. By the same token, it was noted that while it may be especially burdensome for federal States to discharge their reporting obligations adequately with respect to each of the constituent provinces and territories, it was nevertheless important that details of difficulties encountered and of the extent of non-realization of the relevant rights be included in the report. It was said, however, that parts of the Canadian report had consisted largely of a recitation of relevant legislative provisions and that this did not enable the Committee to draw any detailed conclusions as to the State party's compliance with the Covenant.

#### Tunisia (arts. 10-12)

113. The initial report of Tunisia concerning the rights covered by articles 10 to 12 of the Covenant (E/1986/3/Add.9), was considered by the Committee at its 9th meeting, held on 10 February 1989 (E/C.12/1989/SR.9).

114. The report was introduced by the representative of the State party who highlighted some of the significant changes which had taken place since the change in the leadership of his country on 7 November 1987. Among the initial measures taken were a review of the Press Code, the authorization of activities by political parties, the abolition of the emergency courts and the freeing of political prisoners. The Constitution had also been revised so as to permit the normal functioning of democratic institutions, and legislative and presidential elections were planned. Furthermore, a more healthy social climate had been created in order to make possible the free exercise of trade-union rights.

#### General matters

115. With regard to the general framework within which the Covenant is implemented, members of the Committee wished to receive information on any significant changes which had occurred since the preparation of the report. Clarification was requested as to the meaning of the sentence in part I, section A, second paragraph of the report, according to which the Personal Status Code was considered to be "more consistent with Islamic law and more receptive to the requirements of progress", in particular as far as the abolition of polygamy was concerned. In this connection, information was also requested on the practical application of the prohibition of polygamy and concerning the penalties to which men and women were liable in cases of bigamy. An explanation was sought of the meaning of the statement in the third paragraph of the same section of the report that polygamy was "an affront to human dignity". Questions were also asked concerning the

definition of the concept of modernity mentioned in the report, the possibility of a referendum on the interpretation of the Sharia by the Tunisian authorities and the reason for the non-participation of domestic servants in the Tunisian social security system. Members also asked for further information concerning the manner of preparation of the report. The ILO representative gave the Committee information concerning the ratification and application of relevant ILO conventions by Tunisia.

116. Replying to these questions, the representative of the State Party referred to the provisions of the Personal Status Code which had abolished polygamy. The Code had been adopted only after due reflection and after Islamic jurists had been consulted in order to ensure that the Code was not contrary to the Sharia. The interpretation thus adopted took full account of the requirements connected with development and demographic change. Although there had at first been some hesitation concerning it, the Code was now accepted by everyone in Tunisia. The statement that polygamy was an affront to human dignity was justified because a polygamous father was torn between several families and his children did not receive all the affection that was desirable, whereas a monogamous family offered a child a favourable context for his development. Under the Code, anyone bound by matrimony who married again without the previous marriage being dissolved was liable to a penalty of imprisonment for one year and a fine of 240 dinars. However, since the adoption of the Code, no case of polygamy had been recorded. In his view, the Code was Tunisian society's fundamental instrument for the promotion of all social activities and was entirely in harmony with the provisions of articles 10 to 13 of the Covenant. The report had been prepared following consultation of the national bodies concerned and after submission to a committee of experts. In reply to the question concerning domestic servants, he said that, since such persons changed employers every two or three months, it was difficult for them to be covered by any social security scheme.

Article 10: Protection of the family, mothers and children

117. Members of the Committee wished to know whether it was assumed that a four-child family was considered ideal for the Tunisian society, why maternity leave of civil servants was twice as long as that in the private sector, whether the private sector provided adequate protection for pregnant women, and whether a child born out of wedlock was entitled to allowances in the same fashion as a child born in wedlock. Clarification was requested as to the compatibility with the Covenant and the relevant ILO conventions of the provision according to which the minimum age for employment in agricultural enterprises and activities was reduced to 13 years of age. Further information was also sought on the protection provided to children by the extended family, and in particular to abandoned children.

118. Members of the Committee also requested further information concerning the Tunisian concept of the family. In that connection they asked what was the role played by the father in the education of his children, what was the solution taken for the care of children in the event of divorce if one of the parents, not of the Muslim faith, lived abroad, and what was the legal system that applied in the case of divorce.

119. Information was also requested concerning the action taken by the Tunisian Government to promote equality of rights for men and women. Members asked what was the situation of women in rural areas, whether women enjoyed

equality with men as regards the power to manage household assets, have a bank account or open a business, and whether parental authority was shared by the father and the mother.

120. With regard to the protection of children, information was also sought on the practical situation of natural children and the legal protection granted them, on the number of abandoned children and on the powers of the childrens' judges.

121. Replying to the many questions addressed to him, the representative of the State party described the various measures which had been taken to protect and strengthen the family unit. In the large urban centres at least, the nuclear family was the basic unit of Tunisian society. The Government had taken many measures to ensure the advancement of women, including the adoption of rules requiring the bride's consent to be married, fixing a minimum age for marriage and providing a system of tutelage to protect her if the circumstances so warranted. Maternity protection was based on family planning which sought to establish a balance between the country's demographic growth and its economic and social development objectives. It had thus been recommended - although no compelling rules had been laid down in that respect - that no family should have more than four children. Maternity leave of civil servants was longer than that in the private sector because the economic constraints were not the same in the two cases. Because of this, two months of maternity pay on full pay were allowed in the public sector, whereas only one month was allowed in the private sector, although that leave could be extended if the mother's health so warranted.

122. With reference to the protection of children, the representative placed emphasis on the principle that every child in Tunisia should have a relationship of filiation. The Higher Council for Children had been given the task of preparing a general policy for children and had begun to study matters such as the adjustment of working hours for mothers to enable them to reconcile their occupational and family obligations. Replying to the question concerning the minimum working age, he said that the children who worked in agriculture were generally children with school problems whose parents preferred to keep them on the family farm. The Government was dealing with the problem of homeless children from the angle of prevention. Family-type hostels had been set up to take care of such children and to create a more natural environment for them. The National Institute for the Protection of Children had recorded an average of 400 children abandoned annually, some 250 of whom were taken in by social welfare centres. Explaining the law under which natural children inherited only from their mother or from her family, he said that that rule was intended to allow the child a minimum of protection by enabling him to bear his mother's name and inherit her property.

123. Replying to the questions asked concerning divorce, the representative said that divorce could be pronounced only by the courts and that repudiation was prohibited. In the event of divorce, care of the children was given either to the father or to the mother, according to the best interests of the child. In the particular case where the mother lived abroad, some arrangement was sought which would permit the establishment of a visiting right for the parent who did not have care of the child, regardless of the child's place of residence.

Article 11: Right to an adequate standard of living

124. Members of the Committee wished to receive further information on the efforts undertaken by the Government to ensure the right to an adequate standard of living. It was asked what had been the results of the mechanisms established to set up fixed prices to the benefits of disadvantaged groups, how did the law which guaranteed the right to food function, what had been the impact of recent adjustments policies on the prices of basic foodstuffs and on the enjoyment of the rights to adequate food for everyone, and what the average daily calorie intake was in Tunisia. Further information was also sought on the activities of the Equalization Fund, on the extent of homeless, and on any other difficulties encountered with regard to the right to housing.

125. Information was also requested concerning the system of land holding in Tunisia, the ratio of the farming population to the overall population, the right to adequate clothing and the water supply available in rural areas. It was also asked whether there was still under-nourishment in Tunisia, what was the situation of the most marginalized strata of society and whether the phenomenon of extreme poverty was to be found in the country.

126. Replying to these questions, the representative of the State party said that the National Institute of Nutrition had laid down standards for the minimum daily calorie intake. This had been set at an average of 2,275 calories and up to 2,452 calories in large urban centres. There were State-subsidized social solidarity centres which furnished an adequate food ration to children of school and pre-school age from needy families. Furthermore, Tunisia had an Equalization Fund (Caisse générale de compensation) which subsidized the prices of basic foodstuffs. However, the economic adjustment programme recently undertaken aimed at a liberalization of prices, while at the same time providing measures in favour of low-income families.

127. Regarding the right to housing, programmes had been established in co-operation with the World Bank for the improvement of housing and the elimination of rudimentary dwellings. Those were to be replaced by decent accommodation. In 1987 the Government had set itself a target of construction of 95,000 dwellings and 29,000 had already been completed. The right to own private property was guaranteed by law. A supply of drinking water was provided throughout the country, even in the most remote rural areas.

Article 12: Right to physical and mental health

128. Members of the Committee wished to receive statistical information on the population covered by the various institutions mentioned in the report in connection with the right to health. They also wished to know what were the shares of the public and private sectors in the provision of medical care, what proportion of the national budget was devoted to public health and whether Tunisia was experiencing problems connected with drug addiction and transmission of the AIDS virus.

129. In his reply, the representative said that treatment was now available in Tunisia for all illnesses, including those requiring the most advanced technology. All citizens now enjoyed the right to health, the compulsory vaccination programme covered 97 per cent of Tunisian children, there was a doctor for every 2,127 inhabitants, there were approximately 16,000 hospital

beds, 50 per cent of the inhabitants of the country benefited from the social security system and 45 per cent of the population received free medical care; only 5 per cent received no assistance. Owing to the development of tourism and the population's contacts with foreigners, there were some cases of drug addiction and AIDS in Tunisia, but they were still rare. Nevertheless, in accordance with WHO directives, the Government had established a programme for the detection and prevention of AIDS. Tunisia's total expenditure on public health amounted to 350 million dinars or 8 per cent of the national budget.

#### Concluding observations

130. Concluding their consideration of the report of Tunisia, the members thanked the representative of the State party for his oral presentation and for the additional information he had provided. They noted with satisfaction that he had given detailed answers to the questions put to him and had been frank in describing the changes that had taken place recently in Tunisian society. It was nevertheless regretted that detailed information, especially of a statistical nature, had been furnished neither on the subject of the most vulnerable sector of Tunisian society nor on the difficulties still experienced in realizing the rights to which the report referred.

#### France (arts. 10-12)

131. The initial report of France on the rights covered in articles 10 to 12 of the Covenant (E/1986/3/Add.10) was considered by the Committee at its 12th and 13th meetings, held on 14 February 1989 (E/C.12/1989/SR.12 and 13).

132. The report was introduced by the representative of the State party. He provided further information concerning the implementation of the rights contained in articles 10 to 12 of the Covenant, paying particular attention to the description of the main developments which had occurred since the submission of the report in October 1987. The emphasis was placed on the following major issues referred to in the written questions formulated by the Pre-sessional Working Group of the Committee: struggle against social marginalization, poverty and insecurity, protection of the children and of the family; housing policy; the protection of the handicapped; and, within the context of article 12, the struggle against AIDS. In that connection, he pointed out that the information provided both in the report and in his introductory statement was the result of a very wide interdepartmental consultation which had brought together all the services concerned, which in their turn regularly had worked in conjunction with the relevant social groups and organizations, including the trade unions and all specialized associations.

133. The representative, with reference to articles L512(1) and L311(7) of the French Social Security Code, informed the Committee that France applied the principle of equality of treatment as between nationals and foreigners who regularly resided in France and that foreign workers and their dependants were eligible for social insurance benefits if they were resident in France. Turning to the problem of the struggle against social marginalization, poverty and insecurity, he described political, legal, organizational and financial aspects of a new policy proposed by the French Government in favour of the most disadvantaged groups in order to give full value to the relevant provision contained in the Preamble to the 1946 Constitution to which reference was made in the actual Constitution. It was indicated that over the

preceding five years, France had conducted three main assistance programmes against social marginalization. Their common feature was that the State functioned in close association with its local and national partners, which had been one of the recommendations of the Committee on Economic, Social and Cultural Rights. The most recent measure in that area had been the minimum income system, adopted by Parliament on 1 December 1988. The minimum monthly income had been fixed by decree at 2,000 francs for a single person, plus 1,000 francs for the first dependant and 600 francs each for other dependants. Other relevant statistical information was also provided.

134. With reference to the protection of children and the family, the representative of the reporting State stated that the attitudes towards the protection of children had changed very much over the preceding 20 years: from a policy of assuming responsibility for a considerable number of homeless children, all recent efforts had been directed towards the families themselves in order to help them to bring up their children by making existing forms of assistance more comprehensive, of which a detailed description was given. He indicated that three further mechanisms had been set up by the present Government to encourage recognition of the rights of the child and of the family. In 1986, the family benefits system covered 5.9 million families and 12.5 million children. In addition to benefits for improving the well-being of the family, the family benefit organizations were currently managing all housing benefits. In 1986, they had distributed 147 billion francs in benefits. Within the context of article 10, a description was given of a comprehensive family planning policy carried out in France since the 1960s, including information on the problem of abortion.

135. Addressing the issue of housing policy, the representative pointed out that it was geared towards satisfying the needs of the poorest elements in the society. Information was provided on the low-cost housing campaign, which the Government had been carrying out for the last 10 years. In June 1988 the Government had adopted a series of new measures for moderate rent housing and run-down areas, in order to improve the quality of life. To combat rent rises in the uncontrolled sector, amendments had been made to the "Mehaignerie Act" of 23 December 1986.

136. The representative of the reporting State provided further information concerning the protection of disabled persons, indicating in particular that in June 1988 a secretariat of State within the Ministry of Solidarity, Health and Social Protection had been set up to deal with disabled persons. French policy with respect to disabled persons was directed at three major concerns: employment, children and the promotion of independent living.

137. With respect to French policy on AIDS, detailed information was provided and within this context, it was emphasized that the Government in November 1988 firmly reaffirmed non-discrimination with respect to AIDS victims and the fact that they should not be excluded from society if fundamental human rights were to be observed. The Committee was informed that the Government adopted a national anti-AIDS plan with three priorities, namely prevention, cure for the victims and research. It was indicated that the budget for information campaigns on AIDS amounted to 100 million francs and the AIDS research budget had been raised from 50 million francs in 1988 to 150 million francs in 1989.

## General matters

138. With reference to the general framework within which the Covenant was implemented, the members of the Committee wished to have additional information on factors and difficulties, if any, affecting the implementation of the rights set forth in articles 10 to 12 of the Covenant, and, in particular on the extent to which the various rights had not yet been fully realized; to what extent there was a continuing system of monitoring of the enjoyment of the rights referred to in articles 10 to 12 of the Covenant, which might clearly indicate any significant deterioration in the situation and help to identify urgent measures which might need to be taken; and to what extent non-governmental organizations or social groups had been associated in the preparation of the report. They also wished to know in which respects the rights of non-citizens were restricted as compared with those of citizens; and if there were any regional disparities in the extent of enjoyment of the relevant rights. Further information was also requested on the French national health, housing and education schemes and, in particular, on any benchmarks established by the Government for minimum levels of the enjoyment of the rights recognized in articles 10 to 12 of the Covenant.

139. Members of the Committee, having noted that the report was, in some respects, too legalistic in its approach, and therefore might not adequately reflect the real situation in the country, asked for further information on the actual difficulties encountered in implementing the Covenant. In particular, they wished to know what action had been taken to overcome regional disparities especially with reference to the heavily-industrialized North; to what extent unemployment affected the realization of the rights contained in articles 10 to 12; what consequences the failure of the EEC to act on the social dimensions of the 1992 project would have for the enjoyment of the rights affirmed in articles 10 to 12 of the Covenant and what major outstanding problems there were in relation to the implementation of those articles.

140. It was also noted that there was a methodological defect in the report: the part on article 10 contained a section on the Overseas Territories, whereas the parts on articles 11 and 12 did not. It was suggested that the regular inclusion of a special section on the Overseas Territories would be useful in the future.

141. Replying to the questions on general matters, the representative of the State Party, after referring to the statement made by France when ratifying the Covenant, also explained that the nationality condition only concerned the disabled person's allowance introduced by the Disabled Persons Act of 1975, which under French law was not a social security benefit, but a financial allowance paid by the State without any quid pro quo in order to guarantee disabled adults a minimum of resources. The principles concerning equal treatment of nationals and aliens when the latter were regularly resident in French territory remain fully applicable with regard to other social benefits, including those paid to disabled adults.

142. On the problem of the social dimension in the Europe of 1992, he stated that the introduction of a European social policy was a priority for France.

143. As regards France's food aid to the third world, the Committee was informed that it took various forms and was provided through various channels,

which were described in detail. It was stated that France's contribution to the EEC's food aid programme had amounted in 1987 to 1.2 million tons of grain, 130,000 tons of powdered milk and 30,000 tons of butter oil, among the most important items. In addition, in devoting 0.51 per cent of its GDP to development aid in 1987, France was well ahead of a number of leading European countries in that field.

144. Further details were given to the Committee on the question of overseas departments and territories. The status of overseas departments was governed by the principle of legislative assimilation contained in the 1946 Constitution and reaffirmed in article 73 of the 1958 Constitution.

145. The situation of the Overseas Territories was very different from that of the overseas departments and was reflected in the principle of "legislative specialization". The organization of the Overseas Territories was also determined by the Territories' statutes; if it was evident from the statutes that a particular field was not the responsibility of the State, it came within the competence of the Territory. By virtue of that principle of autonomy for Overseas Territories, regulation of the rights set forth in articles 10 to 12 of the Covenant was entirely a matter for the Territories, which dealt with such matters in their territorial assemblies.

Article 10: Protection of the family, mothers and children

146. The Committee was interested to know what kind of family planning policy was exercised in France; whether abortion was allowed, and if so, under what conditions; whether the Government was aware of any significant number of cases involving the exploitation of child labour in France, and if so, could details be provided as to the problems encountered and the solutions proposed; whether there had been in France any significant problems involving sexual abuse of children in recent years, and if so, what measures had been taken to provide appropriate special protection.

147. In addition, further clarification was sought as to the statement contained in the report, in accordance with which different family benefits had been paid in the overseas departments and in the metropolitan France. It was also asked whether protection was accorded to families in which the parents were not married; how many divorces there were in France and whether the divorce rate was rising or falling; what measures had been taken in France to encourage the moral and spiritual consolidation of the family and of marriage; whether statistics existed and could be provided on the number of widows, divorced and separated persons by sex. Members also wanted to know what legal protection was available to women employees if they actually were dismissed during pregnancy; whether paternity leave existed in French law and, if so, in what circumstances; and what the trends in juvenile delinquency in France were.

148. In his reply, the representative of the State party noted that over the past 30 years the nature of the family had changed considerably: firstly, the term "family" had come more and more to mean a unit consisting of a couple, whether married or not, and their children; secondly, the number of families lacking a parent was increasing. The Government's family policy was described in the light of that trend. On protection for pregnant women under the labour law, attention was drawn to various legal aspects and it was pointed out that if a pregnant woman was dismissed from her job, it was for the judge to decide

whether it was preferable that she should be reinstated or that compensation, for example, should be paid. Additional information was provided on the single parent's allowance, which was paid essentially to women, on paternity leave in France and on the payment of family benefits in overseas departments.

Article 11: Right to an adequate standard of living

149. With reference to the implementation of the right to food, the Committee requested further information as to the extent to which France had not succeeded in eliminating hunger and malnutrition, and on the free distribution of food to disadvantaged persons. In relation to arrangements for the minimum supplies of food to needy groups referred to in the report, it was asked why it had taken four years - from 1979 to 1983 - to implement EEC regulation 2374/79; had that regulation been introduced because of widespread unemployment or for other reasons; and what qualifications were required to be eligible for that assistance.

150. As to the right to housing, it was asked whether the various subsidies provided to landlords indicated that housing construction in France was not sufficiently profitable; why, despite all the efforts made by the Government, the housing situation was, in statistical terms, worse than in some other western European countries; and whether there was any significant incidence of homelessness in France. More information was also sought on the rent control scheme.

151. With reference to the difference between the standard of living in metropolitan France and the standard of living in the Overseas Territories, additional information was requested. It was noted, in connection with the Disabled Adults Allowance, that to be eligible a person must be of French nationality or a national of a country which had concluded a Convention with France, and it was pointed out that such a regulation seemed to be in contradiction with article 2, paragraph 2, of the Covenant, which stated that the State parties guaranteed that the rights in the Covenant would be exercised "without discrimination of any kind as to ... national or social origin ...". With reference to the right to housing it was asked what the criteria were for decent housing in France; what was the current trend in the proportion between rented and owned housing in France and whether the 40 per cent in the rental sector, mentioned in the report, was equally divided between urban and rural areas.

