

## **ADEQUATE OR DECENT STANDARD OF LIVING - FOOD, CLOTHING, SHELTER**

### **IV. CONCLUDING OBSERVATIONS**

#### **CERD**

- United Kingdom of Great Britain and Northern Ireland, CERD, A/46/18 (1991) 49 at para. 209.

It is necessary for the State party to make increased efforts to improve the situation of members of ethnic minorities with regard to education, employment, housing and economic standing.

- Australia, CERD, A/46/18 (1991) 58 at para. 245.

The situation of the Aboriginal and Torres Strait Islander people requires further affirmative action. Improvements are particularly needed in the area of education, employment, housing, land rights and health services.

- France, CERD, A/49/18 (1994) 20 at para. 155.

The State party should introduce legislation to provide effective protection of the exercise, without discrimination, of the rights to work and to housing, in both the public and private sectors, and to provide compensation to victims of discrimination.

#### ***See also:***

- France, CERD, A/55/18 (2000) At para. 100.

- Norway, CERD, A/49/18 (1994) 37 at para. 264.

The State party should review its measures for guaranteeing the economic and social rights of naturalized immigrants and resident aliens of minority ethnic or national origin, with particular reference to the rights to work and to housing.

- Spain, CERD, A/49/18 (1994) 72 at para. 503.

Concern is expressed about *de facto* discrimination against members of the Gypsy community in the

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spheres of housing, education and employment, and against migrant workers and foreign nationals in general.

- Italy, CERD, A/50/18 (1995) 27 at para. 102.

Concern is expressed regarding the social trends towards segregation in housing and work.

- Guatemala, CERD, A/50/18 (1995) 58 at para. 310.

Concern is expressed that conditions of extreme poverty and social exclusion are endured, in particular by the indigenous Maya Quiche population. Such conditions adversely affect the enjoyment of the rights guaranteed under article 5 of the Convention such as the right to own property, the right to work, the right to form and join trade unions, and the right to housing, public health and education.

- Colombia, CERD, A/51/18 (1996) 15 at para. 48.

Structural discriminatory attitudes towards the indigenous and Afro-Colombian communities, appearing at various levels of the political, economic and social life of the country are noted. Those discriminatory attitudes relate to, among other things, the right to life and security of persons, political participation, educational and occupational opportunities, access to basic public services, the right to health, the right to adequate housing, the application of the law, and land ownership and use.

- Denmark, CERD, A/51/18 (1996) 17 at paras. 71 and 76.

### *Paragraph 71*

It is noted with concern that officers of the Danish police have treated persons with a non-Danish background in an unacceptable manner, and that these persons with non-Danish backgrounds face difficulties in the enjoyment of their economic and social rights, particularly in respect of access to the labour market and equality in the exercise of their rights to housing and to health.

### *Paragraph 76*

Equal attention should be paid to the economic, social and cultural rights listed in article 5, notably the rights to work, housing, health, education, training and access to services for the general public, including hotels, restaurants, cafés and places of entertainment such as discotheques.

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- Zimbabwe, CERD, A/51/18 (1996) 20 at para. 87.

Satisfaction is expressed concerning the land resettlement programmes undertaken by the authorities, *inter alia*, to provide land to the landless and displaced persons and to support and promote emergent black large-scale commercial farming and a more balanced racial composition of the large-scale commercial sector.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at para. 233.

Special concern is expressed for the Irish Traveller community, whose situation affects their right to public health care and social services under article 5 (e). It is noted that the policy of designating land for the use of Travellers has contributed to their lower standard of living and has curtailed their freedom of movement by limiting the places which they might inhabit.

- Brazil, CERD, A/51/18 (1996) 45 at paras. 299 and 303.

### *Paragraph 299*

Discriminatory attitudes towards the indigenous, black and mestizo populations persist within Brazilian society and are apparent at a number of levels in the political, economic and social life of the country. These discriminatory attitudes concern, *inter alia*, the right to life and security of person, political participation, access to education and employment, access to basic public services, the right to health, the right to decent housing, land ownership, land use and law enforcement.

### *Paragraph 303*

Special concern is expressed about the unfair treatment of the indigenous populations during land demarcation and distribution, the violent and unlawful means used to settle numerous land disputes and the violence and intimidation used against them by private militias and even occasionally by members of the military police. Concern is also expressed about their social protection and the discrimination they suffer in the spheres of health, education, culture, employment, access to public office and housing.

- Namibia, CERD, A/51/18 (1996) 67 at para. 496.

Concern is expressed at the fact that black people and mixed race people (coloureds) who comprise 95 per cent of the population, still face serious discrimination in many areas, such as access to property, education, employment, health care or housing.

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- United Kingdom of Great Britain and Northern Ireland, CERD, A/52/18 (1997) 9 at para. 37.

With respect to the effective enjoyment of the rights provided for in article 5 of the Convention, concern is expressed at remaining instances of racial discrimination in the field of employment, notably the opportunities for professional promotions, in the private as well as in the public sectors, in the fields of housing and education, in the exercise of stop and search powers by the police, and with respect to occurrences of ill-treatment by the police.

- Luxembourg, CERD, A/52/18 (1997) 22 at para. 133.

The special measures to promote and protect the right to housing of foreign workers, are welcomed in the light of article 5 of the Convention

- Iraq, CERD, A/52/18 (1997) 37 at para. 258.

The withholding of basic supplies of food and medicine in itself constitutes a grave violation of human rights.

- Poland, CERD, A/52/18 (1997) 62 at paras. 473 and 478.

### *Paragraph 473*

With regard to article 5 of the Convention, concern is expressed that the right to work and to housing of persons belonging to minorities may not be sufficiently protected from racial discrimination in the current period of economic transition.

### *Paragraph 478*

The State party should take measures to more fully guarantee economic, social and cultural rights, as defined in article 5 (e), for minority groups, including the right to work and to housing, and should adopt a comprehensive programme of action to promote and protect the rights of the Roma population.

- Norway, CERD, A/52/18 (1997) 77 at paras. 608 and 616.

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### *Paragraph 608*

Concern is expressed that foreigners and persons belonging to minority groups may not be sufficiently protected, especially in the fields of labour and housing.

### *Paragraph 616*

The State party should take all appropriate measures to ensure access to work and housing on a non-discriminatory basis, in conformity with the Convention.

- Switzerland, CERD, A/53/18 (1998) 28 at para. 56.

Concern is expressed about the lack of comprehensive legislation to combat discrimination based on race, colour, descent, or national or ethnic origin. Such legislation should include measures to combat racial discrimination in labour relations and housing and, more generally, racial discrimination by any person, group or organization.

- Israel, CERD, A/53/18 (1998) 30 at para. 86.

While noting the special budget for public housing in the Arab sector, concern is expressed about ethnic inequalities, particularly those centering upon what are known as "unrecognized" Arab villages.

- Italy, CERD, A/54/18 (1999) 19 at para. 126.

Concern is expressed at the situation of many Roma, including children, who are ineligible for public housing and live in camps outside major cities. In addition to a frequent lack of basic facilities, the housing of Roma in such camps leads not only to physical segregation of the Roma community from society, but to political, economic and cultural isolation as well.

- Costa Rica, CERD, A/54/18 (1999) 24 at para. 193.

Recent manifestations of xenophobia and racial discrimination, largely focused on immigrants, in particular Nicaraguans, are of concern. Concern is expressed about the vulnerable status of refugees and clandestine immigrants, who often live and work in the country in precarious conditions, and who frequently become victims of discrimination in the terms of article 5 of the Convention, in particular paragraph 5 (e).

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- Uruguay, CERD, A/54/18 (1999) 41 at para. 429.

With respect to employment, education and housing, the State party should take steps to reduce present inequalities and adequately compensate affected groups and persons for earlier evictions from their houses.

- Azerbaijan, CERD, A/54/18 (1999) 46 at para. 497.

The State party should utilize all available means, including international cooperation, to ameliorate the situation of displaced persons and refugees, especially regarding their access to education, employment and housing, pending their return to their houses under conditions of safety.

- Guinea, CERD, A/54/18 (1999) 48 at para. 533.

Concern is expressed about the destruction by the State of more than 10,000 homes, belonging mainly to members of the Puhlar ethnic group; the resulting riots which led to the death of eight persons; and the inter-ethnic tension which remains in that area. The lack of compensation for those persons whose property was expropriated is also of concern.

- Australia, CERD, A/55/18 (2000) 17 at para. 41.

Efforts being made to increase spending on health, housing, employment and education programmes for indigenous Australians are acknowledged. Serious concern remains about the extent of the continuing discrimination faced by indigenous Australians in the enjoyment of their economic, social and cultural rights. Serious concern also remains about the extent of the dramatic inequality still experienced by an indigenous population that represents only 2.1 per cent of the total population of a highly developed industrialized State. It is recommended that the State party ensure, within the shortest time possible, that sufficient resources are allocated to eradicate these disparities.

- Denmark, CERD, A/55/18 (2000) 22 at para. 65.

With regard to the right to housing, it is of concern that decisions regarding quotas for newly arrived refugees and/or asylum-seekers can be arbitrary in their effects. Rules of procedure should regarding the right to housing of refugees and/or asylum-seekers which are in line with the principles and provisions of the Convention.

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- Malta, CERD, A/55/18 (2000) 29 at para. 128.

It is noted with concern that there have been claims of racial discrimination in housing, particularly as regards rental accommodation. The situation of rental accommodation should be reviewed with a view to ensuring non-discrimination.

- Rwanda, CERD, A/55/18 (2000) 31 at paras. 142 and 149.

### *Paragraph 142*

Efforts made by the State party to improve the economic and social rights of the people, notably through the provision of housing facilities are welcomed.

### *Paragraph 149*

While noting that the State party's measures to relocate large groups of the population to semi-urban locations are intended to improve access to water, health and other services, reports of forced relocations and that some relocated persons do not have access to adequate housing are matters of concern. It is recommended that the State party ensure that all relocations are made on a non-discriminatory basis and that relocated persons enjoy, without discrimination, the rights listed in article 5 of the Convention.

- Finland, CERD, A/55/18 (2000) 41 at paras. 213 and 217.

### *Paragraph 213*

It is of concern that Roma continue to experience discrimination in the fields of housing, education and employment. Concern is also expressed about reports that Roma are sometimes denied access to and service in public places such as restaurants. It is recommended that the State party take additional measures at the national and municipal levels to improve the situation of the Roma minority, with a view to preventing social exclusion and discrimination against them.