152. The representative of the State party, after describing in detail the policy for dealing with unemployment, said that it was aimed particularly at the major categories of unemployed, i.e. young people, women and workers approaching retirement age, mainly those over 55. But despite all the measures taken by the Government, the unemployment rate remained high in France. As regards the differences in standard of living between the overseas departments and territories and metropolitan France, the necessary explanations were given and the relevant legislation was described. Additional information was provided in answer to the questions on the exercise of the right to housing, and in particular a definition was given of housing with "modern conveniences" by French standards. The Committee was informed that living space had increased considerably over the past 10 years and now averaged 80 m<sup>2</sup> in individual dwellings, which were 51.2 per cent owner-occupied, and 68 m<sup>2</sup> in collective dwellings.

153. As regards the particularly difficult situation in which certain needy groups had found themselves in France two or three years earlier, it was stated that the main answer to the problem was the guaranteed minimum income for reintegration, on which further explanations were given.

Article 12: Right to physical and mental health

154. Members of the Committee wished to know whether health care facilities were equally available and accessible in rural and urban areas, and if not, what incentives had been given to medical doctors to practise in rural areas; and whether sporting and recreational facilities were sufficiently developed and accessible to everyone. The Committee also requested further information on the measures adopted by the Government of France to combat AIDS.

155. In addition, more information was sought on public and private contributions in the health sector; on the interministerial committee which had been set up to study the problem of drug addiction and on the background to drug addiction in France and its influence on society; on the rate of infant mortality; on the number of doctors per thousand inhabitants, and the number of hospital beds available.

156. In his reply, the representative of the State Party said that France had one doctor per 400 inhabitants and that the number of hospital beds had been 720,000 at 1 January 1987, 510,000 in public hospitals and 210,000 in private ones. Infant mortality, which was steadily declining in France, had been 13.8 per thousand in 1975, 9.5 per thousand in 1982, 8 per thousand in 1986 and 7.7 per thousand in 1987. Of the 138,835 doctors in France in 1988, 25 per cent of whom were women, 69.2 per cent were in private practice and 30.8 per cent were in the State sector.

157. With reference to the penal policy on drug taking, he said that the French criminal system was not just aimed at drug sellers or traffickers, since the way the traffic was organized, at least in France, meant there was no clear distinction between traffickers and consumers. Nevertheless, with regard to the latter, the penalties could be alleviated through application of article L.728, first paragraph, of the Health Code, which was described in detail.

158. As regards France's activities for international co-operation in the health field, he described the operations it undertook, including humanitarian disaster relief, exports of pharmaceuticals and medical products, training of foreign medical students, admission of medical research workers, attendance at and organization of international medical congresses. Detailed information was given on the anti-AIDS campaign.

Concluding observations

159. Having noted that the French Government had a strong social policy, the Committee expressed a desire to have more information on economic and social problems and difficulties encountered in implementing the relevant provisions of the Covenant, as well as what the authorities were doing to deal with them.

160. The observation was made that the explanations given on article 2 of the Covenant and on the statement made by France when ratifying it had not been convincing and that French law on the disabled was contrary to the Covenant.

161. The Committee noted with satisfaction the willingness of the French delegation to provide the Committee with further written information on various questions raised during consideration of France's initial report on the rights covered by articles 10 to 12 of the Covenant.

Rwanda (arts. 6-9 and 13-15)

162. The Committee considered the second periodic report of Rwanda concerning the rights covered by articles 6 to 9 of the Covenant (E/1984/7/Add.29) and the initial report concerning the rights covered by articles 13 to 15 of the Covenant (E/1982/3/Add.42), at its 10th to 12th meetings, held on 13 and 14 February 1989 (E/C.12/1989/SR.10-12).

163. The reports were introduced by the representative of the State party, who distributed to the members statistics on the economy (1988) and educational situation (1987-1988) of his country.

General matters

164. The members of the Committee asked for further information on factors and difficulties, if any, affecting the implementation of articles 6 to 9 and 13 to 15 of the Covenant in Rwanda. In particular, it was asked whether the Government considered that the high birth rate in Rwanda constituted an obstacle to the implementation of the Covenant; whether the Government of Rwanda had already requested technical assistance from the United Nations system, in particular, ILO, to diagnose and solve any problems hampering the full implementation of the Covenant; and whether there was a global plan in Rwanda for gradually implementing the rights set forth in articles 13 to 15. The Committee sought further statistical information, in particular on the proportion of the budget devoted to the various economic and social sectors, and expressed the wish that for purposes of comparison over time, United States dollar equivalents should be given for all data concerning financing.

165. Members requested additional information on the Umuganda policy, which apparently required citizens to contribute to civil works; in particular, it was asked whether the policy was compatible with international human rights standard prohibiting forced labour.

166. Members asked whether the people of Rwanda were aware of the contents of the report submitted to the Committee, and whether any instruction on human rights was given to the police and the members of the armed forces.

167. In his reply, the representative of the State party pointed out that the main problems affecting Rwanda's implementation of articles 6 to 9 and 13 to 15 were directly due to its underdevelopment and the fact that its economy was still largely agricultural. Rwanda had a shortage of resources for the creation of the necessary infrastructure. He stated that the Government was co-operating in a wide variety of projects with ILO, which included the study on the organization and structure of employment in Rwanda, and the technical expert made available by ILO would shortly be submitting his report.

168. He pointed out that Rwanda was currently implementing its fourth five-year economic, social and cultural development plan, which covered more or less all objectives set forth in the Covenant. The ministries responsible

for the areas covered by the rights set forth in articles 13 to 15 of the Covenant received a large share of the national budget. The economic sectors of these ministries received 39.01 per cent of the operational budget and the social sectors 33.66 per cent. In addition, the Government was encouraging the private sector to make a contribution, particularly in education.

169. The representative stated that human rights was taught at all levels of education, and that military and police officers were also given courses in human rights. He explained that Umuganda was a way of life and a traditional means of organization of the population, which the public authorities had merely institutionalized. It embodied the principle of collective self-help as well as community solidarity. He said that no compulsion was used in the Umuganda programmes. The majority of projects implemented under the Umuganda policy were popular initiatives to build roads, health centres and so on. A report was published every year on the Umuganda projects, and he promised to send the French version to the Committee.

Article 6: Right to work

170. The members of the Committee wished to know what were the rates of unemployment by sector of economic activity in Rwanda, and what specific measures were being taken to improve the situation in that regard. The Committee asked what percentage of the labour force was covered by training programmes designed to place workers and the self-employed in productive employment. The Committee also requested further information on any quota system concerning the allocation of employment and training to members of the Tutsi minority. The State party was asked to comment on the compatibility of restrictions on the right of residence in urban areas with the right to work as provided for by article 6 of the Covenant and with the right to freedom of movement.

171. With regard to the rates of unemployment, the representative of the State party explained that in his country there was an ample supply of unskilled labour which could not all be absorbed by the rural sector, while at the same time there was a great shortage of skilled labour and statistics for the government service showed that there were many vacant posts. The Government's efforts were being directed to the training of young people and to the implementation of development projects, especially of a labour-intensive nature. In view of the shortage of qualified personnel, there was no quota in the public service. However, in filling vacancies all elements in the population were taken into account to correct past inequalities.

172. He stated that there were no restrictions on the right of residence in urban areas, but it was government policy to encourage citizens to live where they could find work, for example in the countryside, where there was employment in agriculture.

Article 7: Right to just and favourable conditions of work

173. The members of the Committee wanted to know who was represented on the Advisory Commission for Minimum Wages, by whom, and how they were appointed, and asked whether unions, workers and employers were involved in the formulation and application of the provisions of the law concerning working conditions. A member asked whether there was a labour inspectorate, and if

so, how it was organized, and how many inspectors it had to monitor the implementation of labour legislation.

174. In his reply, the representative stated that the Advisory Commission for Minimum Wages was a tripartite body with the representatives of the Government, employers and workers. The representatives of the employers and workers were elected by the Revolutionary Movement for Development.

175. He said that unions, workers and employers participated in the implementation of legislation on working conditions through the tripartite Advisory Commission and, since 1988, also through the Rwandan Trade Union Federation of Workers. The Rwandan Constitution and legislation protected equality between men and women in employment, and women represented about 31 per cent of the employees in the public sector and 1 per cent in the private sector.

176. With regard to the labour inspectorate, he explained that there was a central inspection service both in the capital and in each district. In Rwanda there were 14 labour inspectorates which were charged with monitoring the application of labour legislation.

Article 8: Trade union rights

177. The Committee wanted to know what specific measures were being taken to promote free collective bargaining and if there was a trade union service in the Ministry of Labour to assist workers or employers to organize. The members asked what alternative measures were available, in the absence of the right to strike, to public servants to promote and protect their rights and interests (E/1984/7/Add.29, p. 16, sect. E). The members also asked what criteria the Federal Executive Bureau applied to accept or reject applications for strikes in the private sector (*ibid.*) and what was the percentage of rejected application for strikes.

178. Some members wanted to know the number of trade unions and the size of their membership, and whether membership of the single trade union was compulsory.

179. In his reply the representative of the State party stated that laws to promote and safeguard trade union rights were contained both in the Rwandan Constitution and in the Labour Code. He said there was a division dealing with trade unions in the Ministry of Labour. The right and interest of public servants were handled through the policy of consultation within the tripartite Advisory Committee and the Rwandan Trade Union Federation. In the private sector, when workers had taken a formal decision that they wished to strike, they had to seek the authorization of the Federal Executive Bureau of Trade Unions. He pointed out, however, that the policy in Rwanda was one of negotiation in preference to confrontation. The Federal Executive Bureau arbitrated disputes between the employers and the workers. It was estimated that about 70 per cent of the workers in Rwanda were unionized and he stated that the people of Rwanda themselves had chosen to be organized in a single movement, the Rwandan Trade Union Federation of Workers, which was integrated with the Revolutionary Movement for Development. He stated that the single union corresponded to the unified political structure in the country, and therefore pluralism in the trade union movement would be premature and out of

place. The membership of the Rwandan Trade Union Federation was wholly voluntary.

Article 9: Right to social security

180. The members of the Committee asked whether any studies had been done to determine basic needs and minimum subsistence levels in Rwanda and to establish a comprehensive social security scheme to satisfy basic needs and ensure the enjoyment of minimum subsistence levels. It was also asked how the Social Security Fund was financed, and how contributions were apportioned between employers and workers and whether the State also participated.

181. The representative of the reporting State indicated that social security was one of the Government's major concerns, and the Rwandan Social Security Fund, which was administered as a public body, had been set up with overall responsibility for medical care. He pointed out that studies were being conducted by the Ministry of Planning and the National Bank of Rwanda to determine the rate of contributions payable to the Fund by employers and workers. The Social Security Fund itself was studying how it might widen its coverage to include sickness benefit for independent workers. The whole social security system was under review.

Articles 13 and 14: Right to education; principle of compulsory free education

182. The members of the Committee wanted to know to what extent educational facilities were provided to members of various religious denominations or sects in Rwanda. The members requested additional information on the percentage of children enrolled in primary education, also on what specific measures were being taken to ensure the right of everyone to education, and when the Government expected that all children would be enrolled in primary education. Information was also sought on what sort of limitations there were in free primary education and on the sort of assistance needed, if any, to achieve the full implementation of the right to a free and compulsory education. In that respect, some members wanted to know whether parents were required to contribute to the cost of education and what measures the Government was taking to punish parents who did not send their children to primary school regularly or at all.

183. The Committee asked what percentage of children were enrolled in secondary education, how had that changed during the period under review, and what specific measures were being taken to ensure a higher level of attendance. A member wanted to know what measures were being taken to ensure that secondary and higher education were free. The Committee wished to know why the number of females attending secondary schools had dropped in the last few years (E/1982/3, Add.42, p. 18, table). A member asked whether all the courses at the Integrated Rural and Craft Education Centre were open to boys and girls.

184. The members of the Committee sought further information on any governmental plan being set up to develop higher education facilities. A member asked how many university faculties were there and what their coverage was, and how many university professors were Rwandan and foreign respectively. Another member asked whether any vocational training was given

in prisons. Information was requested on what percentage of education was given in the private and public sectors respectively.

185. In reply, the representative of the State party stated that the primary school enrolment rate in Rwanda was approximately 61 per cent. Under the national development plan, the Government was making a very great effort to extend primary education, with the aim of achieving the target of 100 per cent. However, material difficulties were being encountered. He informed the Committee that the right to education was enshrined in the Constitution. He stated that education was in principle free of charge, although parents were expected to contribute to the cost of textbooks and stationery for their children even if only in a nominal amount. He explained that, for that reason, upon ratification of the Covenant Rwanda had entered a reservation to the effect that "the Rwandese Republic (was) bound, however, in respect of education, only by the provisions of its Constitution".

186. He pointed out that religious denominations had full educational facilities. Private persons set up schools, and the Government actively encouraged them to do so. A high percentage of schools were managed by religious denominations. Religion was included as a subject in all school curricula, and each denomination supplied its own teachers of religion.

187. With regard to secondary education, he informed the Committee that a considerable effort was being made to promote education at that level. New schools were being built, existing schools were being extended, and the traditional boarding schools were being turned into day schools in order to increase the amount of space available for classrooms. He stated that the Government was receiving considerable international assistance in the educational field. The percentage of children enrolled in secondary school had risen considerably, but still did not exceed 8 to 10 per cent. At the university level, capacity had been enhanced through the decentralization of the National University into three separate campuses. Additional opportunities for higher education were being provided by the Higher Military Institute, and the Higher Institutes of Public Finance, Public Administration and Agronomy. The representative promised to supply the statistics of Rwandese professors and foreigners at a later date. He pointed out, however, that the Government had a policy of Rwandization of teachers and professors at higher levels of education. Finally, he informed the Committee that in the prisons the inmates were given literacy lessons and vocational training.

Article 15: Right to take part in cultural life and to benefit from scientific progress and from the protection of the interests of authors

188. The Committee wanted to know what steps were being taken to develop and protect national culture, and what efforts were being made to ensure the preservation of the cultural rights of the Tutsi minority in Rwanda. Further information was also sought on any facilities provided by the Government in the cultural and scientific fields and a member asked whether rights of authors were being protected.

189. In his reply, the representative of the State party stated that the Government had established the Rwandan Institute of Culture, set up dancing companies and a national library. A National Day of Culture had also been proclaimed. He pointed out that Rwandese people constituted a single nation State, enjoyed a common culture and that Tutsi culture could not therefore be

regarded as a separate entity. With regard to rights of authors he said that Rwanda was a member of WIPO, which had recently adopted a law concerning the rights of authors.

#### Concluding observations

190. Some of the members commended the reporting State for its reports; in particular, the inclusion of the cultural elements in the Rwandan economic, social and cultural plan which was considered praiseworthy, and expressed their satisfaction with the manner in which the reports were presented. However, the view was expressed that the report was not entirely satisfactory in that it did not give sufficient information, and particularly statistics, to establish the extent to which the situation with respect to implementation of the rights contained in the Covenant was gradually improving. It was observed that on the requirement to provide compulsory education free of charge, article 14 of the Covenant was quite unequivocal in establishing a two-year timetable for the preparation and adoption of a plan of action for implementation of that right. The report (E/1982/3/Add.42) did not give any evidence of the existence of such a plan. It was noted that while due allowance should be made for the difference in resources available to States in fulfilling their obligations under the Covenant, lack of material resources did not explain why there was only one trade union in Rwanda. Although article 8 of the Covenant required States parties to allow their citizens to form trade unions and to join trade unions of their choice, in Rwanda there was effectively no choice.

191. It was suggested that the Committee should emphasize the need for co-operation between States parties at the regional level, and between States parties and such specialized agencies as ILO and UNESCO in order to promote more rapid progress towards implementation of the Covenant and, in particular, to ensure the preparation of more satisfactory reports.

192. It was observed that consultation and co-operation were no substitute for the right to strike and expressed the view that that concern of the Committee should be conveyed to the Government of Rwanda.

#### Netherlands (arts. 6-9 and 10-12)

193. The Committee considered the initial report of the Netherlands on the rights referred to in articles 6 to 9 of the Covenant (E/1984/6/Add.20) and the second periodic report of the Netherlands on the rights referred to in articles 10 to 12 of the Covenant (E/1986/4/Add.24) at its 14th and 15th meetings, on 15 February 1989 (E/C.12/1989/SR.14 and 15).

194. The reports were introduced by the representative of the State party who explained that the Kingdom of the Netherlands had a unique constitutional framework within which three autonomous parts freely co-operated, namely the Netherlands, the Netherlands Antilles and, since 1986, Aruba. Under its Charter, the highest constitutional instrument, the Kingdom of the Netherlands, while remaining one sovereign entity under international law, consisted of three equal partners with distinct identities which were fully autonomous in their internal affairs. As a consequence of that constitutional framework, the General Assembly of the United Nations had, as early as 1955, discharged the Netherlands of its duty to report on its non-self-governing territories.

195. He added that the Netherlands was a party to the majority of the ILO conventions relevant to the provisions of the Covenant and he pointed out that his Government's second periodic report concerning articles 10 to 12 of the Covenant contained information about the revised Constitution of the Netherlands and new legislation and policy. The report also provided a number of replies to the questions asked by the members of the former sessional working group of governmental experts on the implementation of the Covenant when it had dealt with the initial report on articles 10 to 12 in 1986.

#### General matters

196. The Committee expressed its appreciation of the report of the Netherlands and of the goodwill shown by the Government in sending a large and high-level delegation.

197. Referring to the general framework within which the Covenant was implemented in the Netherlands, members of the Committee wished to receive information on the current status of the Covenant in the national legal order. They asked, in particular, whether the provisions of the Covenant had been invoked in the national courts and, if so, in what cases and with what consequences. They asked also what steps had been taken by the Government in order to safeguard the rights under consideration, in particular the right to work and equality between men and women in the light of the provisions not only of the Covenant, but also of the ILO Convention concerning Employment Policy, 1964 (Convention No. 122), ratified by the Netherlands.

198. Furthermore, it was observed that the sections of the Constitution concerning discrimination seemed to apply only to citizens and it was asked whether foreigners were excluded from those provisions and what was the meaning of "horizontal" application of the constitutional provisions by the courts. Clarification was also requested on the references to minorities appearing in the reports and on the ways in which the Netherlands Government was seeking to integrate its non-indigenous populations.

199. Members of the Committee also asked what sanctions were provided in case of violation of the laws prohibiting any form of discrimination between men and women in employment and why relatively few married women in the Netherlands were in paid employment. The question was raised of how the Netherlands Government was endeavouring to ensure that economic, social and cultural rights were respected during the process of privatization of enterprises in the country. It was observed that in general the reports gave insufficient details about the specific application of the various provisions of the Covenant and that it would be desirable for the Committee to have more information, in particular about any difficulties encountered by the Netherlands in the implementation of the Covenant.

200. In accordance with paragraph 9 of Economic and Social Council decision 1981/158 of 8 May 1981, the representative of ILO provided the Committee with information about the ILO conventions ratified by the Netherlands and specified the provisions of those conventions which contained information relevant to the implementation of the Covenant.

201. In his reply, the representative of the State party referred to the new Constitution of the Netherlands which entered into force in 1983 and, in particular, to the first chapter, which contained provisions on most of the

rights reflected in the Covenant. He added that in several instances, including decisions of the Supreme Court, the Covenant had been taken into account. However, the nature and formulation of the rights mentioned in the Covenant had not made it possible for individuals to claim a directly applicable right as was the case under the Covenant on Civil and Political Rights. The representative also stated that measures concerning employment policy had been explained in his Government's recent report on the application of ILO Convention No. 122. They included the act to promote the employment of very long-term unemployed job seekers which had been drafted in close co-operation with workers' and employers' associations and which had entered into force in 1986, several measures to combat youth unemployment, to give special attention to poorly qualified minorities and women who re-entered the labour market, and to encourage equality in employment between men and women.