### *Paragraph 217*

It is noted with concern that immigrants, refugees and minorities, in particular Roma, have higher rates of unemployment, have difficulties in gaining access to housing and social services and have higher rates of school drop-out. The low number of judicial proceedings initiated related to incidents of racial discrimination, including cases of discrimination in employment, is also of concern. The State party should take all necessary measures to alleviate the situation of immigrants, refugees and minorities, in particular Roma, at the national and municipal levels, especially with respect to housing, employment and education.

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- Slovakia, CERD, A/55/18 (2000) 47 at paras. 260 and 265.

### *Paragraph 260*

Settlement patterns with regard to the Roma minority are of concern. The Committee is particularly concerned about the fact that two municipalities issued decrees banning Roma from their territory and the duration of proceedings to lift them. The State party should review legislation regulating local residence permits, investigate promptly and thoroughly incidents of discrimination in access to housing and give speedy consideration to these issues.

### *Paragraph 265*

Concern is expressed that a disproportionately large number of Roma suffer higher mortality rates, have poorer nutrition levels, and low levels of awareness of maternal and child health. Moreover, poor access to clean drinking water, adequate sanitation, and high exposure to environmental pollution in Roma settlements are matters of concern. The State party should take all necessary measures to ensure that the Roma enjoy the full right to health and health care. It is recommended that the State party prioritize and target social services for persons belonging to the most vulnerable groups.

- Czech Republic, CERD, A/55/18 (2000) 50 at paras. 279 and 280.

### *Paragraph 279*

While the measures taken by the State party for the promotion and the protection of the human rights of the Roma minority are welcomed, concern remains that the Roma population continues to be subjected to discrimination in the fields of housing, education and employment.

### *Paragraph 280*

With regard to article 3 of the Convention, concern is expressed about the existing situations of *de facto* segregation in the areas of housing and education of the Roma population. In particular, concern is expressed at measures taken by some local authorities leading to segregation and at the practice of school segregation by which many Roma children are placed in special schools, offering them lesser opportunities for further study or employment. The State party should undertake effective measures to eradicate promptly practices of racial segregation, including the placement of a disproportionate number of Roma children in special schools.

- Sweden, CERD, A/55/18 (2000) 57 at para. 339.

Concern is expressed about increasing *de facto* residential segregation. The State party should ensure compliance with the law against discrimination in the allocation of housing.



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- United Kingdom of Great Britain and Northern Ireland, CERD, A/55/18 (2000) 60 at para. 364.

The State party should intensify its efforts to ensure full enjoyment by all of the rights provided in article 5 of the Convention, without discrimination, giving particular attention to the rights to employment, education, housing and health.

- Norway, CERD, A/55/18 (2000) 67 at para. 416.

Concern is expressed that persons seeking to rent or purchase apartments and houses are not adequately protected against racial discrimination on the part of vendors. It is recommended that the State party give full effect to its obligations under article 5 (e) (iii) of the Convention.

- Japan, CERD, A/56/18 (2001) 34 at para. 177.

While noting the recent increase in the number of refugees accepted by the State party, concern is expressed about the different standards of treatment applicable to Indochinese refugees on the one hand and the limited number of refugees of other national origins on the other. Whereas Indochinese refugees have access to accommodation, financial aid and state funded Japanese language courses, such assistance is as a rule not available to other refugees. It is recommended that the State party take measures to ensure equal entitlement of all refugees to such services. In this context, the State party should also ensure that all asylum-seekers have the right, *inter alia*, to an adequate standard of living and medical care.

- Sudan, CERD, A/56/18 (2001) 40 at para. 213.

Deep concern is expressed about the forced relocation of civilians from the Nuer and Dinka ethnic groups in the upper Nile region and reports that the relocations involved significant military force resulting in civilian casualties. The State party is urged to uphold the fundamental economic and social rights of the Nuer and Dinka in the upper Nile region including the right to personal security, to housing, food and to just compensation for property confiscated for public use.

- Italy, CERD, A/56/18 (2001) 53 at para. 304.

The fact that the *Testo Unico*, the State party's unified legislation on the status of foreigners, creates

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an obligation for employers to ensure, by means of their own resources, appropriate housing facilities for immigrants and their families for a certain period of time is welcomed.

- Sri Lanka, CERD, A/56/18 (2001) 56 at para. 327.

The statement by the Government that they will continue to provide food and other kinds of relief to displaced and other needy citizens is welcomed.

- United States of America, CERD, A/56/18 (2001) 64 at para. 398.

While noting the numerous laws, institutions and measures designed to eradicate racial discrimination affecting the equal enjoyment of economic, social and cultural rights, concern is expressed about persistent disparities in the enjoyment of, in particular, the right to adequate housing, equal opportunities for education and employment, and access to public and private health care. The State party should take all appropriate measures, including special measures according to article 2, paragraph 2, of the Convention, to ensure the right of everyone, without discrimination as to race, colour, or national or ethnic origin, to the enjoyment of the rights contained in article 5 of the Convention.

### **ICCPR**

- Russian Federation, ICCPR, A/50/40 vol. I (1995) 65 at para. 383.

The reported growing number of homeless and abandoned children in need of measures of protection is of concern.

- Israel, ICCPR, A/53/40 vol. I (1998) 45 at paras. 308, 309 and 320.

#### *Paragraph 308*

Deeply imbedded discriminatory social attitudes, practices and laws against Arab Israelis that have resulted in a lower standard of living compared with Jewish Israelis, as is evident in their significantly lower levels of education, access to health care, access to housing, land and employment, are of serious concern. Most Arab Israelis, because they do not join the army, do not enjoy the financial benefits available to Israelis who have served in the army, including scholarships and housing loans. The State party is urged to take steps without delay to ensure equality to Arabs and to proceed as soon as possible with the planned formulation of a draft law on discrimination in the private sector

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and to adopt it at an early date.

### *Paragraph 309*

Palestinians in the occupied territories who remain under the control of Israeli security forces do not enjoy the same rights and freedoms as Jewish settlers in those territories, in particular in regard to planning and building permits and access to land and water. The policies of confiscation of lands and settlement in the occupied territories are of concern. Coordinated and targeted efforts should be made to establish basic standards that are applicable equally to all persons under the jurisdiction of Israel.

### *Paragraph 320*

The demolition of Arab homes as a means of punishment is deplored, as is the practice of demolitions, in part or in whole, of "illegally" constructed Arab homes. The difficulties imposed on Palestinian families seeking to obtain legitimate construction permits are noted with regret. The demolition of homes conflicts directly with the obligation of the State party to ensure without discrimination the right not to be subjected to arbitrary interference with one's home (article 17), the freedom to choose one's residence (article 12) and equality of all persons before the law and equal protection of the law (article 26).

- Canada, ICCPR, A/54/40 vol. I (1999) 48 at para. 234.

Where homelessness has led to serious health problems and death, positive measures are required by article 6 to address this serious problem.

- Guyana, ICCPR, A/55/40 vol. I (2000) 53 at para. 371.

Deep concern is expressed over dire prison conditions (article 10), including poor sanitation and lack of adequate food and medical care, resulting in disease and death. This is exacerbated by the excessive recourse to imprisonment as a punishment or as a preventive measure and by the overcrowding of prisons.

### *See also:*

- Mongolia, ICCPR, A/55/40 vol. I (2000) 49 at para. 332.
  
- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 397 and 398.

### *Paragraph 397*

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Concern remains about inhuman prison conditions. This is characterized by overcrowding, inadequate food and medical care, and by the fact that convicted persons are frequently not kept segregated from the accused and that juvenile offenders are frequently detained in the same detention centres as adults (art. 10).

### *Paragraph 398*

The State party must ensure that all persons deprived of their liberty are treated with humanity and respect for their inherent dignity. Specifically, it must ensure that all detainees are afforded adequate food and medical care.

- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at para. 86(12).

Given the State party's obligation, under article 6 of the Covenant, to protect the life of its citizens and to take measures to reduce infant mortality and increase life expectancy, serious concern remains about the lack of measures taken to deal with the food and nutrition situation in the DPRK, and the lack of measures taken to address, in cooperation with the international community, the causes and consequences of the drought and other natural disasters which seriously affected the country's population in the 1990s. The Committee recalls paragraph 5 of its General Comment No. 6 [16] on article 6 of the Covenant, which recommends that States parties "take all possible measures to reduce infant mortality and increase life expectancy, especially in adopting measures to eliminate malnutrition..."

### **ICESCR**

- Dominican Republic, ICESCR, E/1991/23 (1990) 55 at para. 249.

Deep concern is expressed at the situation of Haitian workers in the State party. The information concerning the massive expulsion of nearly 15,000 families in the course of the last five years, the deplorable conditions in which the families lived, and the conditions in which the expulsions had taken place were deemed sufficiently serious for it to be considered that the guarantees in article 11 of the Covenant had not been respected.

- Panama, ICESCR, E/1992/23 (1991) 24 at para. 135.

Responses to questions concerning both housing rights and evictions were unsatisfactory for the

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following reasons:

(a) First, the Government's claim that 3,000 persons had been affected by the bombing of El Chorillo differed substantially from all other sources which placed the figure between 12,500 and 20,000 persons.

(b) Second, the responses given to questions concerning the current living conditions of residents of El Chorillo made homeless by the bombing differed substantially from other available information. Information was received which pointed to many complaints by the residents that had received alternative accommodation and which concerned the long distance which now had to be travelled to and from places of employment on relatively expensive public transportation and the overall poor quality of the housing in the resettlement sites. Moreover, two years after the invasion, a large number of persons had yet to be rehoused;

(c) Third, the justifications for the actions carried out by the Panamanian and United States forces in Tocumen, San Miguelito and Panama Viejo in early 1990, which affected over 5,000 persons, was unacceptable under the terms of the Covenant as a ground for forcibly removing people from their homes. During the actions concerned, a large number of houses were demolished, in spite of the affected persons having lived in the area for more than two years. Additionally, these evictions had not been accompanied by legal eviction orders. Evictions carried out in this way are not only an infringement upon the right to adequate housing but also on the inhabitants' rights to privacy and security of the home.

- Italy, ICESCR, E/1993/22 (1992) 42 at paras. 192 and 193.