202. He observed, furthermore, that the reports submitted by his Government also referred, even if only implicitly, to the difficulties encountered in the implementation of the Covenant. With regard to the questions concerning possible discrimination between citizens of the Netherlands and foreigners, he stated that no condition was implied in the term "citizen", which could be replaced by the term "individual". He went on to give details about ethnic and other groups which constituted minorities in the Netherlands but nevertheless formed an integral part of Dutch society. The representative also explained that the concept of "horizontal" application of certain legislative provisions in the Netherlands derived from the fact that, although the system of human rights had been established to protect the rights of individuals vis-à-vis the State, it had been necessary to recognize that some of those rights should also be protected in relations between individuals. He then briefly described the policy measures planned by the Government to ensure that representation of women on the labour market was equal to that of men.

#### Article 6: Right to work

203. Members of the Committee wished to know how the Government's policy of seeking "to promote sufficient employment" satisfied the obligation to respect the right to work, whether in the pursuit of the "optimal use of human resources" the new technology was taken into account, what sort of re-training programmes were offered to assist unemployed persons to find productive employment, whether training and re-training programmes were offered to assist unemployed persons to find productive employment and whether training and re-training schemes were designed on the basis of tripartite consultations. Clarification was also requested on the meaning of "tailoring employment policies to specific needs of minorities". In addition, reference was made to the protection in the Netherlands against arbitrary termination of employment and it was asked whether the law provided for compensation, reinstatement and quick adjudication.

204. Some information was requested on the practical experience of the Government with the assistance provided to unemployed persons who wished to set up in business on their own account and on the actual situation of women in paid employment. It was also asked how the percentage of jobs to be reserved by law for the disabled had been calculated, whether this provision was actually applied in both public and private employment, to what extent non-nationals had access to posts in the civil service, what the actual functions were of the Equal Opportunities Commission, whether the phenomenon of marginalization of unemployed people existed in the Netherlands and whether

the Government endeavoured to ensure that every citizen enjoyed a certain minimum income even if unemployed. In addition, it was asked what measures the Government intended to take to ensure that the right to work was recognized by the Constitution and domestic law and to combat unemployment effectively.

205. In his reply, the representative stated that article 19 of the Constitution of the Netherlands referred directly to the measures the Government should take to promote sufficient employment and that particular measures were taken by the Government to encourage the creation of additional jobs and to provide training facilities. The effect of new technologies was taken into account in the pursuit of the optimal use of human resources. The training and re-training of employees generally was the responsibility of the employer or of the employers' and workers' associations. However, the Government also assumed some responsibility, particularly in the case of employed persons. There were 27 technical and 6 vocational training centres for adults run by the Government and a new training scheme had been launched on 1 January 1987 for training people in enterprises and establishments. The joint Industrial Labour Foundation composed of employers' and workers' organizations had issued a report on training in 1986 and 1987, and had made recommendations in which provision was made for some aspects of training in 50 collective agreements covering about 1,790,000 workers. Furthermore, in future, the Government's manpower policy would focus more directly on helping members of minority groups. There was a target of increasing the proportion of ethnic minority employees in government service to 3 per cent by the end of 1990. As regards protection against arbitrary dismissal, the representative pointed out that an employer could not terminate labour relations with an employee without the consent of the director of the Local Employment Office and that, on the basis of the Civil Code, an employee might ask for compensation as well as reinstatement if his dismissal had been obviously unreasonable.

206. The representative stated, furthermore, that following the repeal of an old act, non-nationals could now be appointed to most public service posts. The percentage of jobs to be reserved by law for the disabled was arbitrary but served as a target to be reached gradually in enterprises. He also explained the functions of the Equal Employment Opportunities Commission but pointed out that its role would be changed by a new law on equal treatment for which a bill had been submitted to Parliament. Equal treatment for men and women in employment was guaranteed by law.

Article 7: Right to just and favourable conditions of work

207. Members of the Committee wished to know what the methods were for determining minimum wages; what problems, if any, were encountered in the determination of what constituted "equal work"; what were the main criteria for promotion and who determined it.

208. In his reply, the representative referred to legislative measures adopted in the Netherlands to determine minimum wages and minimum holiday allowances. Those measures took account of criteria mentioned in the ILO Convention concerning Minimum Wage-Fixing, 1970 (Convention No. 131), such as the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment. The methodology which had been adopted in 1980 was currently under review and a

bill on the subject had been recently submitted to Parliament. The representative added that the Netherlands legislation on equal pay for work of equal value provided for the advice of the Tripartite Committee on Equal Treatment, on which both employers' and workers' organizations were represented. The Committee was supported by the wages service of the Ministry of Social Affairs and Employment. There was no specific legislation or general policy in the Netherlands with regard to promotion to a higher function in the same enterprise. There were, however, some legal provisions relating to non-discrimination in the matter of promotion. Article 1 of the 1983 Constitution required the equal treatment of persons in equal circumstances and that article applied also to promotion.

Article 8: Trade union rights

209. Members of the Committee wished to know whether workers had the right to strike over conflicts of "rights" and whether public servants, having no right to strike, had the right to go to "compulsory arbitration".

210. In addition, it was asked whether the representative organizations of members of the armed forces in the Netherlands were comparable to trade unions, whether the State could help trade unions facing economic difficulties, what the criteria were for ensuring that trade unions were representative, what powers the Judiciary could exercise to bring parties to a dispute to the negotiating table and to what extent the notion of a "minimum level of service" applied in the case of public service strikes.

211. Details were also requested on the level of trade-union membership in the Netherlands and on the exercise of the right to strike in the private and public sectors.

212. Replying to the questions raised, the representative stated that Netherlands case law on the right to strike was mainly based on conflicts of interest. A strike which resulted from a very serious violation of an existing labour agreement might be regarded as lawful by the court. However, there were no examples of such cases. Furthermore, he explained that the courts in the Netherlands had in principle recognized the right to strike of public servants. There was no procedure for compulsory arbitration in the Netherlands, but there was a procedure for solving disputes that might arise in discussions between the Government and the trade unions on terms of employment and working conditions. If those discussions did not lead to an agreement and the parties were of the opinion that further discussions would be to no avail, the advisory and arbitration committee of the public service would be asked for advisory opinion or for arbitration. An arbitration decision had binding force.

213. The representative added that the members of the armed forces could form and join trade unions. The Government exerted no influence on trade-union activities or on the internal affairs of trade unions and provided no direct financial or other support. The representativeness of a trade union was not a requirement for collective bargaining but only for the establishment of advisory bodies in the public sector. The application of the right to strike was not regulated by any act and was subject only to case law. However, the judge could at times play a part in negotiations, if he considered that the possibility of recourse to negotiations had not been exhausted; he sometimes decided that a strike was unlawful and that negotiations must be reopened.

The minimum level of service was not stipulated in any regulations, nor had it been established by case law. Moreover, all case law was based on conflicts of interest and did not take account of conflicts of rights.

Article 9: Right to social security

214. Members of the Committee asked whether foreign workers and minorities enjoyed in the Netherlands the same eligibility and benefits as nationals, what relationship existed between social insurance, national assistance and social security schemes referred to in the report, how the workers contributed to those schemes and what amount of money they must pay for them. Reference was made to the views under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights which were adopted by the Human Rights Committee on 9 April 1987 with regard to the case *Zwaan de Vries v. the Netherlands* 3/ and it was asked whether the Government of the Netherlands had taken any measures in response to those final views and whether it was aware of any other areas in which the existing social security provisions could be challenged as being contrary to the non-discrimination provisions of article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights.

215. In addition, it was asked whether the Netherlands authorities had considered the question of reviewing the social security system because of a decline in the active population, what was the difference between the level of pensions in the public service and in the private sector, what was the basis for calculating workers' pensions and what distinction was made between married couples and single persons. It was also asked whether the Netherlands authorities had a policy to assist elderly persons.

216. The representative replied that in so far as ethnic minorities had Netherlands nationality, they enjoyed the same eligibility and benefits as their compatriots who did not belong to a minority group. Foreign workers enjoyed the same social security rights and benefits as nationals with two exceptions specified in the Public Allowances for Unemployed Persons Act and in the National Assistance Act. He provided further information on the social security system of the Netherlands and stated that contributions to social security were divided between employers and employees. With regard to the final views of the Human Rights Committee in the case of *Zwaan de Vries v. the Netherlands*, he stated that in order to comply with the principle of non-discrimination formulated in a number of international instruments, the Government had been making a general review of all social security laws in order to establish a legal system in which there was no discrimination between men and women. The greater part of the social security legislation had already been adapted to the principle of non-discrimination. However, the process of legislation took time because formal procedures had to be observed and advisory opinions sought, but most because there were different ways of realizing equal treatment.

217. With regard to the policy concerning elderly persons, the representative briefly described the measures taken by the Netherlands authorities, which were centred on providing care at home rather than in institutions for the elderly, and on a policy of informal care.

Article 10: Protection of the family, mothers and children

218. Members of the Committee requested further information on factors and difficulties, if any, affecting the implementation of the rights set forth in article 10 of the Covenant. They wished to know, in particular, what sort of facilities were available to newly established families, what the rate of divorce was in the Netherlands and, in view of the high level of unemployed women in the country, what measures were being taken to help women getting an employment. It was also asked what the rate of unemployment among young people was and what specific measures were being taken to improve the situation in this regard.

219. With reference to the wider concept of family in line with recent social trends which was mentioned in the report, it was asked whether a homosexual couple could be considered to constitute a family under the new concept and what value was attached to the traditional concept of marriage and family in contemporary Dutch society. It was asked also whether the law discriminated between the status of married and unmarried couples in respect of custody of children and whether the principle of joint custody of children had been established in the country. Details were also requested on tax allowances for families and on the consequences of divorce in terms of taxation, as well as on questions relating to abortion, the operation of play centres, measures for the rehabilitation of young drug addicts, the scheme of "work with retention of benefit" for young persons, the proportion of families having unmarried couples as the parents and the situation of children of divorced couples.

220. The representative replied that in the Netherlands the view was now taken that government policy as a whole, and not only welfare policy, should do justice to the increased diversity in the types of family and other ways in which people lived together. He explained that in connection with the policy on taxation and social security there was a clear tendency to take account of the fact that children were being cared for at home by one of the parents. However, it was not certain at present whether the resources for child-care facilities could continue to be provided through an income tax allowance if the tax system was simplified as was proposed. An important task facing the Government was to determine how in future the flow of resources could be shifted so that instead of breadwinners enjoying tax facilities, special leave for parents and child-care facilities could be provided. He referred, in this connection, to research and the elaboration of legislative and other measures undertaken by the Government to improve maternity leave and leave to look after sick children, to increase the number of care centres and facilities for the care of older children during school hours and to establish a more equal division between men and women of paid employment outside the home and unpaid duties at home. With respect to the rate of divorce in the Netherlands, the representative provided figures indicating a decline in marriages and a growth in the percentage of divorce. He also referred to measures being taken by the Ministry of Social Affairs and Employment to help unemployed women and stated, in particular, that since May 1988, employers might ask for financial compensation in developing affirmative action for women in their organizations. That measure would be in force until 1992. In addition, he stated that by the end of June 1987 the rate of unemployment of young people was just over 20 per cent among young people under 23 years and just under 20 per cent for those between 23 and 24 years of age. The number of unemployed young people had declined by 45,000 since 1986. Several job creation instruments for young people were now in force and the Government

contributed to financing the training costs. The objective of the youth development employment measures was to promote the admission or re-admission into the labour market of young people up to the age of 25 who had been unemployed for at least two years. The employer with whom the young person was placed received 33 per cent of the gross minimum youth wage.

221. The representative then informed the Committee of his Government's policy concerning drug addiction, which involved stopping imports of narcotics into the country and preventing drug abuse.

Article 11: Right to an adequate standard of living

222. Members of the Committee wished to know what kind of difficulties, if any, had been encountered by the Government of the Netherlands with respect to the implementation of the right to food. As regards the right to housing, they wished to receive statistical information on the housing problems encountered by minorities. They also asked what kind of difficulties, if any, had been encountered by the Government in respect to the implementation of the right to housing. In addition, clarification was requested on the very high level of unoccupied dwellings and it was asked, in particular, what the current number of people in search of housing was and what measures were being taken to solve housing problems in the Netherlands.

223. In addition, some information was requested on the Government's bilateral food aid programmes and on the procedure for the requisition of unoccupied housing in case of need. Details were also requested on the system of rent control and its method of operation, and on the protection given to tenants moved to allow the renovation of dwellings occupied by them. It was observed, in particular, that it would be interesting to have the Government's comments on a list of questions relating to housing which had been transmitted to the Committee by a non-governmental organization. In addition, clarification was requested concerning the existence in the Netherlands of problems such as that of homelessness and malnutrition or of illegal workers who might be experiencing hardship as a result of occupational accidents.

224. In his reply, the representative stated that his Government had encountered no difficulties with regard to the implementation of the right to food. Some difficulties had, however, been encountered with respect to the implementation of the right to housing mainly because, for budgetary reasons, the State was no longer in a position to maintain a high level of housing aid and people had to spend more on housing. As regards specifically housing problems encountered by minorities in the Netherlands, statistics would be provided in written form. Furthermore, the representative explained that unoccupied dwellings were not so numerous but they were highly concentrated. The reasons were economic development, changes in physical planning policies and to some extent the wrong choice by the authorities of housing type, size and location. The housing shortage could be estimated at approximately 127,000 whereas there were some 125,000 vacant housing units. By giving more discretion to local government and private initiative, the problem would probably be solved, and relevant policy measures had been taken by the Government under consideration. The National Assistance Act contained measures to assist persons unable to pay their rent.

Article 12: Right to physical and mental health

225. Members of the Committee asked for further information on the new legislation under preparation in the Netherlands, aimed at "maximizing individuals' responsibility for themselves and for their own health care", in particular with regard to the existing system. They noted that, according to the Government's report, 62 per cent of the population in the Netherlands was insured against medical expenses and they asked for clarification with regard to the situation of those who were not insured against such expenses. In addition, further information was requested on the availability and accessibility of the health services provided for the rural populations as compared with those provided to the urban populations. It was asked, in particular, how the quality and the scope of health-care facilities provided for rural populations compared with those available to urban populations.

226. Moreover, it was asked whether euthanasia was permitted in Netherlands law, what the Government's approach was in respect of the problem of AIDS, what the rate of infant mortality in the country was, and what the number of hospitals and medical doctors was in proportion to the population.

227. In his reply, the representative explained that in March 1987 an advisory committee on the structure and financing of health care had published a report containing a number of proposals for major changes to the health-care system. The Netherlands Government was broadly in agreement with the Committee's proposals which had started to be implemented in January 1989. The aim was to complete the restructuring of the system by 1992. Although health care in the Netherlands was of a very high standard and quality the health care system suffered from a few basic shortcomings. In 1992, there would no longer be any distinction between national insurance funds and private insurance companies but only one type of insurance. The insured would be free to choose his insurer and, in principle, insurers would be obliged to accept all applicants. The representative also pointed out that since the Netherlands was a relatively small country, there was no significant difference between the rural and urban populations, and the medical facilities everywhere in the country were of a high quality. The representative added that there was no act governing euthanasia in the Netherlands. Cases of euthanasia were exceptional and had to be reported to the Attorney-General, who decided whether there were grounds for prosecution. Measures to combat AIDS in the Netherlands were aimed at prevention and centred on health education.

Concluding observations

228. Following consideration of the reports of the Netherlands, the Chairman and various members of the Committee thanked the Netherlands delegation for the frankness of its replies to the questions. They nevertheless felt that some further details should be given and gaps still had to be filled in respect of some of the complex questions raised during the discussion. It was noted that the absence of any significant time between the presentation of questions by the Committee and the responses by the Government, while perhaps inevitable because of circumstances beyond the control of the Government, was none the less regrettable since it limited the possibility for the Committee to receive detailed and thoughtful responses. It would be useful if the Dutch Government could communicate additional information to the Committee in writing before the submission of its next periodic reports.

Netherlands Antilles (arts. 13-15)

229. The Committee considered the initial report of the Netherlands Antilles on the rights referred to in articles 13 to 15 of the Covenant (E/1982/3/Add.44) at its 14th and 15th meetings, on 15 February 1989 (E/C.12/1989/SR.14 and 15).

230. The report was introduced by the representative of the Netherlands Antilles who provided explanations on the educational system in the islands, which consisted of pre-primary, primary, special and technical education. He pointed out that since 1986 the junior domestic science schools and the junior commercial schools had been combined into a new type of school known as the junior school for business and service-related education. The other types of secondary education had not undergone any changes since 1986. Higher vocational and university education were pursued mainly in the Netherlands and the United States of America and that had to be taken into account whenever changes in secondary education were being considered. For the past few years the tendency of both the island Governments and central Government had been to co-operate in gearing post-secondary education, in particular technical education, to the needs of the labour market.

General matters

231. The Committee expressed its appreciation of the report of the Netherlands Antilles and, in particular, of the participation of their representative in the consideration of the report.

232. Referring to the general framework within which the Covenant was implemented, members of the Committee wished to know what percentage of the total budget of the Netherlands Antilles was devoted to education. They asked whether the Government believed that such a statistic constituted a relevant "benchmark" to assist the Committee in determining whether the obligations in the Covenant were being complied with.

233. In his reply, the representative informed the Committee that 20 per cent of the total budget of the Netherlands Antilles was devoted to education. He referred to a regional conference of Ministers of Education and Economic Development organized by UNESCO at Bogotá (Colombia) in April 1986, in which it had been concluded that that amount was amply above the standard.

Article 13: Right to education

234. Members of the Committee wished to receive statistics relating to literacy rates in the Netherlands Antilles and information on measures to fight against illiteracy. They noted that the report attributed the large proportion of children who needed to repeat classes at primary school level in part to the use of the Dutch language and in part to the policy of developing education in the Netherlands Antilles on the same lines as in the Netherlands. In this connection, they wished to know in some detail why these two policies had been adopted and the extent to which public debate had focused on those issues. Furthermore, they asked what the gender breakdown of secondary and higher education enrolments was, whether there was a significant imbalance, whether any measures had been taken to correct it, whether the domestic science schools referred to in the report were open to boys as well

as girls and, similarly, whether girls could be trained for trades or employment in industry.

235. In his reply, the representative informed the Committee that data provided by the second general population census in 1981 had indicated that 98 per cent of the population had attended, or was attending, school. There had been no information on the other 2 per cent, but it had been assumed that the rate of illiteracy had been less than 2 per cent. He further explained that the main reason why a large proportion of children needed to repeat classes at primary school level in the Netherlands Antilles was that Dutch was the medium of instruction but only 6 per cent of the population spoke Dutch at home. Approximately 80 per cent spoke Papiamentu at home, while there were quite a number of native speakers of English. There was a Bill proposing to officialize Papiamentu for some islands and English for others; however, the Dutch language and the Dutch educational system were still retained because Dutch continued to be the official language in which documents, laws and books were written and not many possibilities for further education were available in the Netherlands Antilles. The representative also stated that in his country there was no significant difference in higher education enrolments between the two sexes and that in advanced education 53 per cent of students were girls. All schools in the Netherlands Antilles were open to everybody; however, in practice only girls attended domestic science schools.

Article 14: Principle of compulsory free education

236. Members of the Committee recalled that the Covenant provided that primary education should be free and compulsory while the report indicated that primary education was not compulsory in the Netherlands Antilles and that the issue had been much debated since the turn of the century. In this connection they asked what the principal arguments were that had been used against making primary education compulsory and whether more details could be provided of the study of this question, which was due to have been completed by the end of 1989 and to which reference was made in the report.

237. The representative replied that many children in the Netherlands Antilles came from the poorer sections of society and often their families received Government support to survive. If a fine were imposed for failure to attend school, the parents would have to pay it out of the grant which they received from the Government. There were also cases in which children worked to help their parents financially. If they had to go to school, the family would be affected. Some children tried to combine going to school with working. It had been felt that one solution might be to make the school "child-minded" so that children would prefer going to school to staying at home. A committee was still studying the matter.

Article 15: Right to take part in cultural life and to benefit from scientific progress and from the protection of the interests of authors

238. It was asked what role was played by the Roman Catholic Church and other religious denominations in the cultural life of the Netherlands Antilles.

239. The representative explained that in the Netherlands Antilles there were two types of schools: public schools and private schools administered by councils which could be Catholic, Protestant, Adventist or of other denominations. Provided the private schools complied with the law, their

financing was ensured by the State. No child could be refused admission to the public schools because of his religious or other beliefs. Cultural policy was primarily the responsibility of the island authorities, which made allowance for all religions.

#### Concluding observations

240. Following the consideration of the report, the Committee thanked the representative of the Netherlands Antilles for his co-operation with the Committee.

#### United Kingdom of Great Britain and Northern Ireland (arts. 10-12)

241. The Committee considered the second periodic report of the United Kingdom of Great Britain and Northern Ireland concerning rights covered by articles 10 to 12 of the Covenant (E/1986/4/Add.23) at its 16th and 17th meetings, on 16 February 1989 (E/C.12/1989/SR.16 and 17).

242. The report was introduced by the representative of the reporting State, who highlighted relevant recent developments in his country. They included the establishment of separate departments which would provide more balanced representation of both health and social security issues at the Cabinet level, the reform of the national social security system embodied in the Social Security Act of 1986, a comprehensive strategy by the United Kingdom Government for the prevention, treatment and control of AIDS, which included services for the treatment and support of people who were HIV-positive or who had AIDS as well as governmental and local measures aiming to promote the prosperity of health and welfare of the people living in the inner cities that had not so far benefited from increasing prosperity to the same extent as the country as a whole.

#### General matters

243. Members of the Committee congratulated the United Kingdom Government on its comprehensive report which reflected the changing situation of the United Kingdom in the field of economic, social and cultural rights. They thanked, in particular, the representatives of the reporting State who had resolved, in their statements, many of the points on which the Committee had felt concern, especially in respect of the lack of information in the report itself regarding the difficulties encountered by the United Kingdom in implementing the rights affirmed in the Covenant. Members of the Committee felt that the report was more descriptive than analytical and they hoped that future reports would strike a better balance between the two approaches.

244. With reference to the general framework within which the Covenant was implemented, members of the Committee wished to know the extent to which measures had been taken by the Government during the last decade had enabled citizens of the United Kingdom to come closer to the realization of rights covered by articles 10 to 12 of the Covenant or whether those measures made it more difficult to do so.

245. Some information was also requested on whether, in the enjoyment of relevant rights in the report, there were differences between British nationals, persons from dependent territories, persons from Commonwealth countries, and persons who did not belong to any of those groups. It was

asked, in particular, whether the rights covered by articles 10 to 12 of the Covenant were justiciable in the United Kingdom, what measures were being taken by the Government to ensure that national wealth was equitably distributed, and whether the Government had given any thought to implementing specific legislation relating to the Covenant or whether it was considered that all the obligations of States parties were adequately covered by legislation which had already been passed independently.

246. The representative replied that his Government had been unable to identify, in the first wide question raised by the Committee, the particular issues on which the Committee would like it to focus. However, there could be no question of not making progress in the United Kingdom towards implementing articles 10 to 12 of the Covenant for every citizen.

247. With regard to the implementation of the Covenant in United Kingdom territory, it was pointed out that the United Kingdom did not make it a practice to give legal effect to the provisions of the international treaties to which it was a party. Instead, it ensured that domestic legislation was in keeping with those treaties and would enable it to fulfil the obligations it had undertaken and, where necessary, it adopted legislation for that purpose.

Article 10: Protection of the family, mothers and children

248. Members of the Committee recalled that article 10, paragraph 3, of the Covenant provided that special measures of protection and assistance should be taken on behalf of children. In this connection, they noted that a recent analysis by the Children's Legal Centre, contained in a book published by the United Kingdom Human Rights Network, concluded that "the United Kingdom failed to live up in significant respects to the promises it had made on children's rights under international treaties". They, therefore, asked whether the Government had any response to the assertions contained in that analysis in so far as they pertained to its obligations under article 10, paragraph 3, of the Covenant. Furthermore, members of the Committee asked whether the Government was aware of any significant number of cases involving the exploitation of child labour in the United Kingdom and, if so, whether details could be provided as to the problems encountered and the solutions proposed; whether there had been any significant problems involving the sexual abuse of children in recent years and, if so, what measures had been taken to provide appropriate special protection. They also wished to know whether or not the Matrimonial Homes Act (1981) had been considered in any detail by the courts of law and, if so, in how many cases and what were the principal issues which had arisen; how successful the strategies used to prevent family breakdown were, whether statistical indications could be provided in that regard, what the rate of divorce was in the United Kingdom and what the percentage was of unfair dismissal cases based on the grounds of pregnancy during the period covered by the report. Further information was requested on the various kinds of penal responsibility applied to delinquent minors and children in accordance with national penal legislation and, in this connection, it was asked in what cases the provisions of the Children and Young Persons Act of 1969 were not applied to persons under 10, 14 and 17 years of age. Information was also requested on cases of recent application of the Children and Young Persons Act of 1969 in relation to the prevention of child abuse. Members of the Committee wished to know, in particular, what steps had been taken by the Government to protect children against hooliganism and juvenile delinquency and to prevent such phenomena, whether statistical information

could be provided on the extent of employment of children of 13 years of age and why youngsters could be employed up to 48 hours a week, which was more than adults in most other countries.

249. In addition, it was asked to what extent the emigration laws of the United Kingdom facilitated family unity in terms of both persons who were regarded as married under the marriage legislation in force and of common law spouses who wished to join their partners in the United Kingdom, and whether any further thought was being given to the liberalization of the emigration provisions to encourage family unity within the context of the Covenant.

250. It was asked whether in the United Kingdom there was an increasing trend towards juvenile delinquency and whether the courts were responding by imposing more custodial sentences, or whether they were trying to avoid detention as much as possible in view of its harmful effects on the juvenile delinquent; what was the proportion of juvenile delinquency as a percentage of crime as a whole; whether associations for child protection against abuse had been established and what measures the Government was taking to solve the problem. Several questions were raised in order to clarify current concepts of marriage and the family in the United Kingdom, and the application of certain measures for the protection of children and young persons, especially in employment. In addition, detailed information was requested on certain legal provisions concerning divorce, unfair dismissal of pregnant employees, maternity benefits and adoption, the position of illegitimate children with regard to inheritance, social security for foreigners, refugees and nationals, and specific problems relating to retirement pensions of the elderly.

251. In his reply, the representative, referring to some of the issues raised by the Children's Legal Centre in its analysis on the situation of children in the United Kingdom, stated that a proposal in the Children's Bill currently with Parliament was that the use of wardship to place children in the care of local authorities would stop. He stated also that the Access to Personal Files Act 1987 and regulations under that Act were at present before Parliament, and that the legislation, if approved, would come into effect on 1 April 1989. The legislation would enable an individual to know what was recorded about him or her in the manually maintained records held by a local authority in the performance of its social services functions. The local authorities responsible for child protection were given guidance to help judge whether a child (i.e. a person under 18) making a request for access to his or her personal files understood the nature of the request. If so, the child would be entitled to make the request and the authority should reply to the child. As regards the exploitation of child labour in the United Kingdom, he provided information on the number of cases brought to court in recent years and stated that existing legislation provided reasonable and effective safeguards to protect children. The representative added that cases of sexual abuse of children had occurred in his country recently and the Government was much concerned about the problem. In this connection, he provided information on a statutory inquiry established by his Government with regard to sexual abuses concerning a large number of children in Cleveland, on publications and directives to guide medical and social services in their action concerning cases of sexual abuse on children and on statistics concerning sexual abuse on children which had been elaborated by the National Society for the Prevention of Cruelty to Children and the Department of Health. Furthermore, he stated that the Matrimonial Homes Act (1981) was applied in Scotland, but results on the operation of the act were not yet available. He provided, however,

information on the Matrimonial Homes Act (1983) as applied to England and Wales. Information on strategies used to prevent family breakdown was not available, but major legislation was under consideration by Parliament which, among other things, was intended to help families stay together. The representative then explained the ways in which the Children's Bill sought to clarify, rationalize and where possible simplify the law so as to provide a more effective framework for the provision of services to children and their families and for the protection of children at risk. He stated that the rate of divorce in England and Wales in 1986 had been nearly 1.3 per cent of married people. Information on unfair dismissal cases based on the grounds of pregnancy would be circulated subsequently to the Committee. In connection with questions raised about the penal responsibility applied to delinquent minors and children, the representative provided information on young offenders' institutions which had replaced in 1988 the former detention and youth custody centres. The age of criminal responsibility under English law was 10 years. Statistics on the number of children that had been committed to care under the Children and Young Persons Act in England would have been made available to the Committee. As for the protection of children against hooliganism and juvenile delinquency, he referred to information submitted by his Government in August 1988 to the United Nations Crime Prevention and Criminal Justice Branch in Vienna. He further stated that no by-laws permitted children to be employed for up to 48 hours a week.

252. Furthermore, all non-contributing benefits under the social security system were guaranteed for all legal residents in the United Kingdom. However, some benefits were insurance-based and therefore required the payment of contributions. With regard to juvenile delinquency, the representative indicated that the problem was becoming less serious in the United Kingdom. A total of 138,000 minors between the ages of 10 and 18 had been sentenced by the courts or cautioned by the police in 1987, as against 142,000 in 1986 and 175,000 in 1985. The United Kingdom Government's policy was to stress the importance of crime prevention. In connection with the questions on adoption, he referred to the information contained in his country's initial report, 4/ which had been considered in 1981 by the Sessional Working Group of Governmental Experts on the Implementation of the Covenant. He emphasized that United Kingdom legislation made no distinction between adoptive and natural parents or between adopted and natural children. He also provided detailed information on the maternity grants available under the social security system, particularly in the case of women who were employed, and on the system in force in the United Kingdom with regard to retirement pensions. He referred in particular to the 1978 Employment Protection (Consolidation) Act, which guaranteed, inter alia, the right of women not to be dismissed because of pregnancy. He also explained that there was no legal difference between civil and religious marriages.

Article 11: Right to an adequate standard of living

253. It was recalled that on several occasions, the General Assembly had suggested that the Committee should use benchmarks to assist in evaluating programmes made under the Covenant. In this connection, members of the Committee noted that in academic analyses by British experts, it had been suggested that the Supplementary Benefit rate be the equivalent of a minimum level of income below which no individual or family should be allowed to fall if they had no income from full-time employment. They, therefore, asked whether the Government of the United Kingdom accepted this as a useful

"benchmark" for analytical purposes, whether it was correct that, according to official estimates, 5 per cent of the population of the United Kingdom (2.4 million people) were living below that level, which represented an increase of 16 per cent since 1979, and what measures the Government had taken in compliance with article 11 of the Covenant. Furthermore, it was noted that, as a result of recent changes involving the replacement of Supplementary Benefit by Income Support in the United Kingdom, the Social Security Advisory Committee, appointed by the Secretary of State, had estimated that 43 per cent of claimants would be worse off as a result of the changes. In this regard, it was asked whether that assessment was considered accurate by the Government to protect the rights recognized in article 11 of the Covenant. Members of the Committee noted also in the report that the average daily calorie intake for the population of the United Kingdom as a whole was well in excess of the recommended levels and they asked whether the Government could provide an indication as to the number of individuals whose actual intake was known or estimated to fall below the recommended levels. They asked also whether the Government was aware of the existence of any homeless persons in the United Kingdom, whether there were any difficulties encountered in ensuring an adequate standard of living for all segments of the population in the various parts of the United Kingdom and why the average calorie intake during the period from 1970 to 1984 had decreased from 3,367 to 3,217, that is by 4.5 per cent. They also wished to have more information on the measures taken by the Government with respect to assuring proper food quality control and, in particular, adequate consumer representation in food advisory committees.

254. It was also asked whether, generally speaking, it was government policy to make the individual responsible for his own subsistence. Reference was made to information provided by a non-governmental organization, according to which the homeless population of the United Kingdom or the people living in inadequate dwellings exceeded 3 million; it was asked what steps were being taken to alleviate the situation. The same non-governmental organization also reported that a law had recently been passed in the United Kingdom which would allow landlords in the private sector to set rents at any level they wished and that there would no longer be protection of "fair rent" provisions and allocations. In this connection, it was inquired whether that would really be the effect of the legislation referred to and what would happen to those tenants who were currently protected.

255. In reply, the representative stated that no United Kingdom Government had ever accepted that the levels of income-related benefits constituted a poverty line. The setting of those levels involved many factors including, for example, available resources and incentive effects in combination with in-work income and taxation. To take the income support rates, which had now replaced supplementary benefits, as a poverty line would lead to the obvious absurdity that the incidence of poverty could be reduced by the lowering of benefit rates. His Government believed that the most effective way to attack poverty was to pursue a policy of economic growth so that the standard of living was increased at all levels. Furthermore, the representative stated that the Social Services Advisory Committee had made no independent assessment of the effects of the reform of the social security system. It had not calculated or estimated the number of "gainers" or "losers" which had resulted. In any case, there had been no "losers" among those people entitled to income support at the time of the change because benefits were given transitional protection and the income-support system was subject to continuous monitoring. With regard to the questions raised about actual calorie intake, the representative

stated that in the United Kingdom, the recommended intake for men was 2,510 calories per day, if they were sedentary as most were, and 2,150 calories for women.

256. A major survey recently completed would show what proportion of the population ate less than their recommended intakes, but there was no evidence of any problem along the lines implied by the questions raised.

257. The United Kingdom Government was concerned about the homeless. Its housing policies were designed to help those areas with the greatest needs by extending the role and funding of housing associations, expanding the private rented sector and targeting resources more effectively in the public sector. Over the past year an additional 74 million pounds had been made available to authorities with the most acute problems of homelessness, together with approval of 40 million pounds additional housing association capital receipts to be spent on schemes to help homeless families. The Government also recognized that some areas and population groups were in greater need than others and housing policy was included among the measures being taken to help those who needed help the most. As regards the decrease in the average calorie intake during the period 1970-1984, the representative explained that it had been due to decreased supplies of dairy products, meats, fish, eggs, fats, sugar, and cereals, which had been offset to some extent by increases in vegetables, fruit and alcohol supplies. That partly reflected a decreased need for food as the population had become more sedentary, and partly increased efficiency in the distribution of foods.

258. Surveys and studies were being conducted in the United Kingdom on various aspects of the nutrition of children and adults. With regard to housing, the representative noted that housing stock in the United Kingdom had continued to deteriorate over the years, since owners had no incentive to make the necessary repairs because of rent control. A new act, which had entered into force on 13 January 1989, should enable owners to derive greater benefit from their investments.

#### Article 12: Right to physical and mental health

259. Members of the Committee wished to know whether there were any major deficiencies in the National Health Service of the United Kingdom and the policies relating to it, in terms of securing full respect for the rights recognized in article 12, paragraph 1, of the Covenant, and whether recent changes in the National Health Service were intended solely to improve the financial stability of the Service or to enhance realization of the right of access to health care. Furthermore, information was requested on the situation of AIDS in the country. It was also asked what steps had been taken by the Government in order to prevent or diminish the level of the cost of the health-care services for patients, whether health-care facilities were equally available and accessible in rural and urban areas and, if not, what incentives were given to medical doctors to practise in rural areas. Members of the Committee further wished to have specified the quality and scope of health-care facilities provided for rural populations compared with those available to urban populations.

260. With reference to the health care of migrants, it was asked whether in the United Kingdom, the same medical controls were applied to all persons or whether such controls varied according to nationality, quite apart from the

special controls normally imposed on persons coming from epidemic areas. It was also asked what the situation was with regard to health care, illegal immigrants and how long it took, under the new arrangements concerning medical services, for health care actually to be delivered.

261. Further information was requested on how the authorities were addressing the problem of AIDS, bearing in mind the need to reconcile the conflicting priorities of respect for human rights on the one hand and the need to protect society on the other. It was asked, in particular, what steps had been taken to curb the spread of AIDS in prisons and whether it was a fact that homosexuals, irrespective of whether or not they were sero-positive, could not obtain life insurance coverage. It was also asked what measures the Government had taken to improve health, safety and environmental standards at the work place and whether there were in the United Kingdom many cases of cardiovascular diseases as a result of inappropriate diet.

262. In his reply, the representative provided information on a number of initiatives which had been taken in the United Kingdom in 1988 concerning both maternity and child health and, in particular, the question of perinatal, neonatal and infant mortality, antenatal and post-natal care and child health surveillance. As regards recent changes in the National Health Service, he pointed out that there were unacceptable variations in the health service provided in different areas of the country. If the National Health Service, which was available to all members of the population, was made more efficient through proper financial and management accountability, the Government believed that the patient must ultimately benefit through the improvement of the service at the point of delivery and the more effective use of the available funds and scarce skilled manpower. He further explained that the National Health Service remained free at the point of delivery and that the Government was prepared to invest additional resources in specific areas where there was a particular need to develop service. However, the Government considered it reasonable that, to help finance those important developments, those who could afford it should pay for part of the cost of certain medical services. The representative also pointed out that since 1948, the National Health Service had been planned, managed and financed to ensure equality of access for all United Kingdom citizens. Health authorities were well aware of the need to monitor accessibility to services and the needs of rural communities were always taken into account in their services planning.

263. He further stated that it was open to an immigration officer to refuse entry to a person if he constituted a health hazard or if he had arrived for the purpose of taking advantage of the United Kingdom health facilities without the means to pay for them. The Government was not satisfied with the situation relating to the waiting lists for admission to hospitals and a special branch had been established in the Ministry of Health to monitor progress. The representative provided some figures on recorded cases of AIDS and of persons diagnosed as human immunodeficiency virus-positive (HIV-positive), which were constantly increasing. With regard to AIDS sufferers, the authorities laid the stress entirely on voluntary consent to testing and treatment and were opposed to the use of compulsion or any form of unfair discrimination. They also supported international resolutions on education and information as essential weapons in the fight against AIDS. It was true that persons in the high-risk AIDS group found it difficult to obtain life insurance from private insurance companies since they were clearly not good risks and companies wanted to make profits. In prisons, blood tests

designed to detect the AIDS virus were made either at a prisoner's request or on the recommendation of the prison doctor, with the prisoner's consent in such a case. The United Kingdom authorities had launched a broad education campaign on AIDS and teaching materials on AIDS were available to the public in general and to the prison population in particular. Large amounts had been allocated by the Government for research on AIDS and drug addiction.

#### Concluding observations

264. Following the consideration of the report, the representative of the United Kingdom proposed to provide the Committee with further written information on the many questions to which it had not been possible to reply orally.

265. Some members of the Committee noted that the information contained in the report gave a static and overall view of the situation. There had, however, been many changes in the United Kingdom and in the rest of the world since that country had submitted its initial report in 1980, and what the Committee would have liked to have was a comparative study describing the developments that had taken place during that period, as well as the specific problems that still had to be solved. It was also regretted that, during the consideration of reports, there had been a tendency to answer the Committee's questions only on the basis of information available to delegations of States parties at that particular time. In view of the complexity of the topic, that was a difficult exercise to which States parties would have to devote more time and thought.

266. The Committee therefore looked forward with interest to the further information the representative of the United Kingdom would provide in writing. The additional report should offer realistic answers to the questions raised, inter alia, in connection with the rights of children and their protection, the problem of the homeless, the right to food, the problem of poverty and the redistribution of national wealth.

#### Trinidad and Tobago (arts. 6-9, 10-12 and 13-15)

267. The Committee jointly considered the initial reports of Trinidad and Tobago concerning rights covered by articles 6 to 9 (E/1984/6/Add.21), 10 to 12 (E/1986/3/Add.11) and 13 to 15 of the Covenant (E/1988/5/Add.1) at its 17th to 19th meetings, held on 16 and 17 February 1989 (E/C.12/1989/SR.17-19).

268. The reports were introduced by the representative of the State party, who emphasized the effects of the fall in the price of oil, Trinidad and Tobago's main export, on the promotion and respect of economic, social and cultural rights. Between 1982 and 1988 there had been a decline of 27 per cent in GNP and of more than 30 per cent in the population's real income, making it necessary to rearrange the country's short-term priorities and introduce austerity measures. The growth targets set in the 1989 budget could thus be met only through co-ordinated efforts by the international community, aimed, inter alia, at alleviating of the problem of developing-country indebtedness and improving the situation of the commodity market.