### *Paragraph 192*

The attention of the State party is drawn to the following concerns:

(a) The adoption of Act L359/92 seems likely to aggravate the situation of the most economically disadvantaged tenants. The Act partly goes back on the introduction of the concept of a "fair rent";

(b) It has led to a certain paralysis in the rental market since about 5 million apartments are currently reported to be unoccupied. The scope of the exceptions to the fair-rent rule has widened and freedom to set rents is contributing to rental increases;

(c) Given the shortage of low-income housing, which accounts for about 5 per cent of the total housing stock, and since no housing allowance system has been established or is envisaged, the situation of tenants is disturbing. The 10-year low-income housing construction plan, which was partly executed in 1988, has not been amended and remains insufficient;

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(d) A further continuing source of concern is the precarious nature of leases, aggravated by the provisions of the Act of August 1992, given the fact that 74 per cent of evictions are based on termination of the lease and, since 1983, one family out of three has been evicted.

### *Paragraph 193*

The importance the Covenant attaches to the right to housing is reiterated, and it is recommended that the Government take all appropriate measures to improve the situation of tenants and to ensure that medium-term solutions are found in order to deal more satisfactorily with housing for the most disadvantaged social categories.

- Kenya, ICESCR, E/1994/23 (1993) 24 at para. 82.

It is noted that between 1980 and 1989 no less than 44 per cent of the population - in rural areas 55 per cent - lived below the poverty line. A distressing inequality in income distribution is further noted. Concern is expressed over the fact that more than 30 per cent of the population of Kenya is reported to suffer from malnutrition. With regard to the right to adequate housing, it is noted with great concern that practices of forced evictions without consultation, compensation or adequate resettlement appear to be widespread in Kenya, particularly in Nairobi.

- Canada, ICESCR, E/1994/23 (1993) 28 at paras. 105, 107, 109, 112, 113, 115 and 116.

### *Paragraph 105*

Of concern is the evidence of hunger in Canada and the reliance on food banks operated by charitable organizations.

### *Paragraph 107*

The Committee learned from non-governmental organizations of widespread discrimination in housing against people with children, people on social assistance, people with low incomes, and people who are indebted. Although prohibited by law in many of Canada's provinces, these forms of discrimination are apparently common. A more concerted effort to eliminate such practices would therefore seem to be in order.

### *Paragraph 109*

Given the evidence of homelessness and inadequate living conditions, it is surprising that expenditures on social housing are as low as 1.3 per cent of Government expenditures.

### *Paragraph 112*

It is of concern that in a few cases, courts have ruled that the right to security of the person in the

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Charter does not protect Canadians from social and economic deprivation, or from infringements of their rights to adequate food, clothing and housing.

### *Paragraph 113*

It is of concern that provincial human rights legislation has not always been applied in a manner which would provide improved remedies against violations of social and economic rights, particularly concerning the rights of families with children, and the right to an adequate standard of living, including food and housing.

### *Paragraph 115*

Concerted Government action is recommended to eliminate the need for food banks.

### *Paragraph 116*

Security of tenure should be extended to all tenants and the attention of the State party is drawn to its General Comment No. 4 on the Right to Adequate Housing (article 11-1 of the Covenant), in particular paragraph 8.

- Mexico, ICESCR, E/1994/23 (1993) 47 at paras. 234, 235, 238 and 239.

### *Paragraph 234*

Concern is expressed over the fact that a large segment of the population of Mexico has to endure inadequate living and housing conditions, without access to basic services such as sewage and potable water.

### *Paragraph 235*

The prevalence of forced evictions in both urban and rural areas of Mexico is of concern. Of particular concern is the large number of people already evicted or threatened with eviction due to the lack of adequate protection.

### *Paragraph 238*

Steps should be taken urgently to overcome the grave housing crisis in the country. The speedy adoption of policies and measures designed to ensure adequate civic services, security of tenure and the availability of resources to facilitate access by low-income communities to affordable housing is recommended. The increased construction of rental housing, as well as adoption of other measures to enable Mexico to comply fully with its obligations under article 11 of the Covenant, as dealt with in General Comment No. 4 of the Committee is also recommended.

### *Paragraph 239*

The State party should desist from policy measures that lead to large-scale evictions. It is recalled

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“...that instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law”.

- Uruguay, ICESCR, E/1995/22 (1994) 23 at para. 72.

The shortage of housing in relation to demand and the high level of rents, particularly affecting the most vulnerable groups of society, is of concern.

- Belgium, ICESCR, E/1995/22 (1994) 34 at paras. 154 and 157.

### *Paragraph 154*

While noting with satisfaction that the right to housing has been inscribed in the recently revised Constitution of Belgium, concern is expressed over the adequacy of the measures taken actually to enforce that constitutional provision.

### *Paragraph 157*

The authorities should take appropriate measures to promote investment programmes and encourage, in particular, the construction of low-cost rental housing. In this connection, in situations indicating a clear deterioration in the enjoyment of the right to adequate housing, urgent measures should be taken by the authorities concerned. In view of the problems in the housing sector, which are still considerable, the Government is urged to establish an official, nationwide commission on housing, comprising representatives of Government, non-governmental organizations and other relevant groups. The Government should fully ensure that persons belonging to ethnic minorities, refugees and asylum seekers are fully protected from any acts or laws which in any way result in discriminatory treatment within the housing sector. In view of information received that not all social housing units are occupied by lower income groups, all necessary measures should be taken to ensure that lower-income groups have access to social housing which is affordable. The Government should apply existing laws more intensively to allow the Government to requisition properties and housing left unoccupied by owners.

- Mauritius, ICESCR, E/1995/22 (1994) 37 at paras. 178 and 179.

### *Paragraph 178*

Regarding the right to food, concern is expressed over the fact that in June 1993 the Mauritian



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Government abolished subsidies on rice and flour without replacing them by a system that would guarantee food security for the most vulnerable groups of the population.

### *Paragraph 179*

Regarding the right to housing, concern is expressed over the discontinuation of the Government's programme for providing low-cost housing in Mauritius. Further, concern is expressed with regard to Government harassment of hundreds of homeless people who built shacks on "State land".

- The Gambia, ICESCR, E/1995/22 (1994) 42 at para. 201.

Concern is expressed over the reported inadequacy of the food supply in the country. UNDP figures for 1992 show that 68.8 per cent of urban families did not have enough food and that the diet of 64 per cent of rural families was insufficient to withstand the rainy season. There are indications that chronic malnutrition among children could be as high as 40 per cent.

- Argentina, ICESCR, E/1995/22 (1994) 47 at para. 237.

The large number of illegal occupations of buildings, particularly in Buenos Aires, and the conditions in which expulsions are carried out is of concern.

- Austria, ICESCR, E/1995/22 (1994) 50 at para. 253.

Concern is expressed over the possible adverse consequences, for the implementation of the provisions of the Covenant concerning non-discrimination, of the regulations relating to the new law on residence and residence permits, whose purpose is to limit the number of foreigners authorized to work in Austria, and the conditions laid down - particularly in the area of housing - for the acquisition of an Austrian residence permit.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1995/22 (1994) 52 at paras. 274, 287, 293 and 302.

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### *Paragraph 274*

It is regretted that a large number of households have experienced harassment or illegal eviction and that the national housing policy is not adequate to address this problem which particularly affects private tenants who are single parents, have low incomes or, in general, are among the most vulnerable groups of society. It is noted with concern that serious difficulties continue to be faced regarding the enforcement of improvements to unsafe housing in England and Wales as well as in the handling by the authorities of the growing problem of homelessness.

### *Paragraph 287*

Concern is expressed over the fact that there is an absence of comprehensive legislation providing protection against discrimination on the grounds referred to in article 2 of the Covenant. It is noted with concern that the Government's proposed legislation on sex discrimination includes a number of exclusions and exemptions - in particular the so-called small-house policy - which discriminate against women.

### *Paragraph 293*

The plight of persons - most of whom are elderly - living in subhuman conditions in "cage homes", is deplored. The inaction of the Hong Kong Government despite abundant financial resources at its disposal is unacceptable.

### *Paragraph 302*

Immediate steps should be taken, as a matter of high priority, to eradicate the phenomenon of "cage homes", and to ensure that those currently living in such accommodation are provided with adequate and affordable rehousing. The Government should seriously consider the embodiment into domestic law of the right to housing.

- Dominican Republic, ICESCR, E/1995/22 (1994) 59 at paras. 319-322, 324 and 326-333.

### *Paragraph 319*

Urgent measures should be taken to promote full respect for the right to adequate housing. In this regard, it is noted that whenever an inhabited dwelling is either demolished or its inhabitants evicted, the Government is under an obligation to ensure that adequate alternative housing is provided. In this context "adequacy" requires relocation within a reasonable distance from the original site, and in a setting which has access to essential services such as water, electricity, drainage and garbage removal. Similarly, persons who are housed in conditions which threaten their life and health should, to the maximum of available resources, be adequately rehoused.

### *Paragraph 320*

Concern is expressed about the ease with which the Government is prepared to authorize or

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undertake the demolition of homes, even when such dwellings are capable of being repaired or renovated. It appears that insufficient attention is paid in this context to extensive alternative community development and urban improvement plans developed by popular organizations.

### *Paragraph 321*

The national housing unit deficit currently stands at some 500,000 units. If correct, this level would be exceptionally high given the relatively small population of the country. Moreover, less than 17 per cent of Government-built housing units are provided to the poorest sectors of society.

### *Paragraph 322*

Concern is expressed over the "militarization" of La Cienaga-Los Guandules, the long-standing prohibition on improving or upgrading existing dwellings for the more than 60,000 residents of the area, and the inadequate and heavily polluted living conditions. The situation is especially problematic given that these communities were originally established as relocation areas for evicted persons in the 1950s. Since that time the Government has failed to confer legal security of tenure on residents or to provide basic civic services.

### *Paragraph 324*

Concern is expressed over the effects Presidential decrees as they do have an impact on the enjoyment of the rights recognized in the Covenant. In this regard the importance of establishing judicial remedies which can be invoked, including in relation to Presidential decrees, in order to seek redress for housing rights violations is emphasized.

### *Paragraph 326*

The Government should ensure that forced evictions are not carried out except in truly exceptional circumstances, following consideration of all possible alternatives and in full respect for the rights of all persons affected.

### *Paragraph 327*

All persons residing in extremely precarious conditions, such as those residing under bridges, on cliff sides, in homes dangerously close to rivers, ravine dwellers, residents of Barrancones and Puente Duarte, and the more than 3,000 families evicted between 1986-1994 who have yet to receive relocation sites (from Villa Juana, Villa Consuelo, Los Frailes, San Carlos, Guachupita, La Fuente, Zona Colonial, Maquiteria, Cristo Rey, La Cuarenta, Los Ríos and La Zurza), should all be ensured, in a rapid manner, the provision of adequate housing in full conformity with the provisions of the Covenant.

### *Paragraph 328*

The Government should confer security of tenure on all dwellers lacking such protection at present,

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with particular reference to areas threatened with forced eviction.

### *Paragraph 329*

Presidential decrees 358-91 and 359-91 are formulated in a manner that is inconsistent with the provisions of the Covenant. The Government should consider repealing both of these decrees within the shortest possible time. The Government should seek to remove the military presence in La Cienaga-Los Guandules and allow residents the right to improve their homes and the community at large. The Government should also give careful consideration to implementing alternative development plans for the area, taking full account of plans developed by non-governmental and community-based organizations.

### *Paragraph 330*

In order to promote the objectives referred to in these observations the Government might consider the establishment of commissions, composed of representatives of all relevant sectors of society, in particular civil society, to oversee the implementation of decrees 76-94 and 155-94.

### *Paragraph 331*

The Government should apply existing housing rights provisions in the Constitution and for that purpose should take measures to facilitate and promote their application. Such measures could include: (a) adoption of comprehensive housing rights legislation; (b) legal recognition of the right of affected communities to information concerning any governmental plans actually or potentially affecting their rights; (c) adoption of urban reform legislation which recognizes the contribution of civil society in implementing the Covenant and addresses questions of security of tenure, regularization of land-ownership arrangements.

### *Paragraph 332*

In order to achieve progressively the right to housing, the Government is requested to undertake, to the maximum of available resources, the provision of basic services (water, electricity, drainage, sanitation, refuse disposal, etc.) to dwellings and to ensure that public housing is provided to those groups of society with the greatest need. It should also seek to ensure that such measures are undertaken with full respect for the law.

### *Paragraph 333*

The Government should give consideration to initiatives designed to promote the participation of those affected in the design and implementation of housing policies. Such initiatives could include: (a) a formal commitment to facilitating popular participation in the urban development process; (b) legal recognition of community-based organizations; (c) the establishment of a system of community housing finance designed to open more lines of credit for poorer social sectors; (d) enhancing the role of municipal authorities in the housing sector; (e) improving coordination between the various governmental institutions responsible for housing and considering the creation of a single

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governmental housing agency.

- Mali, ICESCR, E/1995/22 (1994) 64 at para. 349.

Concern is expressed over the further degradation of the standard of living of the population of Mali as a consequence of the devaluation of the CFA franc. The precarious situation of the food supply in Mali, caused partly by the irregularities of rainfall but also by malfunctioning of the market in agricultural products is also of concern. According to UNICEF statistics of the late 1980s, the malnutrition rate ranged between 6 and 25 to 30 per cent depending on the year and the region.

- Republic of Korea, ICESCR, E/1996/22 (1995) 24 at para. 83.

Appropriate measures should be taken to guarantee the right to housing and, in particular, to ensure that no evictions are carried out without offers of alternative housing.

- Portugal, ICESCR, E/1996/22 (1995) 28 at para. 99.

The State party is urged to continue its efforts to guarantee the right to housing for the most vulnerable groups, through improved sanitation and rehabilitation of dwellings which are insanitary or lack minimum basic services.

- Philippines, ICESCR, E/1996/22 (1995) 30 at paras. 115-118, 123, 124, 130 and 131.

### *Paragraph 115*

Particular concern is expressed at the use of criminal-law provisions to deal with problems arising from the inadequacy of housing. The criminal conviction of squatters and the restrictions on the right of due process in the case of evictees is noted. While the illegal occupation of land or the usurpation of property rights by persons otherwise unable to obtain access to adequate housing is not condoned, in the absence of concrete measures to address these problems, the State party should not resort, in the first instance, to measures of criminal law or to demolition.

### *Paragraph 116*

The scale of forced evictions and the manner in which they are carried out are of concern. The Government itself acknowledges that planned forced evictions may affect up to 200,000 families and that the Government has identified only 150,000 relocation sites. If these estimates are correct a very significant number of persons currently threatened with eviction will not receive adequate

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resettlement. Such a situation would not be compatible with respect for the right to housing.

### *Paragraph 117*

The Government's statement that the Covenant provides no protection from forced eviction is not accepted. The right to housing cannot be interpreted as being silent in relation to such an issue.

### *Paragraph 118*

While it is not for the Government itself to build or finance the housing units required to satisfy all of the demand in the country, it should make every effort to ensure that a fair share of the resources available is utilized for making low-cost housing available to the most disadvantaged and vulnerable sectors of society, and to enable the private sector to contribute to that endeavour.

### *Paragraph 123*

Consideration should be given to increasing the proportion of the national budget devoted to slum-upgrading programmes, to community mortgage programmes and to programmes in the field of health and agriculture designed in particular to benefit the poorer groups in society.

### *Paragraph 124*

Greater emphasis should be placed, within the framework of official development assistance provided by donor countries, on support for social adjustment programmes for purposes such as the financing of low-interest credit for the poorest farmers, slum-upgrading and other programmes for housing the poor.

### *Paragraph 130*

The Government should institute an emergency plan, which should include the identification of benchmarks, to expedite the agrarian reform process and provide mechanisms for the speedy handling of grievances concerning irregularities in the implementation of the Comprehensive Agrarian Reform Programme. The reform of tenancy legislation relating to peasants is urged.

### *Paragraph 131*

The Government should ensure that forced evictions are not carried out except in truly exceptional circumstances, following consideration of all possible alternatives and in full respect of the rights of all persons affected. The Government is urged to extend indefinitely the moratorium on summary and illegal forced evictions and demolitions and to ensure that all those under threat in these contexts are entitled to due process. The Government should promote greater security of tenure in relation to housing in accordance with the principles outlined in General Comment No. 4 (1991). When relocating evicted or homeless persons or families, attention should be paid to the availability of job opportunities, schools, hospitals or health centres, and transport facilities in the areas selected.

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- Colombia, ICESCR, E/1996/22 (1995) 41 at paras. 187, 191 and 200.

### *Paragraph 187*

The drop in the real value of wages is noted with concern. In March 1995, 23.8 per cent of the active population, in the seven principal towns of the country, received the minimum legal wage (approximately US\$ 135) and 64.2 per cent received less than twice the minimum legal wage. Thus some 75 per cent of workers cannot afford to fill the "family basket", which costs two and a half times the minimum legal wage.

### *Paragraph 191*

It is noted with concern that there is a considerable shortfall in housing, amounting to 3.7 million units, and that many inhabitants live in precarious conditions in housing which does not correspond to the definition of adequate housing under article 11 of the Covenant.

### *Paragraph 200*

The Government should improve the supply of housing, especially low-cost housing for the benefit of the poorest sectors, in urban areas and also in rural areas, and allocate resources to provide the entire population with drinking-water and sewage services.

- Algeria, ICESCR, E/1996/22 (1995) 54 at paras. 297 and 302.

### *Paragraph 297*

Concern is expressed about the serious shortage of housing and the precarious conditions of accommodation of a substantial part of the population, which affects enjoyment of the right to adequate housing as provided for in the Covenant.

### *Paragraph 302*

The Government is encouraged to pursue an energetic housing policy, so as to make progress towards the full realization of the right to adequate housing.

- Panama, ICESCR, E/1996/22 (1995) 58 at paras. 309 and 311.

### *Paragraph 309*

Surprise and concern is expressed at the decision of the President to veto the law establishing the minimum size of low-income dwellings and adopting other provisions. The law had been approved by the Legislative Assembly in response to the basic requirement to satisfy the concept of decent housing, solemnly recognized by the Government and in keeping with the provisions of the Covenant.

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### *Paragraph 311*

Any social housing programme worthy of the name cannot simply be based on market forces, but must also take into account criteria which recognize the need to favour - even provide for - the basic needs of low-income groups, in particular their right to housing.

- El Salvador, ICESCR, E/1997/22 (1996) 34 at paras. 158, 167 and 179.

### *Paragraph 158*

The high level of poverty which is affecting most of the country's inhabitants is of deep concern. The food and nutritional situation is a major problem, reflected among other things in a high level of infant mortality, since a very high proportion of children are suffering from malnutrition. Although it is recognized that considerable efforts have been made by the authorities to improve the situation, it is emphasized that the continued existence of such a level of poverty in a country experiencing constant economic growth is unjustifiable.

### *Paragraph 167*

The apparently chronic housing shortage and the fact that a large proportion of the population lives in precarious conditions and in housing that does not correspond to the content of the right to adequate housing recognized in article 11 of the Covenant is noted with concern.

### *Paragraph 179*

The construction of low-income housing for the poorest sectors of Salvadoran society should be intensified in urban and rural areas and a greater effort should be made to provide sanitation and drinking-water supplies for the entire population.

- Guinea, ICESCR, E/1997/22 (1996) 39 at para. 205.

It is noted with concern that poverty affects approximately 50 per cent of the population of Guinea. Malnutrition is still widespread throughout the country. Of equal concern is the lack of a minimum wage guaranteed by law. Concerning the right to adequate housing, the measures taken by the Government do not always seem adequate to meet the needs of the Guinean people.

- Dominican Republic, ICESCR, E/1997/22 (1996) 44 at para. 235.

The issue of limited access to safe drinking-water for the rural population and those living in deprived urban areas, the higher incidence of infant mortality in certain socio-economic groups, the deplorable situation of persons with disabilities, the prevalence of endemic diseases, the inadequacy of social



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welfare and social security, the persisting housing shortage and the inadequacy of access to health care, are matters of concern.

- Finland, ICESCR, E/1997/22 (1996) 55 at para. 317.

Attention of the authorities is drawn to the need to eliminate discrimination of any kind in the exercise of the rights set forth in the Covenant, especially the right to housing.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at paras. 335, 350, 361 and 362.