269. With more particular reference to the implementation of articles 6 to 9 of the Covenant, he said that the Constitution of the Republic of Trinidad and Tobago provided no guarantee of the right to employment. The unemployment

rate had increased drastically between 1982 and 1987, to a level of 22.3 per cent, and its social cost had entailed additional constraints for an already weakened economy. However, vocational guidance and training measures, as well as provisions guaranteeing the trade union rights of workers subject to certain conditions, had been adopted. In addition, discrimination against women in the area of employment was gradually being eliminated. Noting that the public sector was the country's largest employer, the representative indicated that efforts were in progress to cut public expenditure by reducing the wage bill, particularly through early retirements.

270. With regard to the implementation of articles 10 to 12 of the Covenant, the representative emphasized that the family was the pivot of his country's efforts at social, economic and cultural advancement in his country. Ambitious programmes had been launched in respect of access to health, education, training and housing, but there again their implementation had been slowed down by the difficulties to which he had referred. Thus, there were still deficiencies in primary health care, the hospitals being required to dispense services which should normally have been provided at other levels. Furthermore, the Town and Country Planning Act, although promulgated in 1969, was still not being implemented consistently, resulting in irretrievable damage to the environment. Lastly, he drew attention to an experimental town planning programme based on the "Sou Sou Lands" concept, which had captured the attention of the United Nations Centre for Human Settlements (Habitat).

#### General matters

271. With regard to the general framework within which the Covenant is implemented, members of the Committee inquired whether the Government of Trinidad and Tobago had requested technical assistance from the United Nations system, in particular ILO, to diagnose and solve any problems hampering the full implementation of the rights set forth in articles 6 to 9 of the Covenant, whether the restrictions on the right of a foreign husband of a Trinidad and Tobago woman to acquire the nationality of his wife were compatible with the principle of non-discrimination and equality of the sexes, and whether the terms and conditions which could be specified in a work permit were compatible with the non-discrimination clause of article 2, paragraph 2 of the Covenant. With regard to the rights set forth in articles 10 to 12 of the Covenant it was asked whether the Government was aware of any non-realization of these rights and to which extent these rights were realized in Trinidad and Tobago. Lastly, in connection with articles 13-15 of the Covenant, it was inquired what the implications of the drop of the GNP per capita and of the consequent austerity measures on educational public expenditures were and whether the Government had considered addressing the problems of low wage rates and unfavourable tax structures which provide disincentive to potential teachers with a view to enhancing the relevant educational opportunities.

272. In addition, it was asked whether economic, social and cultural rights did not risk being marginalized in the framework of the efforts to redress the country's economic situation. In that connection, members inquired whether there was a plan for the recognition of those rights, whether there were pressures for a relaxation of employers' legal obligations, particularly in regard to wage negotiations and the exercise of trade union rights and, lastly, whether measures had been taken to encourage skilled personnel working abroad to return to the country.

273. Further information was sought on the situation of citizens of Trinidad and Tobago working abroad, and on the protection they enjoyed, in particular when they fell sick. Additional information was also requested on the main ethnic groups, their languages, their religion and their situation; on the equality of opportunity and treatment of all ethnic groups; on the situation of the most vulnerable groups; on why a five-year period of residence was required to acquire citizenship; and on the measures taken to combat poverty. It was also asked how many female offenders there were, and whether they were guarded by women warders. Lastly, members wished to know to which extent non-governmental organization had been associated in the preparation of the reports, and what measures had been taken by the Government to publicize the content of the reports.

274. The observer of ILO informed the Committee about the ratification and application by Trinidad and Tobago of the relevant ILO conventions.

275. In reply, the representative of the State party said that his country had drawn upon the services of ILO in the past, particularly in connection with the establishment of a Centre for Management Development and Productivity, the introduction of the national insurance scheme and the formulation of manpower policy. He also stated that the provision requiring the foreign husband of a Trinidad and Tobago woman to hold a work permit in order to obtain employment was not discriminatory in its implementation and was designed to give nationals priority as regards recruitment.

276. Replying to other questions, the representative assured the Committee that, despite the economic difficulties, the rights guaranteed by the Covenant and the Constitution would continue to be respected. With regard to Trinidad and Tobago nationals working abroad, he explained that, under agreements concluded with Canada, such persons were recruited each year as seasonal workers on farms. The candidates were selected by the services of the Ministry of Labour and their travel was financed jointly by the Trinidad and Tobago Government and the Canadian farmers. However, because of competition from other countries, the number of persons concerned had declined from 700 in 1985 to fewer than 300.

277. Referring to the questions about the ethnic composition of Trinidad and Tobago and the most disadvantaged groups, he emphasized that the expression "ethnic minorities" had no meaning in his country, since the population was entirely composed of descendants of immigrants. In 1980, 40.8 per cent of the population had been of African origin and 40.7 per cent of Indian origin, the remainder consisting of persons of so-called "mixed", European or other origin. Similarly, the population was divided among many religious faiths. Nevertheless, English was the country's only official language. Clearly all citizens of Trinidad and Tobago were equal before the law and hence enjoyed equality of opportunity and remuneration. The five-year requirement imposed on persons applying for Trinidadian nationality corresponded to the period needed to renounce the nationality of origin. However, since the law now recognized dual nationality, it would now be possible to contemplate a reduction in that period. Lastly, the representative stated that there were very few women prisoners and that they were usually guarded by women warders.

Article 6: Right to work

278. Members of the Committee sought clarification of the statement according to which the right to employment was not guaranteed, and wondered how this conformed with the requirements of article 6 of the Covenant (E/1984/6/Add.21, para. 2). Further information was requested on the activities and achievements of the National Commission on the Status of Women; on the extent of unemployment in Trinidad and Tobago and on the measures taken to solve this problem; on the participation of women in economic development; on the National Training and Service Programme and the National Training Board and their impact on the level of unemployment in the various economic sectors; and on any training programme aimed at the rehabilitation of disadvantaged persons in useful and productive employment. They also inquired how the Education Plan related to the National Training and Service Programme, the National Training Board and the National Economic Plan, and whether reinstatement in the case of unjustifiable or arbitrary dismissals had created any problem for the employee or employer concerned.

279. In addition, members wished to know what the relative proportion of public and private enterprise was, whether efforts were being made to expand the private sector, and how the competitive examinations for employment in the Civil Service were organized. Further information was requested on the results achieved by the employment-promotion measures introduced, the system of self-help in employment, the Unemployment Levy Fund, the situation of the most disadvantaged groups in relation to that problem, and the system of temporary recruitment in government ministries or services. It was also wondered whether the Government was planning to raise to 14 years the minimum age for employment, as recommended by ILO.

280. With regard to the possible retirement of public servants in the public interest, members requested further information on the remedies available against such decisions, the criteria for determining the public interest, the pension rights of a person retired in that manner, the procedures applicable to such retirement and its impact on the principle of permanent appointments for public servants, and the difference between compulsory retirement and retirement in the public interest. It was also wondered which particular rules governed arbitrary dismissals and what security was available to officials whose office had been abolished.

281. In his reply, the representative emphasized that while every adult human being had an inalienable right to work, the onus was on the individual to seek employment. With regard to the National Commission on the Status of Women, now renamed the National Council of Women, he explained that since that institution's establishment, the status of women had improved, although true equality between men and women was conditioned by the economic situation. Activities in favour of women, which originally had been mainly legal, had expanded into the economic and social fields. Thus, the Council dealt with such matters as the place of women in the working environment, women and the law, and family violence. Measures had been taken within the limits of available resources, and women's associations were playing an increasingly important role in social life and were associated with the Council's work. The representative also stated that a 12-year-old child could only work in a family undertaking.

282. With regard to problems related to unemployment, the representative again emphasized the general economic context and, in particular, the decline in the construction sector and its influence on the employment situation. The economically active population amounted to 471,000 persons, and its average growth rate was approximately 1.6 per cent. Measures had been adopted to give enterprises a boost, improve the educational system and establish industrial zones working for export.

283. In reply to other questions, the representative stated that, in 1986, nearly 103,000 persons had been working in the Civil Service, corresponding to one quarter of the economically active population. Recruitment to clerical posts was by administrative examination, while university graduates were appointed on the basis of their qualifications. The Government had nevertheless set out to reduce the relative share of the public sector and had consequently begun to denationalize certain enterprises. Various incentives were offered to small firms, particularly financial assistance and 25-year loans at nominal interest granted by the Agricultural Bank and the Development Financing Corporation.

284. With regard to unemployment, the representative emphasized that all workers who had contributed to the national social insurance scheme were entitled to receive unemployment benefits. The self-help system was based on co-operation between the local authorities which defined the project concerned and provided the manpower, and the Government which supplied the materials and supervised the project. The Unemployment Levy Fund had been abolished in the 1989 budget.

285. Decisions concerning retirement in the public interest were taken by the Civil Service Commission and were subject to appeal. In addition, the officials concerned retained their pension rights in most cases. In the event of restructuring, the individuals affected were not retired but transferred to other posts.

Article 7: Right to just and favourable conditions of work

286. Members of the Committee asked how wages and conditions of work were determined. They wished to receive information on any national industrial safety codes relating to the enforcement of standards concerning safe and healthy conditions of work, and inquired whether there were any specialized inspectorates responsible for its application.

287. Additionally, members wished to receive information on the impact of free trade zones on the workers' rights set forth in article 7 of the Covenant.

288. In his reply, the representative of the State party highlighted the different legal provisions governing labour inspection. In particular, he stated that the officials responsible for work safety were university graduates with science and technology degrees and that they, together with the labour inspectors, formed the Factory Inspectorate of the Ministry of Energy, Labour, Employment and Manpower Resources. As to the establishment of free zones, he emphasized that, even though the wages paid might be lower than in the rest of the country, the rights of those who worked there, particularly the right of association and the right of collective bargaining, were respected.

Article 8: Trade union rights

289. Members of the Committee wished to know to which extent the right to strike was afforded to trade unions in the public and private sectors.

290. Referring to the provision according to which strikes in essential public services could be prohibited, members wished to know who decided whether a service was essential, and what procedures were used in that respect. Further information was also requested on trade unions, on whether they were grouped together in a federation and, if so, whether the federation was affiliated to an international trade union federation.

291. In his reply, the representative of the State party said that some 19 per cent of workers belonged to trade unions, and that the trade unions were independent both from the Government and from political parties. Workers could strike and employers practise a lock-out when mediation or conciliation efforts in a dispute had failed. After a period of three months, the matter could be referred to the labour courts, which were independent tribunals, and they would then render a decision that was binding on the parties to the dispute. With regard to public services which were deemed to be essential and whose employees did not have the right to strike, he said that it was for the Government to determine the services concerned but that basically it was the fire, police and hospital services that were involved.

Article 9: Right to social security

292. Members of the Committee wished to receive information on the consequences of the exhaustion of an individual's entitlement to unemployment benefits and they inquired whether there were any other services or supplementary income benefits.

Article 10: Protection of the family, mothers and children

293. Members of the Committee wished to receive statistical information on public and private hospitals, nursing homes and child care institutions. Further information was sought on the National Insurance Scheme; on whether before and after childbirth paid leave or leave with adequate social security benefits were accorded to working mothers; and on the rate of divorce in Trinidad and Tobago.

294. Additionally, members wished to know what were the relative legal status of civil and religious marriages, what was the legal status of married women, whether they were able to administer their own property, and whether they could take up employment without their husbands' consent. Further information was also requested on the legal régime applicable to divorce and on the filiation régime. It was also inquired whether the juvenile delinquency rate was rising and whether there were juvenile courts and institutions for the protection of young people.

295. In his reply, the representative of the State party stressed that an individual must be at least 18 years of age in order to be able to marry. He said that because of the multi-denominational nature of the society, marriages could be celebrated according to different rites, and that since the person officiating was regarded as a civil registrar, marriage always had a civil

character. In the event of divorce, custody of the children was generally given to the mother.

296. With regard to juvenile delinquency, he stressed the special treatment given to juvenile offenders. As a general rule, the juveniles' courts placed them under the supervision of probation officers or social workers. However, they could be taken away from their families and put into orphanages, and in the most serious cases, and if they were over 10 years of age, they could be interned in special institutions.

Article 11: Right to an adequate standard of living

297. With regard to that issue, members of the Committee wished to know which problems, if any, had been encountered by Trinidad and Tobago with regard to the right to housing and asked what measures had been taken or planned to ensure the full implementation of the rights of everyone to adequate food and adequate clothing.

298. Information was also requested on the subject of possible regulations concerning housing, the criteria for determining what constituted adequate food, and procedures for controlling rents and protecting tenants in general.

299. In his reply, the representative of the State party said that his country was a net importer of food. The Government subsidized the price of basic commodities such as butter, milk, rice and flour. Referring to other issues, he said that between 1980 and 1988, the Housing Office and other competent bodies had granted more than 15 million dollars' worth of mortgage loans. However, despite Government efforts, the housing sector continued to experience considerable difficulties, which meant that many people had no possibility of becoming owners. In order to meet the population's needs, strategies taking the country's economic situation into account had been introduced with a view to the construction of 1,000 new dwellings per year over a period of 5 years.

Article 12: Right to physical and mental health

300. Members of the Committee wished to know the consequences of the drop in annual GNP per capita on the implementation of the right of different income groups to an adequate standard of living and wondered whether any specific sectors had suffered disproportionately under the circumstances. It was also inquired whether health facilities were equally available and accessible in rural and urban areas, whether any problems had been encountered in ensuring full health services to all segments of the population, and whether Trinidad and Tobago had received or requested any technical assistance from the WHO. Furthermore, it was asked whether traditional medicine was practised in Trinidad and Tobago and, if so, what kind of relations there were between traditional practitioners and physicians.

301. In his reply, the representative of the State party said that health facilities were not equally accessible in rural and in urban areas; he made particular mention of the main causes of death in Trinidad and Tobago and the endemic diseases which still existed there, although infant mortality had dropped considerably. Measures had been taken to ensure that the most vulnerable groups of society did not suffer from nutritional deficiencies and to improve and rationalize primary health care services, particularly in

respect of health centre staff and equipment. The participation of the private sector in these steps, and more generally of the community as a whole, was encouraged.

302. With regard to assistance which Trinidad and Tobago had requested from WHO, the representative said that his country did have cases of AIDS and that the proportion of AIDS-positive patients in relation to population size was very high. A regional workshop on planning and financing action against AIDS had been held in Trinidad and Tobago in November 1987. In addition, a medium-term programme for AIDS prevention covering the period 1988-1990 had been set up with the collaboration of two WHO experts and had received a credit of 250,000 dollars from the Organization; a meeting of donors had been held in 1987. Funds had also been received from the EEC to renovate a building to be used as a counselling centre for AIDS patients and their relatives. He also said that traditional medicine was no longer practised in the country except for benign cases. However, research was being carried out on the use of herbs to treat disease.

Article 13: Right to education

303. Members of the Committee wished to receive further information on the number of children not enrolled in primary schools; and on whether a fine of 25 dollars for failure by a parent to enrol a child in primary school constituted an adequate deterrent. Further information was also sought concerning church-controlled schools, in particular with regard to the admittance in these schools of children of different religion or belief.

304. In addition, members wished to know whether education was one of the Government's chief priorities, whether the Government had any plans to extend the school leaving age to 13 or 14 years, whether there was still a problem of illiteracy in Trinidad and Tobago, if so, what percentage of the population was illiterate, and which percentage of the total student population were women. Details were requested on student access to the three universities mentioned in the report and of the implications of a university tax for the implementation of article 13 of the Covenant.

305. In his reply, the representative of the State party said that because of the annual 6 per cent drop in per capita GNP between 1980 and 1986, steps had been taken to ensure a much stricter and more efficient management policy in the universities. A university tax had been introduced, and education allowances abroad had been temporarily abolished. He added that 98 per cent of school-age children were enrolled in educational establishments. Where church-controlled schools were concerned, he stressed the spirit of tolerance existing in Trinidad and Tobago society and said that refusal to enrol a child in a church-controlled school on religious grounds would be tantamount to an act of discrimination which was punishable under section 4 of the Constitution.

306. In reply to other questions, he said that education had always been a matter of priority in his country, as could be seen from the adoption of the plan of the Ministry of Education for 1985-1990, which had required appropriations in the order of 325 million dollars. The illiteracy rate was less than 1 per cent and primary and secondary education were free and compulsory. A system of scholarships granted following an examination enabled beneficiaries to acquire the supplies they needed. In addition, students who could not pay the university tax were always able to request a low-interest

bank loan to be reimbursed on completion of their studies. He went on to say that the University of the West Indies comprised three campuses specializing in specific disciplines. Medicine was studied in Jamaica, engineering and agronomy in Trinidad and Tobago and law in Barbados. Lastly, he said that the proportion of women attending university had increased considerably in the last 20 years and that a number of women who had graduated with high marks from the engineering colleges had been given posts in State enterprises.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

307. Members of the Committee wished to know whether there was a governmental programme established with a view to helping and promoting young people seeking to establish artistic or creative careers. It was also inquired whether the Government of Trinidad and Tobago was aware of any negative effects of tourism amounting to an infringement of the cultural rights set forth in article 15 of the Covenant.

308. In his reply, the representative of the State party referred to the various measures adopted since 1962 to promote the arts and culture. In particular, he mentioned that a system of scholarships, partly financed by the Government and the rest by foreign Governments, particularly from the Commonwealth, had been introduced. Efforts had also been made in the area of the folk arts, and consultations with the private sector had recently begun with a view to expanding its support of the country's cultural policy. The representative said that tourism, which had long been neglected because of economic prosperity, was now being developed. However, the Government was determined not to open the country to mass tourism.

Concluding observations

309. In concluding their consideration of the Trinidad and Tobago reports, the members of the Committee once again thanked the representative of the State party for the quality and frankness of his statement. They noted with satisfaction his offer to furnish additional information at a later date. They regretted, however, that the report did not contain sufficient statistical data and did not give an idea of developments in the implementation of the Covenant during the period under consideration. It was also noted that a general lack of balance was notable in all three reports, although the report on articles 13 to 15 (E/1988/5/Add.1) was more satisfactory in that respect. Another comment made was that national criteria should be established to determine the poverty threshold and permit better identification of disadvantaged groups. Lastly, some members regretted that they had not been given sufficient information concerning the right to strike and the immunity which persons exercising that right should have.

## Chapter IV

### GENERAL DISCUSSION ON THE RIGHTS CONTAINED IN ARTICLE 11 OF THE COVENANT

#### A. Introduction to the general discussion

310. At its second session the Committee decided (E/1988/14, para. 365) that, at each of its future sessions, it would devote one day, during the final week of its session, to a general discussion of one specific right or a particular article of the Covenant in order to develop in greater depth its understanding of the relevant issues. The discussion would take account of relevant information contained in the reports of States parties and of any other relevant material. The Committee agreed that at its third session the focus of its discussions would be on the rights contained in article 11 of the Covenant.

311. The Committee also took note of the fact that its attention had been drawn by the Economic and Social Council, in its resolution 1988/33 of 27 May 1988, to the study on the right to adequate food as a human right, prepared by Mr. Asbjørn Eide, the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. 5/ In the same resolution, the Council had also invited the Committee to submit its observations on the report at an appropriate time. In addition, the attention of the Committee was drawn to the recommendation adopted by the meeting of Chairpersons of human rights treaty bodies convened pursuant to General Assembly resolution 42/105, to the effect that "the treaty bodies should consider establishing procedures designed to facilitate regular meetings with relevant special rapporteurs of the Commission on Human Rights or the Sub-Commission on Prevention of Discrimination and Protection of Minorities who are working on directly relevant subjects, whenever this would be useful". 6/

312. Accordingly, the Committee invited Mr. Eide to participate in its general discussion on article 11 of the Covenant. Mr. Eide addressed the Committee at its 20th and 21st meetings, held on 20 February 1989, and took part in a free exchange of views with members of the Committee. In addition, the Committee heard comments on article 11 by a representative of FAO (Mr. Jean-Pierre Dobbert), and by an expert from the Centre for Human Settlements of the University of British Columbia (Mr. Scott Leckie), who outlined some of the issues arising in connection with the right to adequate housing.

313. The results of the Committee's discussion of the report of Mr. Eide, which were prepared by Mr. Kenneth Osborne Rattray and adopted by the Committee at its 25th meeting, on 24 February 1989, appear in sections B and C below.

#### B. The right to food

314. By its resolution 1988/33 of 27 May 1988, the Economic and Social Council drew the attention of the Committee to the study on the right to adequate food as a human right, prepared by Mr. Asbjørn Eide, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 7/ and invited the Committee to submit its observations thereon to the Council at the appropriate time.