### *Paragraph 335*

Concern is reiterated that the phenomenon of subhuman "cage homes" remains a blight.

### *Paragraph 350*

It is regretted that the Hong Kong Government has not given any clear indication of a time-frame within which it expects to eradicate the deplorable phenomenon of "cage homes". The inadequate conditions of the housing offered by the Hong Kong Government to new immigrants from China, resulting in many of them living in deplorable conditions is of deep concern.

### *Paragraph 361*

The Hong Kong Government should undertake, as a matter of high priority, the total eradication of "cage homes".

### *Paragraph 362*

The Hong Kong Government should review the seven-year residence rule applied before providing housing to immigrant families from China, with a view to ensuring their right to adequate housing.

- Zimbabwe, ICESCR, E/1998/22 (1997) 24 at paras. 76 and 84.

### *Paragraph 76*

Concern is expressed about the precarious situation of persons living in illegal structures or unauthorized housing. People should not be subjected to forced eviction unless this is done under conditions compatible with the Covenant.

### *Paragraph 84*

Appropriate measures should be taken to guarantee the right to housing and, in particular, to ensure

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that no forced evictions are carried out without alternative housing being offered.

- Russian Federation, ICESCR, E/1998/22 (1997) 27 at paras. 100, 109, 110, 116, 123 and 124.

### *Paragraph 100*

The situation of the indigenous peoples, many of whom live in poverty and have inadequate access to food, and some of whom suffer from malnutrition, is of concern. Particular concern is expressed for those whose food supply is based on fishing and an adequate stock of reindeer, and who are witnessing the destruction of their environment by widespread pollution. Reports that the economic rights of indigenous peoples are violated with impunity by oil and gas companies which sign agreements under circumstances which are clearly illegal, and that the State party has not taken adequate steps to protect the indigenous peoples from such exploitation are alarming.

### *Paragraph 109*

It is noted with alarm that that malnutrition and hunger have developed among the poorer segments of the population. Particular concern is expressed for the plight of the homeless, families without income, large families, and indigenous people in the northern part of the country where the infrastructure for food delivery is inadequate.

### *Paragraph 110*

It is of serious concern that the level of contamination of both domestically produced and imported foodstuffs is high by international standards, and appears to be caused - for domestic production - by the improper use of pesticides and environmental pollution, such as through the improper disposal of heavy metals and oil spills, and - for imported food- by the illegal practices of some food importers. It is the responsibility of the Government to ensure that such food does not reach the market.

### *Paragraph 116*

Action should be taken to protect the indigenous peoples from exploitation by oil and gas companies, and more generally action should be taken to ensure their access to traditional and other sources of food.

### *Paragraph 123*

The adoption of a plan of action for food subsidies for the poor is recommended. The State party is encouraged to try to resolve problems of legal title to land, the financing of supplies and equipment for farm areas, and transportation to markets as soon as possible to stimulate domestic food production.

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### *Paragraph 124*

The question of an acceptable and adequate food supply is linked to a seriously polluted environment and the lack of investment in infrastructure for the maintenance and improvement of the water supply. The State party should examine these linkages and take appropriate action to clean up the environment and prevent enterprises from engaging in further pollution, especially when it contaminates the food chain. The maintenance and improvement of the water-supply system should be undertaken as a matter of priority. It is recommended that vigorous action be taken against enterprises which have been found to have imported contaminated food.

- Peru, ICESCR, E/1998/22 (1997) 33 at paras. 153, 155 and 168.

### *Paragraph 153*

The large number of child workers and street children in the State party and the inadequacy of the measures taken by the Government to combat these phenomena are of concern.

### *Paragraph 155*

Concern is expressed over the great number of forced evictions of people in the Amazon basin, resulting in the destruction of their habitat and way of life.

### *Paragraph 168*

The authorities should take immediate measures to put a stop to the forced eviction of people, especially in the Amazon basin.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at paras. 223, 234 and 239-241.

### *Paragraph 223*

With respect to the right to housing, positive measures and programmes undertaken by the Government may be hampered by a lack of resources allocated by the authorities at the national and local levels to alleviate the many problems associated with the lack of housing; by the dispersion of the many organs and institutions set up to deal with housing and the lack of coordination between them; by the failure of the central authorities to delegate more powers to local communities; and by the priority and preference given to the alleviation of the problems in urban areas to the detriment of rural areas.

### *Paragraph 234*

The Government is urged to adopt positive measures to improve living conditions in the *bateyes*. The legal status of the *bateyes* should be modified and their relationships with municipalities improved. Sugar cane companies should be required to provide inhabitants of the *bateyes* with basic facilities,

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such as water and electricity, and with health and social services.

### *Paragraph 239*

The Government is called upon to pursue and intensify its efforts to ensure that safe drinking water is made available to the rural population and all those living in deprived urban areas.

### *Paragraph 240*

It is recommended that the Government's efforts be pursued and intensified in order to fully and effectively address the problems related to housing. In this respect, the following is stressed: the need for increased resources, both for construction and rehabilitation and for the relocation of evicted and displaced communities; for decentralization and greater autonomy of local authorities in this field; and for effective coordination of the activities undertaken by all the competent organs. Attention is also drawn to the need to complete the process of land surveys in order to issue title deeds to regularize the ownership of land by much of the population, in rural as well as urban areas.

### *Paragraph 241*

Steps should be taken without delay to protect the population from forced evictions by private owners and in this respect, General Comment No. 7 (1997) should be duly taken into account.

- Iraq, ICESCR, E/1998/22 (1997) 50 at paras. 264-266, 279 and 280.

### *Paragraph 264*

Concern is expressed about reports of discrimination in the enjoyment of the right to adequate housing under article 11 of the Covenant, especially in relation to forced evictions of members of certain minorities (Kurds, Turkomans and Shiite Muslims) and the situation of squatters in urban areas.

### *Paragraph 265*

It is noted with concern that in 1995, 50 per cent of the rural population in the central/southern part of Iraq had no access to potable water supplies. This figure increases to 90 per cent in the southern governorate of Thi Qar. It is stressed that this situation does not conform with the provisions of article 11 of the Covenant on the right to an adequate standard of living.

### *Paragraph 266*

With respect to article 12 of the Covenant, it is noted with concern that, with the destruction of parts of the infrastructure in the State party, the non-availability of safe drinking water has led to widespread contaminated water and related health problems, such as waterborne and diarrhoeal diseases and cholera. Due to food shortages and the resulting restrictions on its distribution, and to the non-availability of certain medicines, medical equipment and other articles of personal hygiene,

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the standard of physical health of the population is declining at a rapid pace. In particular, certain diseases previously eradicated from the State party have reappeared, such as typhoid, infantile paralysis, tetanus, viral hepatitis, Giardia, German measles, kala-azar, undulant fever, haemorrhagic fever, croup, whooping cough, rickets, scabies, hydrocysts and rabies.

### *Paragraph 279*

All appropriate measures should be taken by the authorities to implement, without discrimination, the right to adequate housing under article 11 of the Covenant. Attention is drawn to General Comments Nos. 4 (1991) and 7 (1997).

### *Paragraph 280*

Every effort should be made by the Government to ensure, through the development of adequate infrastructure in all parts of the country, access to potable water by the population as a whole, and especially in the rural areas.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1998/22 (1997) 56 at para. 300.

Concern is expressed that homelessness is still a problem that has not been adequately addressed, and that vulnerable groups such as travellers and ethnic minorities do not receive sufficient protection against evictions.

- Azerbaijan, ICESCR, E/1998/22 (1997) 61 at paras. 340, 341, 351, 352 and 354.

### *Paragraph 340*

Alarm is expressed over the prolonged decline in the standard of living. This is evident in the rising level of poverty, the large proportion of the population living without safe drinking water, the lack of affordable housing, the decline in agricultural production due to the inefficiencies of the process of privatization of State farms and therefore inadequacies in food production and distribution, the declining quality of medical care and the declining numbers of persons benefiting from medical care.

### *Paragraph 341*

Concern is expressed about the shortage of housing, which is compounded by the influx of refugees and displaced persons, and the fact that vulnerable groups and the homeless are not given adequate protection against forced evictions.

### *Paragraph 351*

The State party should address in a more efficient and focused manner the housing needs of its

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population, especially disadvantaged groups, and should devote a substantial proportion of its budget to creating conditions leading to more people being adequately housed, in accordance with General Comment No. 4 (1991) on the right to adequate housing.

### *Paragraph 352*

Attention is drawn to the importance of monitoring the right to adequate housing, of collecting relevant data relating to the practice of forced evictions and of enacting legislation concerning the rights of tenants to security of tenure.

### *Paragraph 354*

The Government should address as a matter of utmost urgency the basic needs of the population, including safe drinking water, food, affordable housing and health care.

- Uruguay, ICESCR, E/1998/22 (1997) 67 at para. 374.

Concern is expressed about the shortage of housing, the high levels of rent, and the conditions under which forced evictions may be carried out, particularly in relation to the most vulnerable groups.

- Saint Vincent and The Grenadines, ICESCR, E/1998/22 (1997) 72 at paras. 430-432.

### *Paragraph 430*

It is of concern that in regard to article 11 of the Covenant, the number of squatter households has grown rapidly, and that many squatters reside in dwellings which fall short of the conditions listed in paragraph 8 of General Comment No. 4 (1991) on the right to adequate housing. The absence of a national housing policy and the halting of all public housing construction have aggravated these problems.

### *Paragraph 431*

Reports of forced evictions, in particular a case where 150 persons were forced to leave their traditional homes and land as a result of the construction of a cruise-ship berth are regretted. Although the persons evicted received some cash compensation, they were not offered alternative accommodation.

### *Paragraph 432*

It is noted with concern that the cost of food and rent rose considerably higher than the general consumer price index between 1990 and 1995 and that, according to information received, 10.8 per cent of all households derive their domestic water supply from springs, rivers, streams and other communal catchments.

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- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at paras. 71, 79, 84 and 86.

### *Paragraph 71*

Grave concern is expressed at the situation of an estimated 800,000 persons displaced because of the armed conflict, many of whom have been living in temporary shelters for the past 15 years and who lack basic sanitation, education, food, clothing and health care. It is reported that Tamil families who were forced by the military to leave their ancestral villages in the Welioya region are among the displaced. The results of an independent survey which estimated the incidence of undernourishment of women and children living in temporary shelters to be as high as 70 per cent, and the reports that in many cases food assistance did not reach the intended beneficiaries is alarming.