315. The Committee devoted one day during its third session to the consideration of the obligations arising under article 11 of the Covenant and in order to respond to the request of the Council, invited Mr. Eide to make a presentation on the study prepared by him and to be involved in a dialogue with the Committee thereon.

316. At the 20th meeting of the Committee, on 20 February 1989, Mr. Eide made an incisive analysis of the main elements of the contents of his report, the essential features of which may be summarized as follows:

(a) that the concept of freedom from want lies at the very heart of economic, social and cultural rights;

(b) that the right to food must be seen in the wider context of civil and political rights and economic, social and cultural rights, all such rights being indivisible and interdependent, and forming part of the overall framework of development, environment and peace;

(c) that the right to food involves not only food production globally and nationally but differential access to food within countries (food entitlements);

(d) that food is a basic need for all human beings and everyone requires access to food which is (i) sufficient, balanced and safe so as to satisfy nutritional requirements, (ii) culturally acceptable and (iii) accessible in a manner that does not destroy one's dignity as a human being;

(e) that the argument as to whether the right to food proclaimed in article 11 of the Covenant was an individual human right or a broadly formulated programme for governmental policies in the economic and social field; or that the rights were not justiciable so as to entitle the individual to have recourse to the Courts for their enforcement - all these arguments were sterile and a pragmatic approach was required for the understanding and realization of the right to food;

(f) that apart from whether human rights, including the right to food, are classified jurisprudentially as constituting legal relations between the individual and the State and the individual as a subject of international law, there were three (3) basic obligations, namely: (i) the obligation to respect the freedom of the individual to provide for his well being; (ii) the obligation to protect the individual against the action of others and (iii) the obligation to fulfil by securing the right to food for those individuals who are marginalized and afflicted by poverty;

(g) that the three basic obligations to respect, protect and fulfil, arose at both the national and international level; that despite the somewhat vague nature of the language in which the right to food is formulated, the State's obligations clearly emerged from a number of provisions in the Covenant, including articles 2, 11, 22 and 25; and the obligations under international law were founded upon the Charter of the United Nations (especially Article 1, para 3 and Article 55 (a), (b), (c)), the Universal Declaration of Human Rights (especially article 25, para. 1 as well as articles 2, 3, 22, 28, 29), the Covenant on Economic, Social and Cultural Rights (especially article 11, as well as article 2, paras. 1 and 2 and articles 6, 9, 10 and 12) as well as various resolutions and instruments of international organizations; 8/

(h) that the right to food is of particular importance in the context of poverty since poverty was a global problem which permeated both the industrialized and developing countries;

(i) that the right to food was particularly critical in times of famine and disasters (natural and artificial) and posed serious problems in relation to distribution and access to food;

(j) that although it is the primary responsibility of the State to secure the enjoyment of the right to food to all within its jurisdiction, all States had international obligations to ensure humanity's survival by the guarantee of adequate food for all;

(k) that there was a need for a Global Food Security System to complement and strengthen national systems; such a system would recognize the need to guarantee access to food at (i) the household level, (ii) the national level and (iii) the global level; and that it was important to recognize the significance of access to food at the household level since "for those who do not have the purchasing power or other entitlements to food, it does not help much that enough food is being produced". 9/ At the national level there was the need for States to draw up plans for food security, identify needs and goals, ensure popular participation in the elaboration of these plans, indicate areas of international assistance, recognize its international obligations and establish an adequate system for monitoring the right to food;

(l) that monitoring at the international level was rather weak and there was need for a co-ordinated approach among international agencies in seeing the issue of food from the perspective of human rights. In this regard it was necessary to provide a greater amount of advice and assistance and was desirable to establish an inter-agency consultative mechanism;

(m) that the Committee seek to clarify the obligations of States, provide guidance for State Reporting in respect of their obligations under article 11 of the Covenant and be provided with more time and support for carrying out its monitoring and supervisory responsibilities under the Covenant.

317. The representative of FAO fully supported the concept of States having international obligations in guaranteeing the right to food, although he considered that whether that duty was owed to the individual or to the State was an open question. Issues of sovereignty were involved. He was of the view that if the recommendation of FAO regarding World Food Security and the Principles and Plan of Action of the World Conference on Agrarian Reform and Rural Development were more fully implemented, this would go a long way towards the realization of the right to food. But it was first necessary for three elements to be in place, namely (a) the political will (b) the allocation of necessary resources and (c) the full use of the programme and mechanisms of FAO, WFP and IFAD.

318. The FAO representative submitted that the right to be free from hunger was proclaimed to be a fundamental right in article 11 (2) of the Covenant and this clearly related to the right to life recognized by the Universal Declaration of Human Rights. In this context any discretionary power of States, both developed and developing, in securing the right to food would be limited by the fundamental nature of the right to be free from hunger as an integral part of the right to life.

### C. Observations by members of the Committee

319. The observations made by members of the Committee were varied and far-reaching. Some members noted the lack of clarity in the formulation of the right to food and the obligations of States and pointed out the difficulty of the provisions of article 11 fitting into traditional concepts of rights and obligations. It was not clear in the view of these members whether the individual had an international legal right or merely a moral or social right. Other members considered that the legal foundation of the right to food was established by treaty law under the Covenant and other international instruments and that the obligations of States flowed directly from those provisions; that since the individual was clearly intended to be the beneficiary of those rights, it was within the power of the individual, increasingly recognized as a subject of international law, to demand respect for the obligations of the Covenant.

320. It was generally agreed that the right to food was much more extensive than the right to stand in line for food and that the individual should have the right to receive food not simply as an act of mercy; that the right to receive food was not simply a question of calories but adequate nutrition; and it had to be culturally acceptable. It was also suggested that all members of the population should receive an adequate income so as to make food affordable by all.

321. Some members of the Committee considered that every country should take immediate steps to ensure the realization of the right to food; that ultimate realization at the fullest acceptable level may in the circumstances of some countries be achieved progressively but the national and international obligations arising under the Covenant meant that with co-ordinated efforts a meaningful start could be made immediately in all States, whilst it was generally agreed that the primary responsibility for ensuring the right to food rested with the individual. Some members felt that there was a point at which the denial of the human need for food constituted a violation of a human right; that such a right was analogous to a right in public law; that such a right was important to the protection of the disadvantaged and marginalized affected by poverty; that there should be a common law right of action against the State where (a) there was a systematic deprivation of access to food for individuals or the community and (b) the State by its action or inaction had behaved so outrageously as to offend the dignity of the human personality.

322. It was further contended by some members that the obligations of States at the international level in relation to the right to food supported the thesis that there was an obligation on the part of all States to make food available so as to guarantee the fundamental right of freedom from hunger, that accordingly it could be said that the excess world food resources were the common heritage of mankind's hungry and impoverished and that it would be a denial of justice to refuse access to such resources by the hungry and the starving. This was not to be seen in terms of charity but in terms of human rights. The international obligations of States should be reflected in the reports by states, indicating the extent to which they participate in food aid programmes, multilaterally or bilaterally.

323. It was the widespread view among members that many of the problems relating to the production and distribution of food, particularly in developing countries dependent upon agriculture, related to the inequitable terms of trade between the primary producers of agricultural products and producers of manufactured products; that the prices received for the primary agricultural products did not keep pace with the prices of manufactured products which producing countries had to import

with their limited export earnings from primary agricultural products. It was therefore an important part of the solution of the problem of the right to food that there should be an adjustment in the terms of trade as called for by the new international economic and social order. The role of transnationals would also have to receive attention.

324. Considerable emphasis was placed by some members on the need to see the right to food not as an isolated phenomenon but as part of the right to life. It was generally agreed that the right to food was necessary for human life and that without adequate food other human rights may be non-existent or meaningless. There was an interdependence and indivisibility between civil and political rights and economic, social and cultural rights.

325. There was considerable discussion in the Committee as to whether the right to humanitarian assistance transcended sovereignty so as to give the victim the right to require assistance directly rather than through the State. It was recognized that it was important to guarantee the individual's access to food.

326. Members examined the role of the Committee in making recommendations to States on compliance with the obligations arising under article 11 of the Covenant. The question was asked as to how far the Committee could go in this direction. It was recognized that the position was an evolving one and that by constructive dialogue with States, greater clarity could be achieved as to the extent of the obligation of States and the development of those obligations. Our understanding of human rights evolved with the development and evolution of the human personality and the Committee was a part of this process. Members of the Committee considered that the monitoring and supervisory mechanism was an important part of the Committee's function and that it was necessary to establish, through constructive dialogue, the guidelines for reporting and the bench marks for assessing compliance. It was said that the Committee had a choice between adopting a "positivist" and a "possibilist" approach. In this context it was necessary to continuously improve the co-operation between the Committee and States. It was also necessary to recognize that the Committee constituted an important means of recourse for the fulfilment of the right to food and that the Committee, in co-ordination with other United Nations agencies and non-governmental organizations, would need to intensify its efforts, which in turn would require the provision of adequate time and resources for the Council and the Committee to fulfil their obligations with respect to the Covenant. It was important that the Economic and Social Council bear this in mind in the allocation of resources to the Committee.

## Chapter V

### REVIEW OF METHODS OF WORK OF THE COMMITTEE

#### Introduction

327. In accordance with the decisions taken at its second session, and taking full account of the matters brought to the Committee's attention by the Economic and Social Council in its resolution 1988/4 of 24 May 1988, the Committee devoted considerable effort to a review of various aspects of its methods of work. It was greatly assisted in that task by the sessional working group, chaired by Mr. Bruno Simma and by the work of Mr. Juan Alvarez Vita, who acted as co-ordinator for an informal preliminary review of the draft provisional rules of procedure.

328. During the course of its session, the Committee reached agreement on a variety of conclusions and recommendations pertaining to this item on its agenda.

#### Conclusions and recommendations adopted by the Committee with respect to its future methods of work

##### General guidelines

329. The Committee briefly discussed a "draft proposal for revised guidelines" presented to it on behalf of the sessional working group. It was agreed that the Chairman/Rapporteur of that group, Mr. Bruno Simma, would be asked to present the Committee at its fourth session with a revised final draft which would take into account suggestions made by the members of the Committee, either during the course of discussions at its third session or submitted in writing to Mr. Simma in the intervening period. The hope was expressed that the Committee would be in a position at its fourth session to adopt the general guidelines for consideration by the Economic and Social Council.

##### General comments

330. At its 19th meeting, on 17 February 1989, the Committee adopted both a general statement indicating the purposes of its general comments and General Comment No. 1 (1989), entitled "Reporting by States parties". The Committee also agreed that it would consider at its fourth session draft general comments on articles 22 and 23 of the Covenant. In addition, it was noted by several members of the Committee that the general discussion which had been devoted particularly to the right to food and, to a limited extent, to the right to housing, might be expected to provide the basis for draft general comments to be submitted at future sessions of the Committee.

331. The general comment adopted by the Committee is contained in annex III below.

332. The Committee agreed to continue to focus on article 11 in the general discussion to be held at its fourth session and to give particular attention in that context to the right to adequate housing. It was also agreed that the United Nations Centre for Human Settlements (Habitat) should be invited to submit any relevant documentation which might assist the Committee and, if possible, to be represented at the Committee's fourth session with a view to contributing to the general discussion.

#### Provisional rules of procedure

333. The Committee had before it the draft provisional rules of procedure (E/C.12/1989/L.2) which had been prepared by the Secretary-General pursuant to a request made by the Committee at its second session. It appointed Mr. Juan Alvarez Vita to consult with all interested members with a view to co-ordinating all proposed amendments or additions to the draft.

334. At its 22nd and 23rd meetings, on 21 February 1989, the Committee discussed the draft provisional rules of procedure and adopted various proposed amendments. It also agreed to request the Secretary-General, in consultation with the Rapporteur, to ensure that the wording used in all of the rules of procedure was gender-neutral in conformity with the appropriate policies adopted by the relevant United Nations organs. The provisional rules of procedure, as adopted, are contained in annex IV below.

#### Arrangements for the transition to new reporting periodicity

335. At its second session the Committee proposed to revise the previously existing arrangements with respect to reporting by States parties. Among the objectives sought to be achieved by this change were: to reduce the burden imposed on States parties with respect to reporting; to facilitate the task both of the reporting State and of the Committee by working on the basis of a global unified report; to be more consistent with reporting obligations under other international human rights instruments; and to make the nature and periodicity of the reporting process more readily understood by all concerned and, in particular, to enhance the effectiveness of the overall monitoring system.

336. In its resolution 1988/4, the Economic and Social Council endorsed the recommendation of the Committee that States parties be requested to submit a single report within two years of the entry into force of the Covenant for the State party concerned and thereafter at five-year intervals. Accordingly, at its third session, the Committee discussed the temporary arrangements that will be required in order to ensure a smooth transition from the old to the new periodicity arrangements with respect to the reporting obligations of each specific State party to the Covenant.

337. The Committee agreed to request the Secretary-General, in consultation with the Chairman, to draw up a revised schedule for reporting by State parties in accordance with the new periodicity arrangements. It was agreed that in doing so, the following considerations would be taken into account: (a) all reports should be due on the same day of the relevant year in order to simplify the arrangements as far as possible; it was agreed that 30 June was an appropriate date which would allow adequate time for the reports to be processed by the Secretariat; (b) the transition to the new arrangements should, in principle, be completed as soon as possible while at the same time

providing for appropriate flexibility; (c) if a State party has already begun the preparation of an initial or periodic report based on the previous periodicity arrangement, it may notify the Secretary-General that it wishes to defer the application of the new arrangement in its case; (d) account should be taken of the extent to which each individual State party has satisfied its reporting obligations to date under the Covenant; (e) an effort should be made to stagger the years during which reports will be due so as to ensure a reasonably even flow of reports to the Committee.

#### Pre-sessional working group

338. It was agreed that the system of establishing a pre-sessional working group with the responsibility, *inter alia*, of undertaking a preliminary review of State parties' reports with a view to preparing lists of issues around which the dialogue with the representative(s) of the reporting State could be structured, had been highly successful. The Committee noted that the Economic and Social Council, in paragraph 10 of resolution 1988/4, had authorized the establishment, within available resources, of the group prior to each session. It was agreed to recommend to the Council that the pre-sessional working group should, in the future, be held some one to three months in advance of the Committee's session in order to give the State party adequate notice of the list of issues, and to enable its translation and dissemination in advance to Committee members. The Committee noted that this would entail additional financial implications (in the form of up to five extra plane fares) but expressed the view that the introduction of a time gap would enhance even further the considerable value of the role of the pre-sessional working group.

339. The Committee decided that, in addition to its other tasks, the pre-sessional working group should give consideration to the question of how the Committee should deal with supplementary reports containing additional information provided by State parties subsequent to the Committee's consideration of their reports.

#### Allocation of time available to the Committee for the consideration of each State party's report

340. In accordance with the approach evolved at its first two sessions, and with the guidance provided to it by the Economic and Social Council, the Committee continued at its third session to endeavour to make the most of the very limited time available to it in which to undertake a constructive and mutually rewarding dialogue with the representatives of State parties. Starting at its third session, the Committee with the authorization of the Economic and Social Council, introduced a system whereby a list of issues drawn up by a pre-sessional working group was provided to the representative in advance. This system is designed to facilitate the necessary dialogue, to provide a clearer indication of some of the Committee's concerns, and to give representatives a reasonable amount of time in which to prepare responses.

341. While recognizing that a degree of flexibility and discretion was required with respect to time limits, the Committee suggested that, in general, the following allocation of time be followed: 45 minutes of brief introductory comments combined with an initial response to the written list of issues by the representative of the State party (or alternatively 15 minutes if no response was provided to the written list of issues at this point);

60 minutes for questions by members of the Committee and observations by representatives of specialized agencies; 45 minutes, preferably at a subsequent rather than the same meeting, for further replies by the State party; and 30 minutes for concluding observations by Committee members.

342. The Committee also agreed that, as from its fourth session, the final 30 minute period for concluding observations by individual members of the Committee would take place on the day after the final set of replies had been received from the representative, or some time thereafter. This change was a reflection of the fact that many members were dissatisfied with the present outcome of the process with respect to each State party and felt that the availability of additional time for members to reflect on the information provided to them would improve the quality of the general observations. It was understood that this period would not be used to raise entirely new issues which the State party had not had a chance to deal with in its replies.

#### Advisory services programme

343. In an opening address to the first meeting, on 6 February 1989, the Under-Secretary-General for Human Rights, Mr. Jan Martenson, underlined the importance which had been attached to the recently expanded programme of advisory services in the field of human Rights and invited the Committee to make relevant suggestions with respect to the programme. The Committee also had before it the report of the Secretary-General on the Programme to the forty-fifth session of the Commission on Human Rights. 10/

344. In this regard, the Committee wishes to recall that article 23 of the Covenant specifically provides that "the furnishing of technical assistance" is one of the methods to be used by way of international action for the achievement of the rights recognized in the Covenant. The Committee believes that the advisory services programme should therefore pay particular attention to the possibility of offering, in appropriate circumstances, technical assistance to States for the following purposes related to the Covenant:

(a) technical assistance in preparation for the possible ratification of the Covenant. This could include assistance in reviewing national legislation, drafting appropriate legislative or other instruments and any other action appropriately considered to be a necessary prerequisite to ratification;

(b) technical assistance in preparing an initial report on the situation in a State party, including assistance in monitoring the situation with respect to the enjoyment of the rights in question; and

(c) assistance to enable a State party, which would otherwise be unable to do so, to send an expert from the capital to present the report to the Committee and to engage in a constructive dialogue with the latter.

345. The Committee also believes that consideration should be given, again in accordance with article 23 of the Covenant, to "the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned". In this regard, every effort should be made to ensure that economic, social and cultural rights are, wherever possible, on the agenda of all regional and other training courses, workshops and seminars.

#### Timing of the fourth session

346. The Committee noted that the holding of its session at exactly the same time as that of the Commission on Human Rights had given rise to some difficulties of participation for some of its members and had prevented various Governments, non-governmental organizations and other interested parties from actively following its proceedings. It therefore requested, taking into account the information provided to it by the representative of the Secretary-General and subject to the approval of the Economic and Social Council, that its fourth session be held beginning on 8 January 1990.

#### Discussion with the Special Rapporteur

347. The Committee noted that the appointment of a Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare a study on Economic, Social and Cultural Rights had been proposed and decided that, in the event of the Economic and Social Council making such an appointment, it would be useful to invite the Special Rapporteur to address the Committee if appropriate arrangements could be made.

#### Flow of documentation

348. The Committee analysed the importance of ensuring an adequate and prompt flow of appropriate information and documentation to members of the Committee in accordance with the relevant resolutions of the Economic and Social Council. For that purpose, it decided to request its Rapporteur to maintain close contact with the Secretariat between sessions to ensure that all relevant documents were sent out as soon as they were available. It also requested the Secretariat to make a special effort in this regard and to endeavour to ensure that copies of the reports of States parties which were scheduled to be considered at the Committee's fourth session were readily available to interested parties both in Geneva and New York upon request.

#### Resource room for treaty bodies

349. The Committee noted that a proposal had been made in the report of the meeting of the Chairpersons of human rights treaty bodies:

"to establish a 'committee resource room' in the Centre for Human Rights in which the principal documentation of the relevant committees could be kept, as well as copies of the constitutions and other basic legislation of States parties. In addition, relevant reports from other United Nations bodies and other sources could be made available for the information of experts. Such a facility would also facilitate greater interaction among Committee members, which was considered highly desirable. It was noted that virtually all of the documents could be obtained free of charge and that interns could be responsible for arranging and cataloguing the materials, so as not to incur additional staffing costs." 11/

350. The Committee believes that such an initiative could be extremely useful and invites the Secretary-General to explore the possibilities and inform it of any developments at its fourth session.

### Publicity

351. The Committee recommends that, whenever the report of a State party has been considered by it, the text of the report and a summary of the Committee proceedings should be disseminated as widely as possible by the United Nations Information Centre, if any, located in the country concerned.