### *Paragraph 79*

The information from UNDP that 22 per cent of the population of Sri Lanka lives in poverty, and that many women and children are suffering from malnutrition is noted with grave concern. The information regarding the continued acute shortages of adequate housing and construction materials for homes in need of repair is also noted with grave concern. The lack of updated information on the measures implemented by the Government in accordance with its obligations under article 11 of the Covenant is noted.

### *Paragraph 84*

The uncertain situation concerning demolition of houses and illegal settlements in Sri Lanka is of concern.

### *Paragraph 86*

Mechanisms should be established to facilitate the flow of humanitarian assistance and to strictly monitor and ensure that the intended recipients actually receive the assistance. In particular, the Government should seek further international assistance in its efforts to provide permanent housing to displaced persons who have been living in "temporary" shelters since the war began 15 years ago. The Government should reassess the food assistance programme already in place in affected areas with a view to improving the nutritional standards of the food provided, particularly to children and expectant and nursing mothers.

- Nigeria, ICESCR, E/1999/22 (1998) 27 at paras. 117, 118, 120, 121, 134 and 136.

### *Paragraph 117*

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The rising number of homeless women and young girls, who are forced to sleep in the streets where they are vulnerable to rape and other forms of violence, is of deep concern.

### *Paragraph 118*

Children are not much better off. Many resort to prostitution to feed themselves. The rate of school drop-outs at the primary school age is over 20 per cent. Twelve million children are estimated to hold one job or another. For those who go to school, up to 80 or more are crammed into dilapidated classrooms originally meant to take a maximum of only 40. They are the first to suffer the results of broken marriages. Nigerian law does not provide equal treatment to children born in wedlock and those born out of wedlock. Most alarming is the widespread problem of children suffering from malnutrition. Almost 30 per cent of Nigerian children suffer from malnutrition and its damaging consequences. According to UNICEF, all available evidence shows that hunger and malnutrition are widely prevalent in Nigeria.

### *Paragraph 120*

According to World Bank estimates at least 17 million Nigerians, many of whom are children, are undernourished. The gap is widening between the (increasing) rate of population growth and demand for food, on the one hand, and the (falling) rate of food production, on the other. Nigeria has moved from being an exporter of food items to a net importer.

### *Paragraph 121*

The great number of homeless people is appalling and the acute housing problem in Nigeria, where decent housing is scarce and relatively expensive, is noted with concern. The urban poor, especially women and children, are forced to live in makeshift shelters in appalling and degrading conditions presenting hazards for both physical and mental health. Safe, treated pipe-borne water is available to about 50 per cent of urban dwellers but to only 30 per cent of rural inhabitants. In general, only 39 per cent of Nigeria's population has adequate access to clean drinking water.

### *Paragraph 134*

Legislation should be enacted and the protection of children against the many negative consequences ensuing from child labour, dropping out of school, malnutrition, and discrimination against children born out of wedlock should be ensured by all appropriate means.

### *Paragraph 136*

The Government should cease forthwith the massive and arbitrary evictions of people from their homes and take such measures as are necessary to alleviate the plight of those who are arbitrarily evicted or are too poor to afford decent accommodation. In view of the acute shortage of housing, the Government should allocate adequate resources and make sustained efforts to combat this serious situation.



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- Poland, ICESCR, E/1999/22 (1998) 32 at paras. 154 and 163.

### *Paragraph 154*

The existing legal provisions, under which forced evictions may be carried out without provision for alternative lodging, are of concern. The problem of homelessness in Poland, caused by the acute shortage of housing, the relatively high number of families living below the poverty line, the recent flooding and forced evictions, is also of concern.

### *Paragraph 163*

Conditions for permissible forced evictions should be specified in law, with provisions that address the need for alternative lodging for those evicted. All appropriate measures should be taken in addressing the problems of the acute housing shortage and homelessness. The basis for setting rental rates should be determined in a way that protects the rights of both property owners and tenants, especially those among the most vulnerable groups of society. Information on one's rights and responsibilities and the public and private avenues of assistance available in a market economy should be provided to all consumers, in particular tenants. It is emphasized that respect for the right to housing should include, when appropriate, measures to assist those whose homes are put in jeopardy or who are rendered homeless by dramatic rent increases due to the elimination of rental subsidies.

- The Netherlands (Antilles), ICESCR, E/1999/22 (1998) 41 at para. 220.

The problems of the acute shortage of housing and forced evictions, and the homelessness which affects primarily the island of St. Maarten are of concern. These problems are compounded by the influx of migrants, by cyclones, and by a sharp decline in the annual expenditure dedicated to housing by the Government.

- Israel, ICESCR, E/1999/22 (1998) 43 at paras. 236-238, 244, 247-250, 252, 254, 265, 267 and 268.

### *Paragraph 236*

It is of concern that excessive emphasis upon the State as a "Jewish State" encourages discrimination and accords a second-class status to its non-Jewish citizens. It is noted with concern that the Government of Israel does not accord equal rights to its Arab citizens, although they comprise over 19 per cent of the total population. This discriminatory attitude is apparent in the lower standard of living of Israeli Arabs as a result, *inter alia*, of lack of access to housing, water, electricity and health care and their lower level of education.

### *Paragraph 237*

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It is noted with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/Jewish Agency and its subsidiaries, including the Jewish National Fund, to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are chartered under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies constitute an institutionalized form of discrimination because these agencies by definition would deny the use of these properties to non-Jews. Thus, these practices constitute a breach of Israel's obligations under the Covenant.

### *Paragraph 238*

The situation of the Jahalin Bedouin families who were forcibly evicted from their ancestral lands to make way for the expansion of the Ma'aleh Adumim and Keidar settlements is noted with deep concern. The manner in which the Government of Israel has housed these families - in steel container vans in a garbage dump in Abu Dis in subhuman living conditions is deplorable. It is regretted that instead of providing assurances that this matter will be resolved, the State party has insisted that it can only be solved through litigation.

### *Paragraph 244*

The severe consequences of closure on the Palestinian population are noted with grave concern. Closures have prevented access to health care, first and foremost during medical emergencies, which at times have tragically ended in death at checkpoints and elsewhere. Workers from the occupied territories are prevented from reaching their workplaces, depriving them of income and livelihood and the enjoyment of their rights under the Covenant. Poverty and lack of food aggravated by closures particularly affect children, pregnant women and the elderly who are most vulnerable to malnutrition.

### *Paragraph 247*

The adverse impact of the growing exclusion faced by Palestinians in East Jerusalem from the enjoyment of their economic, social and cultural rights is of concern. Concern is also expressed over the continued Israeli policies of building settlements to expand the boundaries of East Jerusalem and of transferring Jewish residents into East Jerusalem with the result that they now outnumber the Palestinian residents.

### *Paragraph 248*

The continuing practices of the Government of Israel of home demolitions, land confiscations and restrictions on family reunification and residency rights, and its adoption of policies which result in substandard housing and living conditions, including extreme overcrowding and lack of services, of Palestinians in East Jerusalem, in particular in the old city are deplored.

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### *Paragraph 249*

The situation of Arab neighborhoods in mixed cities such as Jaffa and Lod, which have deteriorated into virtual slums because of Israel's excessively restrictive system of granting government permits without which it is illegal to undertake any kind of structural repair or renovation, is of concern.

### *Paragraph 250*

The Committee notes that despite State party's obligations under article 11 of the Covenant, the Government of Israel continues to expropriate Palestinian lands and resources for the expansion of Israeli settlements. Thousands of dunams (1 dunam equals 1,000 square metres) of land in the West Bank have recently been confiscated to build 20 new bypass roads which cut West Bank towns off from outlying villages and farmlands. The consequence - if not the motivation - is the fragmentation and isolation of the Palestinian communities and facilitation of the expansion of illegal settlements. It is noted with concern that while the Government annually diverts millions of cubic metres of water from the West Bank's Eastern Aquifer Basin, the annual per capita consumption allocation for Palestinians is only 125 cubic metres, while settlers are allocated 1,000 cubic metres per capita.

### *Paragraph 252*

It is noted with deep concern that a significant proportion of Palestinian Arab citizens of Israel continue to live in unrecognized villages without access to water, electricity, sanitation and roads. Such an existence has caused extreme difficulties for the villagers in regard to their access to health care, education and employment opportunities. In addition, these villagers are continuously threatened with demolition of their homes and confiscation of their land. The inordinate delay in the provision of essential services to even the few villages that have been recognized is regretted. In this connection, it is noted that while Jewish settlements are constructed on a regular basis, no new Arab villages have been built in the Galilee.

### *Paragraph 254*

Grave concern is expressed over the situation of the Bedouin Palestinians settled in Israel. The number of Bedouins living below the poverty line, their living and housing conditions, their levels of malnutrition, unemployment and infant mortality are all significantly higher than the national averages. They have no access to water, electricity and sanitation and are subjected on a regular basis to land confiscations, house demolitions, fines for building "illegally", destruction of agricultural fields and trees, and systematic harassment and persecution by the Green Patrol. It is noted that the Government's policy of settling Bedouins in seven "townships" has caused high levels of unemployment and loss of livelihood.

### *Paragraph 265*

The State party should respect the right to self-determination as recognized in article 1, paragraph 2, of the Covenant, which provides that "in no case may a people be deprived of its own means of subsistence". Closure restricts the movement of people and goods, cutting off access to external

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markets and to income derived from employment and livelihood. The Government should undertake to ensure safe passage at checkpoints for Palestinian medical staff and people seeking treatment, the unhampered flow of essential foodstuffs and supplies, the safe conduct of students and teachers to and from schools, and the reunification of families separated by closures.

### *Paragraph 267*

The practices of facilitating the building of illegal settlements and constructing bypass roads, expropriating land, water and resources, demolishing houses and arbitrary evictions should cease. Steps should be taken immediately to respect and implement the right to an adequate standard of living, including housing, of the Palestinian residents of East Jerusalem and the Palestinian Arabs in the mixed cities. Equal access to housing and settlement on State land for the "present absentees" who are citizens of Israel is strongly recommended.

### *Paragraph 268*

The State party should recognize the existing Arab Bedouin villages, the land rights of the inhabitants and their right to basic services, including water.

- Germany, ICESCR, E/1999/22 (1998) 54 at para. 323.

Concern is expressed over the plight of homeless people, the actual number of whom is still unknown, as well as about the plight of squatters in many parts of the country, especially in the new Länder.

- Canada, ICESCR, E/1999/22 (1998) 63 at paras. 389, 392, 396,399, 400, 403, 410 and 421.

### *Paragraph 389*

Information has been received about a number of cases in which claims were brought by people living in poverty (usually women with children) against government policies which denied the claimants and their children adequate food, clothing and housing. Provincial governments have urged upon their courts in these cases an interpretation of the Canadian Charter which would deny any protection of Covenant rights and consequently leave the complainants without the basic necessities of life or any legal remedy.

### *Paragraph 392*

The gross disparity between aboriginal people and the majority of Canadians with respect to the enjoyment of Covenant rights is of concern. There has been little or no progress in the alleviation of social and economic deprivation among aboriginal people. In particular, deep concern is expressed at the shortage of adequate housing, the endemic mass unemployment and the high rate of suicide,

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especially among youth, in the aboriginal communities. Another concern is the failure to provide safe and adequate drinking water to aboriginal communities on reserves. The delegation of the State party conceded that almost a quarter of aboriginal household dwellings required major repairs and lacked basic amenities.

### *Paragraph 396*

Information has been received to the effect that cuts of about 10 per cent in social assistance rates for single people have been introduced in Manitoba; 35 per cent in those for single people in Nova Scotia; and 21.6 per cent in those for both families and single people in Ontario. These cuts appear to have had a significantly adverse impact on vulnerable groups, causing increases in already high levels of homelessness and hunger.

### *Paragraph 399*

It is of grave concern that a wealthy country such as Canada has allowed the problem of homelessness and inadequate housing to grow to such proportions that the mayors of Canada's 10 largest cities have now declared homelessness a national disaster.

### *Paragraph 400*

It is of concern that provincial social assistance rates and other income assistance measures have clearly not been adequate to cover rental costs of the poor. In the past five years, the number of tenants paying more than 50 per cent of their income towards rent has increased by 43 per cent.

### *Paragraph 403*

It is of concern that the significant reductions in provincial social assistance programmes, the unavailability of affordable and appropriate housing and widespread discrimination with respect to housing create obstacles to women escaping domestic violence. Many women are forced, as a result of those obstacles, to choose between returning to or staying in a violent situation, on the one hand, or homelessness and inadequate food and clothing for themselves and their children, on the other.

### *Paragraph 410*

The crisis level of homelessness among youth and young families is of concern as over 90 per cent of single mothers under 25 live in poverty. Unemployment and underemployment rates are also significantly higher among youth than among the general population.

### *Paragraph 421*

The federal, provincial and territorial governments should address homelessness and inadequate housing as a national emergency by reinstating or increasing, as the case may be, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, providing

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adequate support services for persons with disabilities, improving protection of security of tenure for tenants and improving protection of affordable rental housing stock from conversion to other uses. The State party should implement a national strategy for the reduction of homelessness and poverty.

- Solomon Islands, ICESCR, E/2000/22 (1999) 40 at para. 203.

Concern is expressed about the plans to privatize communal land with a view to making it accessible for commercial use and urban development. Approximately 90 per cent of the land in the State party is held under customary land tenure, meaning that the land belongs to the community as such rather than to individuals. Attention is drawn to the fact that the envisaged privatization of land under customary tenure may undermine the foundations of the State party's society and could lead to the dispossession of the majority of people, thereby depriving them of their basic source of income. With regard to the Government's plans to privatize housing completely, concern is expressed that the number of homeless people in the urban areas will increase considerably.

- Bulgaria, ICESCR, E/2000/22 (1999) 46 at para. 240.

The State party should establish a plan of action to improve the housing situation, in particular the social housing situation, and if necessary international assistance in this regard should be requested.

- Argentina, ICESCR, E/2000/22 (1999) 49 at paras. 274, 284 and 288.

### *Paragraph 274*

The State party has had in place for 10 years a programme which has been trying to address the question of street children, however, the root problems have not been successfully addressed, given that the number of children on the streets has continued to increase.

### *Paragraph 284*

The State party should continue its policy of legalizing deeds of those that have possession of houses. The existing procedures for the eviction of illegal occupants should be reviewed as a matter of priority. Attention is drawn to General Comments No. 4 (1991) and No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant) and the government is urged to ensure that policy, legislation and practice take due account of both general comments.

### *Paragraph 288*

The State party should adopt measures to combat the problem of street children and to attack the root causes of this situation.

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- Cameroon, ICESCR, E/2000/22 (1999) 56 at paras. 336, 337 and 353-355.

### *Paragraph 336*

The lack of access to potable water for large sectors of society is regretted, especially in rural areas where only 27 per cent of the population has access to safe water (within reasonable reach), while 47 per cent of the urban population has such access.

### *Paragraph 337*

Concern is expressed about the protection of the rights of the Baka Pygmies, in particular their right to an adequate standard of living including the right to food, which have been adversely affected by the depletion of the natural resources of the rainforest upon which they depend for subsistence, and by the compulsory acquisition by the Government of their land.

### *Paragraph 353*

The State party is urged to take effective measures to protect the right of the Baka Pygmies to an adequate standard of living, in particular their right to food, when negotiating contracts for projects which impact negatively on their lives.

### *Paragraph 354*

The State party is called upon to make safe drinking water accessible to the entire population.

### *Paragraph 355*

The State party is urged to implement laws and policies to combat the problem of forced evictions, in accordance with General Comments No. 4 (1991) and No. 7 (1997) concerning the right to adequate housing (art. 11, para. 1 of the Covenant).

- Mexico, ICESCR, E/2000/22 (1999) 62 at paras. 380, 389, 390, 403 and 404.

### *Paragraph 380*

The persisting plight of indigenous populations is of concern, particularly those of Chiapas, Guerrero, Veracruz and Oaxaca, who have limited access to, *inter alia*, health services, education, work, adequate nutrition and housing.

### *Paragraph 389*

Concern remains about the housing shortage and the unsatisfactory condition of a high percentage of the housing stock, especially in rural areas where a significant number of dwellings lack electricity, adequate sewage disposal and piped water.

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### *Paragraph 390*

The persisting malnutrition, especially in rural areas and among children under five years of age is of concern. Alarm is expressed that malnutrition-related illnesses are among the chief causes of mortality in the State party.

### *Paragraph 403*

The State party is urged to increase its efforts to provide adequate housing at affordable prices, particularly to the poorest segments of society. The State party should establish mechanisms that record evictions and their follow-up, and take immediate remedial action against forced evictions.

### *Paragraph 404*

The State party is urged to take more effective measures to ensure access to basic health-care services for all children and to combat malnutrition, especially among children belonging to indigenous groups living in rural and remote areas.

- Italy, ICESCR, E/2001/22 (2000) 34 at paras. 116 and 129.

### *Paragraph 116*

It is noted with concern that a large number of the Roma population live in camps lacking basic sanitary facilities on the outskirts of major Italian cities. The Roma on the whole live below the poverty line and are discriminated against, especially in the workplace, if and when they find work, and in the housing sector. Life in the camps has had a major negative impact on the Roma children, many of whom abandon primary and secondary schooling in order to look after their younger siblings or to go out begging in the streets in order to help increase their family income.

### *Paragraph 129*

It is recommended that the State party step up its efforts to improve the situation of the Roma population, *inter alia* by replacing camps with low-cost houses; by legalizing the status of Roma immigrants; by setting up employment and educational programmes for parents; by giving support to Roma families with children at school; by providing better education for Roma children; and by strengthening and implementing anti-discrimination legislation, especially in the employment and housing sectors.

- Egypt, ICESCR, E/2001/22 (2000) 38 at paras. 164 and 179.

### *Paragraph 164*

Concern is expressed about the massive housing problem faced by the Egyptian population which has been exacerbated by the deregulation of rents and an acute shortage of low-cost housing.



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Furthermore, forced evictions without alternative housing or compensation being provided have been occurring in poor communities like the potters' village and the "Ayn Hilwan" area in Cairo. Particular concern is expressed that the Cairo people who cannot afford housing are living in cemeteries. Unofficial statistics estimate their numbers to be 500,000 - 1 million.

### *Paragraph 179*

The State party is urged to combat the acute housing shortage by adopting a strategy and a plan of action and by building or providing low-cost rental housing units, especially for the vulnerable and low income groups. In this connection, the State party is reminded of its obligations under article 11 of the Covenant and General Comments No. 4 on the right to adequate housing and No. 7 on forced evictions to guide the Government's housing policies.

- Congo, ICESCR, E/2001/22 (2000) 43 at paras. 205 and 217.

### *Paragraph 205*

Concern is expressed about the negative effects on the food supply of the violence, population displacements and disruption of production and marketing activities. Import requirements for the year 2000 in respect of wheat, rice and coarse grains are expected to be approximately 140,000 tonnes, accounting for 97 per cent of total consumption. The United Nations Development Programme, *Human Development Report, 1999* indicates that the daily per capita intake of food in the Congo is 2,107 calories, which is just below the level for countries categorized as having a low human development ratio (2,145 calories). The proportion of the undernourished among the population has increased from 29 per cent in the period 1979-1981 to 34 per cent in 1995-1997.

### *Paragraph 217*

The Committee supports the request by the Government addressed to the United Nations Food and Agriculture Organization (FAO) for a Special Programme for Food Security (SPFS) to facilitate access to food through small-scale low-cost agricultural projects. The Committee notes that a new project formulation mission is planned for the near future to support the national team in the initial preparations for such a programme. The Republic of the Congo can also take advantage of the FAO South-South Cooperation Initiative, which involves the exchange of knowledge, expertise and experience between developing countries.

- Jordan, ICESCR, E/2001/22 (2000) 49 at paras. 229, 255 and 256.

### *Paragraph 229*

The effect of the scarcity of water in Jordan on its capacity to fulfil its obligations under the Covenant is noted.

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### *Paragraph 255*

To enable the State party to monitor its compliance with article 11 of the Covenant, concerning the right to food, it is recommended that the State party systematically collect data on malnutrition, especially child malnutrition.