### Ratification of the Covenant

352. The Committee urges that all States which have not already done so, should give urgent and, if necessary, continuing attention to the possibility of ratifying the Covenant at the earliest possible moment. In this regard, the Committee took note with pleasure of reports according to which the Governments of Haiti and Paraguay intend to ratify both International Human Rights Covenants. It expressed the hope that these reports would be officially confirmed as soon as possible.

### Co-operation with the specialized agencies

353. The Committee took note of a statement by the Under-Secretary-General for Human Rights at its 25th meeting, on 24 February 1989, indicating that efforts were under way to promote enhanced co-operation between the Centre for Human Rights and the relevant United Nations development organs and agencies in the promotion of respect for all human rights, including economic, social and cultural rights. It expressed its firm support for such initiatives and looked forward to receiving information on the progress achieved in that regard at its next session.

### Presentation of reports by States parties

354. The Committee invited States parties to make every possible effort to ensure that their reports are presented by technical experts in the matters under consideration.

## Chapter VI

### ADOPTION OF THE REPORT

355. At its 24th and 25th meetings, held on 23 and 24 February 1989, the Committee considered its draft report (E/C.12/1989/CRP.1 and Add.1 to 13 and E/C.12/1989/CRP.2 and Add.1 and 2) to the Economic and Social Council on the work of its third session. The Committee adopted the report as amended in the course of the discussions.

#### Notes

- 1/ See Council decision 1968/150, para.2.
- 2/ E/C.12/1988/SR.23, paras. 6 and 7.
- 3/ Official Records of the General Assembly, Forty-second session, Supplement No.40 (A/42/40), annex VIII, sect. D.
- 4/ E/1980/16/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26.
- 5/ E/CN.4/Sub.2/1987/23.
- 6/ HRI/MC/1988/1, para. 95.
- 7/ E/CN.4/Sub.2/1987/23.
- 8/ Ibid., para. 91.
- 9/ Ibid., para. 225.
- 10/ E/CN.4/1989/42.
- 11/ HRI/MC/1988/1, para. 66.

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS IN ACCORDANCE WITH THE  
PROGRAMME ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX)

(as of 24 February 1989)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) <u>a/</u>	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) <u>a/</u>	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) <u>a/</u>	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/86) <u>b/</u>
1. Afghanistan	24 April 1983	E/1984/6/Add.12	Overdue	Overdue	-	-
2. Argentina	8 November 1986	<u>c/</u>	<u>c/</u>	E/1988/5/Add.4	-	-
3. Australia	10 March 1976	E/1978/8/Add.15	E/1980/6/Add.22	E/1982/3/Add.9	E/1984/7/Add.22	E/1986/4/Add.7
4. Austria	10 December 1978	E/1984/6/Add.17	E/1980/6/Add.19	E/1982/3/Add.37	-	E/1986/4/Add.8 and Corr.1
5. Barbados	3 January 1976	E/1978/8/Add.33	E/1980/6/Add.27	E/1982/3/Add.24	Overdue	Overdue
6. Belgium	21 July 1983	Overdue	Overdue	Overdue	-	-
7. Bolivia	12 November 1982	Overdue	Overdue	Overdue	-	-
8. Bulgaria	3 January 1976	E/1978/8/Add.24	E/1980/6/Add.29	E/1982/3/Add.23	E/1984/7/Add.18	E/1986/4/Add.20
9. Byelorussian SSR	3 January 1976	E/1978/8/Add.19	E/1980/6/Add.18	E/1982/3/Add.3	E/1984/7/Add.8	E/1986/4/Add.19
10. Cameroon	27 September 1984	<u>c/</u>	E/1986/3/Add.8	Overdue	-	-
11. Canada	19 August 1976	E/1978/8/Add.32	E/1980/6/Add.32	E/1982/3/Add.34	E/1984/7/Add.28	Overdue
12. Central African Republic	8 August 1981	Overdue	Overdue	Overdue	-	-
13. Chile	3 January 1976	E/1978/8/Add.10 and 28	E/1980/6/Add.4	E/1982/3/Add.40	E/1984/7/Add.1	E/1986/4/Add.18
14. Colombia	3 January 1976	E/1978/8/Add.17	E/1986/3/Add.3	E/1982/3/Add.36	E/1984/7/Add.21/ Rev.1	E/1986/4/Add.25
15. Congo	5 January 1984	<u>c/</u>	Overdue	Overdue	-	-
16. Costa Rica	3 January 1976	<u>d/</u>	<u>d/</u>	<u>d/</u>	Overdue	Overdue
17. Cyprus	3 January 1976	E/1978/8/Add.21	E/1980/6/Add.3	E/1982/3/Add.19	E/1984/7/Add.13	E/1986/4/Add.2
18. Czechoslovakia	23 March 1976	E/1978/8/Add.18	E/1980/6/Add.21	E/1982/3/Add.18	E/1984/7/Add.25	E/1986/4/Add.15

## Annex I (continued)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) <u>a/</u>	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) <u>a/</u>	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) <u>a/</u>	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/86) <u>b/</u>
19. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7	E/1986/3/Add.5	E/1988/5/Add.6	-	-
20. Democratic Yemen	9 May 1987	<u>d/</u>	<u>d/</u>	<u>d/</u>	-	-
21. Denmark	3 January 1976	E/1978/8/Add.13	E/1980/6/Add.15	E/1982/3/Add.20	E/1984/7/Add.11	E/1986/4/Add.16
22. Dominican Republic	4 April 1978	Overdue	Overdue	Overdue	-	Overdue
23. Ecuador	3 January 1976	E/1978/8/Add.1	E/1986/3/Add.14	E/1988/5/Add.7	E/1984/7/Add.12	Overdue
24. Egypt	14 April 1982	Overdue	Overdue	Overdue	-	-
25. El Salvador	29 February 1980	Overdue	Overdue	Overdue	-	-
26. Equatorial Guinea	25 December 1987	Overdue	<u>c/</u>	<u>c/</u>	-	-
27. Finland	3 January 1976	E/1978/8/Add.14	E/1980/6/Add.11	E/1982/3/Add.28	E/1984/7/Add.14	E/1986/4/Add.4
28. France	4 February 1981	E/1984/6/Add.11	E/1986/3/Add.10	E/1982/3/Add.30 and Corr.1	-	-
29. Gabon	21 April 1983	Overdue	Overdue	Overdue	-	-
30. Gambia	29 March 1979	Overdue	Overdue	Overdue	-	Overdue
31. German Democratic Republic	3 January 1976	E/1978/8/Add.8 and Corr.1	E/1980/6/Add.6	E/1982/3/Add.15 and Corr.1	E/1984/7/Add.3 and 23	E/1986/4/Add.11
32. Germany, Federal Republic of	3 January 1976	E/1978/8/Add.11	E/1980/6/Add.10	E/1982/3/Add.14	E/1984/7/Add.24 and Corr.1	E/1986/4/Add.10
33. Greece	16 August 1985	<u>c/</u>	<u>c/</u>	Overdue	-	-
34. Guatemala	19 August 1988	<u>c/</u>	<u>c/</u>	<u>c/</u>	-	-
35. Guinea	24 April 1978	Overdue	Overdue	Overdue	-	Overdue
36. Guyana	15 May 1977	Overdue	Overdue	E/1982/3/Add.5, 29 and 32	Overdue	Overdue
37. Honduras	17 May 1981	Overdue	Overdue	Overdue	-	-
38. Hungary	3 January 1976	E/1978/8/Add.7	E/1980/6/Add.37	E/1982/3/Add.10	E/1984/7/Add.15	E/1986/4/Add.1

## Annex I (continued)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) <u>a/</u>	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) <u>a/</u>	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) <u>a/</u>	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/86) <u>b/</u>
39. Iceland	22 November 1979	Overdue	Overdue	Overdue	-	-
40. India	10 July 1979	E/1984/6/Add.13	E/1980/6/Add.34	E/1988/5/Add.5	-	Overdue
41. Iran (Islamic Republic of)	3 January 1976	E/1978/8/Add.2 <u>e/</u>	Overdue	E/1982/3/Add.43	Overdue	Overdue
42. Iraq	3 January 1976	E/1984/6/Add.3 and 8	E/1980/6/Add.14	E/1982/3/Add.26	Overdue	E/1986/4/Add.3
43. Italy	15 December 1978	E/1978/8/Add.34	E/1980/6/Add.31 and 36	Overdue	Overdue	Overdue
44. Jamaica	3 January 1976	E/1978/8/Add.27	E/1986/3/Add.12	E/1988/5/Add.3	E/1984/7/Add.30	Overdue
45. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1	E/1986/3/Add.4 and Corr.1	E/1982/3/Add.7	-	-
46. Jordan	3 January 1976	E/1984/6/Add.15	E/1986/3/Add.6	E/1982/3/Add.38	Overdue	Overdue
47. Kenya	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue
48. Lebanon	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue
49. Libyan Arab Jamahiriya	3 January 1976	Overdue	Overdue	E/1982/3/Add.6 and 25	Overdue	Overdue
50. Luxembourg	18 November 1983	<u>d/</u>	<u>d/</u>	<u>d/</u>	-	-
51. Madagascar	3 January 1976	E/1978/8/Add.29	E/1980/6/Add.39	Overdue	E/1984/7/Add.19	Overdue
52. Mali	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue
53. Mauritius	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue
54. Mexico	23 June 1981	E/1984/6/Add.2 and 10	E/1986/3/Add.13	E/1982/3/Add.8	-	-
55. Mongolia	3 January 1976	E/1978/8/Add.6	E/1980/6/Add.7	E/1982/3/Add.11	E/1984/7/Add.6	E/1986/4/Add.9
56. Morocco	3 August 1979	Overdue	Overdue	Overdue	-	Overdue
57. Netherlands	11 March 1979	E/1984/6/Add.14 and 20	E/1980/6/Add.33	E/1982/3/Add.35 and 44	-	E/1986/4/Add.24

## Annex I (continued)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) <u>a/</u>	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) <u>a/</u>	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) <u>a/</u>	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/86) <u>b/</u>
58. New Zealand	28 March 1979	Overdue	Overdue	Overdue	-	Overdue
59. Nicaragua	12 June 1980	E/1984/6/Add.9	Overdue	E/1982/3/Add.31	-	-
60. Niger	7 June 1986	<u>c/</u>	<u>c/</u>	Overdue	-	-
61. Norway	3 January 1976	E/1978/8/Add.12	E/1980/6/Add.5	E/1982/3/Add.12	E/1984/7/Add.16	E/1986/4/Add.21
62. Panama	8 June 1977	E/1984/6/Add.19	E/1980/6/Add.20 and 23	Overdue	Overdue	E/1986/4/Add.22
63. Peru	28 July 1978	E/1984/6/Add.5	Overdue	Overdue	-	Overdue
64. Philippines	3 January 1976	E/1978/8/Add.4	Overdue	E/1988/5/Add.2	E/1984/7/Add.4	Overdue
65. Poland	18 June 1977	E/1978/8/Add.23	E/1980/6/Add.12	E/1982/3/Add.21	E/1984/7/Add.26 and 27	E/1986/4/Add.12
66. Portugal	31 October 1978	E/1984/6/Add.16	E/1980/6/Add.35/ Rev.1	E/1982/3/Add.27/ Rev.1	-	Overdue
67. Romania	3 January 1976	E/1978/8/Add.20	E/1980/6/Add.1	E/1982/3/Add.13	E/1984/7/Add.17	E/1986/4/Add.17
68. Rwanda	3 January 1976	E/1984/6/Add.4	E/1986/3/Add.1	E/1982/3/Add.42	E/1984/7/Add.29	Overdue
69. Saint Vincent and the Grenadines	9 February 1982	Overdue	Overdue	Overdue	-	-
70. San Marino	18 January 1986	<u>c/</u>	<u>c/</u>	Overdue	-	-
71. Senegal	13 May 1978	Overdue	E/1980/6/Add.13/ Rev.1	E/1982/3/Add.17	-	Overdue
72. Solomon Islands	17 March 1982	Overdue	Overdue	Overdue	-	-
73. Spain	27 July 1977	E/1978/8/Add.26	E/1980/6/Add.28	E/1982/3/Add.22	E/1984/7/Add.2	E/1986/4/Add.6
74. Sri Lanka	11 September 1980	Overdue	Overdue	Overdue	-	-
75. Sudan	18 June 1986	<u>c/</u>	<u>c/</u>	Overdue	-	-
76. Suriname	28 March 1977	Overdue	Overdue	Overdue	Overdue	Overdue
77. Sweden	3 January 1976	E/1978/8/Add.5	E/1980/6/Add.8	E/1982/3/Add.2	E/1984/7/Add.5	E/1986/4/Add.13

## Annex I (continued)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) <u>a/</u>	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) <u>a/</u>	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) <u>a/</u>	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/86) <u>b/</u>
78. Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31	E/1980/6/Add.9	Overdue	Overdue	Overdue
79. Togo	24 August 1984	<u>c/</u>	Overdue	Overdue	-	-
80. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11	E/1988/5/Add.1	-	Overdue
81. Tunisia	3 January 1976	E/1978/8/Add.3	E/1986/3/Add.9	Overdue	Overdue	Overdue
82. Uganda	21 April 1987	<u>c/</u>	<u>c/</u>	Overdue	-	-
83. Ukrainian SSR	3 January 1976	E/1978/8/Add.22	E/1980/6/Add.24	E/1982/3/Add.4	E/1984/7/Add.9	E/1986/4/Add.5
84. Union of Soviet Socialist Republics	3 January 1976	E/1978/8/Add.16	E/1980/6/Add.17	E/1982/3/Add.1	E/1984/7/Add.7	E/1986/4/Add.14
85. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30	E/1980/6/Add.16, and Corr.1, 25 and Corr.1 and 26	E/1982/3/Add.16	E/1984/7/Add.20	E/1986/4/Add.23
86. United Republic Of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2	Overdue	Overdue	Overdue
87. Uruguay	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue
88. Venezuela	10 August 1978	E/1984/6/Add.1	E/1980/6/Add.38	E/1982/3/Add.33	-	Overdue
89. Viet Nam	24 December 1982	Overdue	Overdue	Overdue	-	-
90. Yugoslavia	3 January 1976	E/1978/8/Add.35	E/1980/6/Add.30	E/1982/3/Add.39	E/1984/7/Add.10	Overdue
91. Zaire	1 February 1977	E/1984/6/Add.18	E/1986/3/Add.7	E/1982/3/Add.41	Overdue	Overdue
92. Zambia	10 July 1984	<u>c/</u>	E/1986/3/Add.2	Overdue	-	-

(Footnotes on following page)

(Footnotes to annex I)

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a/ Depending on date of entry into force.

b/ See Economic and Social Council decision 1985/132 of 28 May 1985.

c/ Not yet due.

d/ State party has submitted its initial report in accordance with the new reporting programme approved by the Economic and Social Council in paragraph 6 of its resolution 1988/4, of 24 May 1988.

e/ Withdrawn.

Annex II

MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS

<u>Name of member</u>	<u>Country of nationality</u>	<u>Term expires on</u> <u>31 December</u>
Mr. Philip ALSTON	Australia	1990
Mr. Juan ALVAREZ VITA	Peru	1992
Mr. Ibrahim Ali BADAWI EL SHEIKH	Egypt	1990
Mr. Mohamed Lamine FOFANA	Guinea	1992
Mr. Sami GLAIEL	Syrian Arab Republic	1990
Mrs. María de los Angeles JIMENEZ BUTRAGUEÑO	Spain	1992
Mr. Samba Cor KONATE	Senegal	1992
Mr. Valeri KOUZNETSOV	Union of Soviet Socialist Republics	1990
Mr. Jaime MARCHAN ROMERO	Ecuador	1990
Mr. Vassil MRATCHKOV	Bulgaria	1992
Mr. Alexandre MUTERAHEJURU	Rwanda	1990
Mr. Wladyslaw NENEMAN	Poland	1992
Mr. Kenneth Osborne RATTRAY	Jamaica	1992
Mr. Bruno SIMMA	Federal Republic of Germany	1990
Mr. Mikis Demetriou SPARSIS	Cyprus	1992
Ms. Chikako TAYA	Japan	1990
Mr. Philippe TEXIER	France	1992
Mr. Javier WIMER ZAMBRANO	Mexico	1990

### Annex III

#### GENERAL COMMENTS a/

##### Introduction: the purpose of general comments

1. At its second session, in 1988, the Committee decided (E/1988/14, paras. 366 and 367), pursuant to an invitation addressed to it by the Economic and Social Council (resolution 1987/5) and endorsed by the General Assembly (resolution 42/102), to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

2. The Committee, and the sessional working group of governmental experts which existed prior to the creation of the Committee, have examined 138 initial reports and 44 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant as of the end of its third session. This experience covers a significant number of States parties to the Covenant, currently consisting of 92 States. They represent all regions of the world, with different socio-economic, cultural, political and legal systems. Their reports submitted so far illustrate many of the problems which might arise in implementing the Covenant although they have not yet provided any complete picture as to the global situation with regard to the enjoyment of economic, social and cultural rights.

3. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of these reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures and to stimulate the activities of the States parties, the international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions which it has drawn therefrom, revise and update its general comments.

##### General comment No. 1 (1989)

##### Reporting by States parties

1. The reporting obligations which are contained in part IV of the Covenant are designed principally to assist each State party in fulfilling its obligations under the Covenant and, in addition, to provide a basis on which the Council, assisted by the Committee, can discharge its responsibilities for monitoring States parties' compliance with their obligations and for facilitating the realization of economic, social and cultural rights in accordance with the provisions of the Covenant. The Committee considers that it would be incorrect to assume that reporting is essentially only a procedural matter designed solely to satisfy each State party's formal obligation to report to the appropriate international monitoring body. On the

contrary, in accordance with the letter and spirit of the Covenant, the processes of preparation and submission of reports by States can, and indeed should, serve to achieve a variety of objectives.

2. A first objective, which is of particular relevance to the initial report required to be submitted within two years of the Covenant's entry into force for the State party concerned, is to ensure that a comprehensive review is undertaken with respect to national legislation, administrative rules and procedures, and practices in an effort to ensure the fullest possible conformity with the Covenant. Such a review might, for example, be undertaken in conjunction with each of the relevant national ministries or other authorities responsible for policy-making and implementation in the different fields covered by the Covenant.

3. A second objective is to ensure that the State party monitors the actual situation with respect to each of the rights on a regular basis and is thus aware of the extent to which the various rights are, or are not, being enjoyed by all individuals within its territory or under its jurisdiction. From the Committee's experience to date, it is clear that the fulfilment of this objective cannot be achieved only by the preparation of aggregate national statistics or estimates, but also requires that special attention be given to any worse-off regions or areas and to any specific groups or subgroups which appear to be particularly vulnerable or disadvantaged. Thus, the essential first step towards promoting the realization of economic, social and cultural rights is diagnosis and knowledge of the existing situation. The Committee is aware that this process of monitoring and gathering information is a potentially time-consuming and costly one and that international assistance and co-operation, as provided for in article 2, paragraph 1 and articles 22 and 23 of the Covenant, may well be required in order to enable some States parties to fulfil the relevant obligations. If that is the case, and the State party concludes that it does not have the capacity to undertake the monitoring process which is an integral part of any process designed to promote accepted goals of public policy and is indispensable to the effective implementation of the Covenant, it may note this fact in its report to the Committee and indicate the nature and extent of any international assistance that it may need.

4. While monitoring is designed to give a detailed overview of the existing situation, the principal value of such an overview is to provide the basis for the elaboration of clearly stated and carefully targeted policies, including the establishment of priorities which reflect the provisions of the Covenant. Therefore, a third objective of the reporting process is to enable the Government to demonstrate that such principled policy-making has in fact been undertaken. While the Covenant makes this obligation explicit only in article 14 in cases where "compulsory primary education, free of charge" has not yet been secured for all, a comparable obligation "to work out and adopt a detailed plan of action for the progressive implementation" of each of the rights contained in the Covenant is clearly implied by the obligation in article 2, paragraph 1 "to take steps ... by all appropriate means ..."

5. A fourth objective of the reporting process is to facilitate public scrutiny of government policies with respect to economic, social and cultural rights and to encourage the involvement of the various economic, social and cultural sectors of society in the formulation, implementation and review of the relevant policies. In examining reports submitted to it to date, the

Committee has welcomed the fact that a number of States parties, reflecting different political and economic systems, have encouraged inputs by such non-governmental groups into the preparation of their reports under the Covenant. Other States have ensured the widespread dissemination of their reports with a view to enabling comments to be made by the public at large. In these ways, the preparation of the report, and its consideration at the national level can come to be of at least as much value as the constructive dialogue conducted at the international level between the Committee and representatives of the reporting State.

6. A fifth objective is to provide a basis on which the State party itself, as well as the Committee, can effectively evaluate the extent to which progress has been made towards the realization of the obligations contained in the Covenant. For this purpose, it may be useful for States to identify specific bench-marks or goals against which their performance in a given area can be assessed. Thus, for example, it is generally agreed that it is important to set specific goals with respect to the reduction of infant mortality, the extent of vaccination of children, the intake of calories per person, the number of persons per health care provider, etc. In many of these areas, global bench-marks are of limited use, whereas national or other more specific bench-marks can provide an extremely valuable indication of progress.

7. In this regard, the Committee wishes to note that the Covenant attaches particular importance to the concept of "progressive realization" of the relevant rights and, for that reason, the Committee urges States parties to include in their periodic reports information which shows the progress over time, with respect to the effective realization of the relevant rights. By the same token, it is clear that qualitative, as well as quantitative, data are required in order for an adequate assessment of the situation to be made.

8. A sixth objective is to enable the State party itself to develop a better understanding of the problems and shortcomings encountered in efforts to realize progressively the full range of economic, social and cultural rights. For this reason, it is essential that States parties report in detail on the "factors and difficulties" inhibiting such realization. This process of identification and recognition of the relevant difficulties then provides the framework within which more appropriate policies can be devised.

9. A seventh objective is to enable the Committee, and the States parties as a whole, to facilitate the exchange of information among States and to develop a better understanding of the common problems faced by States and a fuller appreciation of the type of measures which might be taken to promote effective realization of each of the rights contained in the Covenant. This part of the process also enables the Committee to identify the most appropriate means by which the international community might assist States, in accordance with articles 22 and 23 of the Covenant. In order to underline the importance which the Committee attaches to this objective, a separate general comment on those articles will be discussed by the Committee at its fourth session.

#### Note

a/ Adopted by the Committee at its 19th meeting, on 17 February 1989.

Annex IV

PROVISIONAL RULES OF PROCEDURE ADOPTED BY THE COMMITTEE  
AT ITS 23rd MEETING, ON 21 FEBRUARY 1989

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Part one

GENERAL RULES

I. SESSIONS

Duration and venue of the sessions

Rule 1

The Committee on Economic, Social and Cultural Rights (hereinafter referred to as "the Committee") shall meet annually for a period of up to three weeks, or as may be decided by the Economic and Social Council (hereinafter referred to as "the Council") taking into account the number of reports to be examined by the Committee. Sessions of the Committee shall be held at Geneva or wherever the Council so decides.

Dates of sessions

Rule 2

Sessions of the Committee shall be convened at dates decided by the Council in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General").

Notification of the opening date of sessions

Rule 3

The Secretary-General shall notify the members of the Committee of the date of the first meeting of each session. Such notifications shall be sent at least six weeks in advance of the session.

II. AGENDA

Provisional agenda for the sessions

Rule 4

The provisional agenda of each session shall be prepared by the Secretary-General in consultation with the Chairman of the Committee and shall include:

- (a) Any item decided upon by the Committee at a previous session;
- (b) Any item proposed by the Council in fulfilment of its responsibilities under the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "the Covenant");
- (c) Any item proposed by the Chairman of the Committee;
- (d) Any item proposed by a State party to the Covenant;

(e) Any item proposed by a member of the Committee;

(f) Any item proposed by the Secretary-General.

Adoption of the agenda

Rule 5

The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required under rule 14 of these rules.

Revision of the agenda

Rule 6

During a session, the Committee may revise the agenda and may, as appropriate, add, delete or defer items.

Transmission of the provisional agenda and basic documents

Rule 7

The provisional agenda and basic documents relating to items appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible.

Organization of work

Rule 8

At the beginning of each session the Committee shall consider appropriate organizational matters, including the schedule of its meetings and the possibility of holding a general discussion on the measures adopted and the progress made in achieving the observance of the rights recognized in the Covenant.

III. MEMBERS OF THE COMMITTEE

Members

Rule 9

Members of the Committee shall be the 18 experts elected by the Council in accordance with paragraphs (b) and (c) of its resolution 1985/17.

Term of office

Rule 10

The term of office of members elected to the Committee shall begin on 1 January following their election and expire on the 31 December following the election of members that are to succeed them as members of the Committee.

## Declaration of casual vacancies

### Rule 11

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect. The resignation of a member of the Committee shall be notified by the member in writing directly to the Chairman or the Secretary-General and action shall be taken to declare the seat vacant only after such notification has been received.

## Filling of casual vacancies

### Rule 12

1. When a vacancy is declared in accordance with rule 11 of these rules and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General shall notify each of the States parties of the regional group to which the vacant seat in the Committee is allocated in accordance with paragraph (b) of Council resolution 1985/17. Those States parties may within two months submit nominations in accordance with the relevant provisions of paragraphs (b) and (c) of the same resolution.

2. The Secretary-General shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the Council. The Council shall hold the election to fill the vacancy in the Committee in accordance with the procedure established in paragraph (c) of its resolution 1985/17. The election shall take place at the session of the Council following the deadline for the submission of nominations for the vacant seat.

3. A member of the Committee elected to fill the vacancy declared in accordance with rule 11 of these rules shall hold office for the remainder of the term of the member who vacated the seat on the Committee.

## Solemn declaration

### Rule 13

Before assuming his duties, each member of the Committee shall make the following solemn declaration in open Committee:

"I solemnly undertake to discharge my duties as a member of the Committee on Economic, Social and Cultural Rights impartially and conscientiously."

#### IV. OFFICERS

##### Elections

###### Rule 14

The Committee shall elect from among its members a Chairman, three Vice-Chairmen and a Rapporteur, with due regard for equitable geographical representation.

##### Term of office

###### Rule 15

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he or she ceases to be a member of the Committee.

##### Position of the Chairman in relation to the Committee

###### Rule 16

The Chairman shall perform the functions conferred upon him by the rules of procedure and the decisions of the Committee. In the exercise of those functions, the Chairman shall remain under the authority of the Committee.

##### Acting Chairman

###### Rule 17

If during a session the Chairman is unable to be present at a meeting or any part thereof, he or she shall designate one of the Vice-Chairmen to act in his or her place.

##### Powers and duties of the Acting Chairman

###### Rule 18

A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

##### Replacement of officers

###### Rule 19

If any of the officers of the Committee ceases to serve or declares inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his or her predecessor.

## V. SECRETARIAT

### Duties of the Secretary-General

#### Rule 20

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee shall be provided by the Secretary-General.
2. The Secretary-General shall provide the Committee with the necessary staff and facilities for the effective performance of its functions, bearing in mind the need to give adequate publicity to its work.

### Statements

#### Rule 21

The Secretary-General or his representative shall attend all meetings of the Committee and, subject to rule 33 of these rules, may make oral or written statements at meetings of the Committee or its subsidiary bodies.

### Keeping the members informed

#### Rule 22

The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions which may be brought before it for consideration.

### Financial implications of proposals

#### Rule 23

Before any proposal which involves expenditure is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to the members of the Committee or subsidiary body, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairman to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or subsidiary body.

## VI. LANGUAGES

### Official and working languages

#### Rule 24

Arabic, English, French, Russian and Spanish shall be the official languages of the Committee and English, French, Russian and Spanish shall be the working languages of the Committee.

## Interpretation

### Rule 25

1. Statements made in an official language shall be interpreted into the other official languages.
2. A speaker may make a statement in a language other than an official language if he provides for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

## Languages of records

### Rule 26

Summary records of the meetings of the Committee shall be drawn up and distributed in English, French and Spanish.

## Languages of formal decisions and official documents

### Rule 27

All formal decisions of the Committee to be submitted to the Council shall be made available in the official languages of the Council. All other official documents of the Committee shall be issued in the working languages and any of them may, if the Council so decides, be issued in all the official languages of the Council.

## VII. PUBLIC AND PRIVATE MEETINGS

### Public and private meetings

#### Rule 28

The meetings of the Committee and its subsidiary bodies shall be held in public unless the Committee decides otherwise.

### Issue of communiqués concerning private meetings

#### Rule 29

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

## VIII. RECORDS

### Summary records of the proceedings and corrections to them

#### Rule 30

1. The Secretary-General shall provide the Committee with summary records of its proceedings, which shall be made available to the Council at the same time as the report of the Committee.
2. Summary records are subject to correction to be submitted by participants in the meetings to the Secretariat in the language in which the summary record is issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued shortly after the end of the session concerned.

## IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

### Distribution of official documents

#### Rule 31

Reports, formal decisions and all other official documents of the Committee shall be documents of general distribution unless the Committee decides otherwise.

## X. CONDUCT OF BUSINESS

### Quorum

#### Rule 32

Twelve members of the Committee shall constitute a quorum.

### Powers of the Chairman

#### Rule 33

The Chairman shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chairman may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He or she shall rule on points of order and shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairman may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

### Time-limit for statements

#### Rule 34

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairman shall call him or her to order without delay.

### List of speakers

#### Rule 35

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chairman may, however, accord the right of reply to any member or representative if a statement delivered after the list is declared closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

### Points of order

#### Rule 36

During the discussion of any matter, a member may at any time raise a point of order, and the point of order shall immediately be decided upon by the Chairman in accordance with the rules of procedure. Any appeal against the ruling of the Chairman shall immediately be put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

### Suspension or adjournment of meetings

#### Rule 37

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

### Adjournment of debate

#### Rule 38

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

### Closure of debate

#### Rule 39

1. When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

2. A member may at any time move the closure of the debate on the item under discussion, whether or not any other member or representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

#### Order of motions

##### Rule 40

Subject to rule 36 of these rules, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) To close the debate on the item under discussion.

#### Submission of proposals

##### Rule 41

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on a subsequent day.

#### Decisions on competence

##### Rule 42

Subject to rule 40 of these rules, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

#### Withdrawal of motions

##### Rule 43

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

#### Reconsideration of proposals

##### Rule 44

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the

motion and two speakers opposing the motion, after which it shall immediately be put to the vote.

## XI. VOTING

### Voting rights

#### Rule 45

Each member of the Committee shall have one vote.

### Adoption of decisions

#### Rule 46

Decisions of the Committee shall be made by a majority of the members present. However, the Committee shall endeavour to work on the basis of the principle of consensus.

### Equally divided votes

#### Rule 47

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as rejected.

### Method of voting

#### Rule 48

1. Subject to rule 53 of these rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the English alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairman.

2. The vote of each member participating in a roll-call shall be inserted in the record.

### Conduct during voting and explanation of votes

#### Rule 49

After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairman before the voting has commenced or after the voting has been completed.

### Division of proposals

#### Rule 50

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been

approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

#### Order of voting on amendments

##### Rule 51

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.
2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

#### Order of voting on proposals

##### Rule 52

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.
2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.
3. Any motion requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

## XII. ELECTIONS

#### Methods of elections

##### Rule 53

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of an election to fill a place for which there is only one candidate.

#### Conduct of elections when only one elective place is to be filled

##### Rule 54

1. When only one elective place is to be filled, and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.
2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast

for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a candidate is elected.

3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third such unrestricted ballot, and the following three ballots shall be unrestricted and so on until a candidate is elected.

#### Conduct of elections when two or more elective places are to be filled

##### Rule 55

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining the required majority is less than the number of members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and to a number no more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots and to a number not more than twice the places remaining to be filled. The following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

#### XIII. SUBSIDIARY BODIES

##### Ad hoc subsidiary bodies

##### Rule 56

1. Subject to rule 24, paragraph 2, of the rules of procedure of the Economic and Social Council, the Committee may set up ad hoc subsidiary bodies as it deems necessary for the performance of its functions, and define their composition and powers.

2. Each subsidiary body shall elect its own officers and may adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

#### XIV. REPORT OF THE COMMITTEE

##### Annual report

##### Rule 57

1. The Committee shall submit to the Council an annual report on its activities, including a summary of its consideration of reports submitted by States parties to the Covenant. The report may include general observations by members of the Committee on the basis of their consideration of States parties' reports. A list of States parties to the Covenant shall be annexed to the report of the Committee together with an indication of the status of submission of reports by States parties.
2. The Committee shall also include in its report suggestions and recommendations of a general nature referred to under rule 64 of these rules of procedure.

##### Part two

#### RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

#### XV. REPORTS FROM STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

##### Submission of reports

##### Rule 58

1. In accordance with article 16 of the Covenant, the States parties shall submit to the Council for consideration by the Committee reports on the measures which they have adopted and progress made in achieving the observance of the rights recognized in the Covenant.
2. In accordance with article 17 of the Covenant and Council resolution 1988/4, the States parties shall submit their initial reports within two years of the entry into force of the Covenant for the State party concerned and thereafter periodic reports at five-year intervals.

##### Non-submission of reports

##### Rule 59

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports under rule 58 of these rules. In such cases the Committee may recommend to the Council to transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such reports.
2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report required under rule 58 of these rules, the Committee shall so state in the annual report which it submits to the Council.

## Form and content of reports

### Rule 60

1. Upon approval of the Council, the Committee may inform the States parties, through the Secretary-General, of its wishes regarding the form and contents of the reports to be submitted under article 16 of the Covenant and the programme established by Council resolution 1988/4.
2. The general guidelines for reports by the States parties may, when necessary, be considered by the Committee with a view to making suggestions for their improvement.

## Consideration of reports

### Rule 61

1. The Committee shall consider the reports submitted by States parties to the Covenant in accordance with the programme established by Council resolution 1988/4.
2. The Committee shall normally consider the reports submitted by States parties under article 16 of the Covenant in the order in which they have been received by the Secretary-General.
3. Reports of the States parties scheduled for consideration by the Committee shall be made available to the members of the Committee at least six weeks before the opening of the session of the Committee. Any reports by States parties received by the Secretary-General for processing less than 12 weeks before the opening of the session shall be made available to the Committee at its session in the following year.

## Attendance by States parties at examination of reports

### Rule 62

1. Representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined. Such representatives should be able to make statements on the reports submitted by their States and reply to questions which may be put to them by the members of the Committee.
2. The Secretary-General shall notify the States parties as early as possible of the opening date and duration of the session of the Committee at which their respective reports are scheduled for consideration. For the meetings referred to in the preceding paragraph, representatives of the States parties concerned shall be specially invited to attend.

## Request for additional information

### Rule 63

1. When considering a report submitted by a State party under article 16 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under existing guidelines.

2. If a report of a State party to the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request the State concerned to furnish the additional information which is required, indicating the manner as well as the time within which the said information should be submitted.

#### Suggestions and recommendations

##### Rule 64

The Committee shall make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and of the reports submitted by the specialized agencies in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant. The Committee may also make suggestions for the consideration by the Council with reference to articles 19 and 23 of the Covenant.

#### General comments

##### Rule 65

The Committee may prepare general comments based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations.

#### XVI. REPORTS FROM SPECIALIZED AGENCIES UNDER ARTICLE 18 OF THE COVENANT

#### Submission of reports

##### Rule 66

In accordance with the provisions of article 18 of the Covenant and the arrangements made by the Council thereunder, the specialized agencies are called upon to submit reports on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

#### Consideration of reports

##### Rule 67

The Committee is entrusted with the task of considering the reports of the specialized agencies, submitted to the Council in accordance with article 18 of the Covenant and the programme established under Council resolution 1988 (LX).

Participation of specialized agencies

Rule 68

The specialized agencies concerned shall be invited to designate representatives to participate at the meetings of the Committee. Such representatives may make general statements on matters falling within the scope of the activities of their respective organizations at the end of the discussion by the Committee of the report of each State party to the Covenant. The representatives of the States parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies.

XVII. OTHER SOURCES OF INFORMATION

Submission of information, documentation and written statements

Rule 69

1. Non-governmental organizations in consultative status with the Council may submit to the Committee written statements that might contribute to full and universal recognition and realization of the rights contained in the Covenant.
2. The Committee may recommend to the Council to invite United Nations bodies concerned and regional intergovernmental organizations to submit to it information, documentation and written statements, as appropriate, relevant to its activities under the Covenant.

Part three

INTERPRETATION AND AMENDMENTS

XVIII. INTERPRETATION AND AMENDMENTS

Underlined headings

Rule 70

The underlined headings of these rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

Amendments

Rule 71

These rules of procedure may be amended by a decision of the Committee, subject to approval of the Council.

Approval of and modification by the Council

Rule 72

These rules of procedure are subject to the approval by the Council and shall remain in force in so far as they are not superseded or modified by decisions of the Council.



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Annex VI

LIST OF DOCUMENTS OF THE COMMITTEE AT ITS THIRD SESSION

- E/1984/6/Add.12 Initial reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX): Afghanistan
- E/1984/6/Add.19 Idem: Panama
- E/1984/6/Add.20 Idem: Netherlands
- E/1984/6/Add.21 Idem: Trinidad and Tobago
- E/1984/7/Add.28 Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX): Canada
- E/1984/7/Add.29 Idem: Rwanda
- E/1986/3/Add.8 Initial reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12, in accordance with the second stage of the programme established by Economic and Social Council resolution 1988 (LX): Cameroon
- E/1986/3/Add.9 Idem: Tunisia
- E/1986/3/Add.10 Idem: France
- E/1986/3/Add.11 Idem: Trinidad and Tobago
- E/1986/4/Add.2 Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12, in accordance with the second stage of the programme established by the Economic and Social Council in its resolution 1988 (LX): Cyprus
- E/1986/4/Add.12 Idem: Poland
- E/1986/4/Add.22 Idem: Panama
- E/1986/4/Add.23 Idem: United Kingdom of Great Britain and Northern Ireland
- E/1986/4/Add.24 Idem: Netherlands

- E/1982/3/Add.38 Initial reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15, in accordance with the third stage of the programme established by the Economic and Social Council in its resolution 1988 (LX): Jordan
- E/1982/3/Add.42 Idem: Rwanda
- E/1982/3/Add.43 Idem: Iran (Islamic Republic of)
- E/1982/3/Add.44 Idem: Netherlands
- E/1988/5/Add.1 Idem: Trinidad and Tobago
- E/1989/5 Supplementary information submitted by the Government of Zaire.
- E/1988/6 Tenth report of the International Labour Organisation under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX)
- E/1989/6 Eleventh report of the International Labour Organisation under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX)
- E/1988/7 Second report of the United Nations Educational, Scientific and Cultural Organization under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX)
- E/C.12/1989/1 Provisional agenda and annotations: note by the Secretary-General
- E/C.12/1989/2 States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports in accordance with the programme established by the Economic and Social Council in resolution 1988 (LX): note by the Secretary-General
- E/C.12/1989/3 List of articles showing the nature and extent of overlapping under six international human rights instruments: report by the Secretary-General
- E/C.12/1989/4 Resolutions and decisions of the Economic and Social Council relating to the implementation of the International Covenant on Economic, Social and Cultural Rights: note by the Secretary-General

E/C.12/1989/L.1 Draft programme of work: note by the Secretary-General

E/C.12/1989/L.1/Rev.1 Tentative programme of work for the third session, as approved by the Committee at its second meeting

E/C.12/1989/L.2 Draft provisional rules of procedure of the Committee on Economic, Social and Cultural Rights: note by the Secretary-General

E/C.12/1989/L.3 Implementation of the International Covenant on Economic, Social and Cultural Rights: note by the Secretary-General containing a selected bibliography

E/C.12/1987/2 General guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, in accordance with the programme established by Economic and Social Council resolution 1988 (LX): note by the Secretary-General

E/C.12/1988/1 Reservations, declarations and objections relating to the International Covenant on Economic, Social and Cultural Rights: note by the Secretary-General

E/1987/28 Report of the Committee on Economic, Social and Cultural Rights on its first session

E/1988/14 Report of the Committee on Economic, Social and Cultural Rights on its second session

E/C.12/1989/NGO/1 Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)

E/C.12/1989/SR.1-25 and SR.1-25/Corrigendum Summary records of the third session (1st to 25th meetings) of the Committee on Economic, Social and Cultural Rights

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