### *Paragraph 256*

In accordance with article 11 of the Covenant, the State party is encouraged to prevent any occurrence of forced eviction. It is recommended that the resettlement procedures and programmes, include registration, facilitate comprehensive family rehabilitation and ensure access to basic services. The State party should take due regard of General Comments 7 and 4, concerning forced evictions and the right to housing.

- Mongolia, ICESCR, E/2001/22 (2000) 53 at paras. 271, 272 and 282.

### *Paragraph 271*

It is deeply disturbing that the State party has not been able to mitigate the adverse effects of poverty on children, who represent 42 per cent of the population. In particular, concern is expressed about the extent of the phenomenon of street children, whose numbers are currently estimated at 30,000, 60 per cent of whom live in Ulaanbaatar in deplorable conditions with inadequate nutrition and susceptible to disease, violence, sexual and economic exploitation, substance abuse and mental trauma.

### *Paragraph 272*

The Committee regrets to learn about growing food insecurity among vulnerable groups such as children, the unemployed, older persons, female-headed households, pensioners and small herders. It is noted that this grave situation is compounded by last year's drought and this year's harsh winter, which has killed more than 2 million head of livestock.

### *Paragraph 282*

The State party is urged to continue to address, as a matter of urgency, the immediate nutritional needs of its population, including through international humanitarian assistance. The attention of the State party is drawn to General Comment No. 12, paragraph 14.

- Sudan, ICESCR, E/2001/22 (2000) 57 at paras. 312, 313 and 324.

### *Paragraph 312*

Concern is expressed at the bombardment of villages and camps of the civilian population in the war zones in southern Sudan, including the bombing of schools and hospitals. In addition, concern is

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expressed about the reported resort to the weapon of deprivation of food and the creation of a man-made famine as an instrument of war, coupled with the diversion of humanitarian food aid supplies from groups of the population in need.

### *Paragraph 313*

Grave concern is expressed about the considerable number of internally displaced persons, many of whom are women and abandoned children, who have migrated from the war zones in the south to the north, where they live in abject poverty and without adequate shelter or employment.

### *Paragraph 324*

The State party is urged to address the root causes of the problem of internally displaced persons and in the short and medium term, to cooperate fully with international and non-governmental organizations in the field, in order to provide for adequate (interim) measures ensuring the basic needs of this group, such as adequate basic shelter, employment, food and health care, and the continuation of education for the children.

- Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at paras. 349 and 360.

### *Paragraph 349*

Concern is expressed that the right to adequate housing is hampered by the decrease in housing construction, the lack of living space for rural migrants arriving in cities, and the insufficient provision of sanitation and potable water.

### *Paragraph 360*

The right to housing should be ensured to all and problems of the lack of housing should be solved in the most expedient manner possible. In this regard, the State party's attention is drawn to General Comment No. 4 on the right to adequate housing.

- Australia, ICESCR, E/2001/22 (2000) 66 at paras. 386 and 399.

### *Paragraph 386*

Concern is expressed that the current Residential Tenancies Act 1987 (in New South Wales) does not provide adequate security of tenure and protection against eviction and arbitrary rent increases, and that, consequently, rents in Sydney have increased substantially and forced evictions are reported to have taken place, especially in connection with the forthcoming Olympic Games.

### *Paragraph 399*

It is strongly recommended that the State party, at the federal level, develop a housing strategy in

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keeping with the Committee's General Comments Nos. 4 and 7, including provisions to protect tenants from forced eviction without reasons and from arbitrary rent increases. In addition, it is recommended that the State party ensure all state and territory governments establish appropriate housing policies in accordance with this strategy.

- Finland, ICESCR, E/2001/22 (2000) 73 at para. 444.

It is noted with concern that there is a lack of affordable accommodation, especially in the Helsinki metropolitan area, for the homeless, a group consisting mainly of alcoholics, drug abusers, victims of domestic violence and the mentally ill.

- Belgium, ICESCR, E/2001/22 (2000) 77 at paras. 476 and 488.

### *Paragraph 476*

In the light of article 28 of the Covenant, the Committee is concerned about the significant shortage of social housing in Belgium, especially in Flanders. Concern is expressed that larger families, as well as single-parent and low-income families, are at a disadvantage in qualifying for such social housing.

### *Paragraph 488*

Measures should be taken to eliminate the disadvantage of larger families, as well as of single-parent and low-income families, in qualifying for social housing.

- Morocco, ICESCR, E/2001/22 (2000) 82 at paras. 537, 541, 559, 562 and 565.

### *Paragraph 537*

The disparities in the standard of living between rural and urban areas, insofar as the former have considerably less access to clean drinking water, sanitary facilities and electricity, are noted with concern.

### *Paragraph 541*

Concern is expressed that the State party does not exercise sufficient control, by means of legislative and administrative measures, over factories manufacturing foodstuffs which do not conform to international standards and cause death or constitute a health hazard to the population.

### *Paragraph 559*

It is strongly recommended that the State party address the problem of street children and children born out of wedlock who are abandoned by their parents.

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### *Paragraph 562*

The State party should intensify its efforts to improve the housing situation in Morocco, particularly by providing affordable social housing.

### *Paragraph 565*

The State party is urged to take the appropriate legislative and administrative measures to ensure that sufficient control is exercised on factories manufacturing foodstuffs so that the products manufactured conform to international standards and do not constitute any health hazard.

- Venezuela, ICESCR, E/2002/22 (2001) 29 at para. 85.

The discrimination against indigenous people is deplored, particularly with regard to access to landownership, housing, health services and sanitation, education, work and adequate nutrition. Particular concern is expressed about the adverse effects of the economic activities connected with the exploitation of natural resources, such as mining in the Imataca Forest Reserve and coal-working in the Sierra de Perijá, on the health, living environment and way of life of the indigenous populations living in these regions.

- Honduras, ICESCR, E/2002/22 (2001) 33 at paras. 129, 130 and 150.

### *Paragraph 129*

The lack of a national housing strategy is regretted given the fact that the infrastructure situation in the State party was aggravated by hurricane Mitch.

### *Paragraph 130*

Concern is expressed about the occurrence of forced evictions, especially among peasants and indigenous populations and in the areas where mining activities are conducted, without adequate compensation or appropriate relocation measures.

### *Paragraph 150*

The State party should take all appropriate measures to address the problems of forced evictions and homelessness.

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 168, 187 and 206.

### *Paragraph 168*

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The efforts to provide adequate housing for Hong Kong residents are commended. In particular, it is noted with appreciation that:

(a) The old temporary housing accommodations have been demolished and their occupants adequately housed in interim housing while waiting to be permanently housed;

(b) Interim housing is provided for evicted squatters, victims of domestic violence and families separated by divorce; and

(c) Self-built structures in squatter communities erected before 1982, and which are therefore protected by the relevant housing policy, have been provided in most cases with basic services, including water, sanitation and access to roads, with a view to improving the living conditions of the residents.

### *Paragraph 187*

While acknowledging that progress has been made in relation to housing, deep concern remains that the right to housing of many people remains unfulfilled. Bed-space apartments, or cage homes are an affront to human dignity and roof-top structures constitute a grave risk to the life and health of their inhabitants.

### *Paragraph 206*

Urgent attention should be given to the housing rights of all residents, including squatters and those living in roof-top structures and bed-space apartments or cage homes. It is requested that special attention be given to the impact of current policies on squatters, roof-top structures and bed-space apartments or cage homes, particularly to the operation and efficacy of the Bedspace Apartments Ordinance.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at paras. 221, 235 and 251.

### *Paragraph 221*

It is noted that the "economy-first" approach adopted by the State party has resulted in a low priority placed on the protection of economic, social and cultural rights. This has led to the marginalization of certain groups in society in such matters as housing, social welfare, and health care.

### *Paragraph 235*

Concern is expressed that victims of private construction projects are not provided with compensation or temporary lodging, unlike private homeowners who are evicted as a result of public projects. Moreover, the Committee is concerned about the affordability of housing for lower income groups, especially the vulnerable and marginalized groups; about the use of "vinyl houses" for dwellings,

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which pose grave risks to their dwellers; and about the increasing number of the homeless.

### *Paragraph 251*

The State party should establish a focal point within the Government for dealing with complaints or appeals for assistance on housing matters. Protection should be provided, such as compensation and temporary housing, to victims of forced evictions resulting from private development projects. The State party should also ensure that adequate housing is available to members of vulnerable or marginalized groups. Moreover, the State party should take immediate measures to assist all those who are homeless or living in exceptionally sub-standard conditions, such as "vinyl houses".

- Bolivia, ICESCR, E/2002/22 (2001) 52 at paras. 269, 276, 277 and 296.

### *Paragraph 269*

Particular concern is expressed about the marginalisation of, and discrimination against, indigenous communities, who constitute the majority of Bolivia's rural population and suffer from inadequate access to basic education, adequate housing, and health services. Moreover, it is of concern that the State party does not acknowledge the economic, social and cultural rights of indigenous populations as a distinct group.

### *Paragraph 276*

Concern is expressed about the large housing shortage, the incidence of forced evictions with respect to peasants and indigenous populations in favour of mining and lumber concessions, and the absence of effective measures to provide social housing for low income, vulnerable and marginalised groups.

### *Paragraph 277*

The situation of children subjected to physical and mental abuse, as well as the extent of child malnutrition is disturbing.

### *Paragraph 296*

The State party should address the problems of the large housing shortage, the high incidence of forced evictions and the lack of social housing for low income, vulnerable and marginalised groups.

- Togo, ICESCR, E/2002/22 (2001) 57 at para. 317.

It is noted with concern that trafficking in persons predominantly concerns children, who are sold as young as 2 years old for future work on plantations or as house servants. Allegedly, these children are extensively exploited, fed poorly, crudely clothed and inadequately cared for. Although the State party has been undertaking some measures to address these problems, such as conducting public

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awareness campaigns and organizing a workshop for border police and other law enforcement officers on child trafficking trends and judicial remedies, the root causes of these problems have not been adequately addressed.

- Senegal, ICESCR, E/2002/22 (2001) 61 at paras. 354, 356, 377 and 381.

### *Paragraph 354*

The high incidence of infant mortality, especially in rural areas, is a concern. There is also concern that many children in the rural areas suffer from serious malnutrition and retarded growth.

### *Paragraph 356*

The acute shortage of housing and the new policy of not building any more social housing units for low income, disadvantaged and marginalized groups are matters of concern. There is also concern about the high interest rate on housing credit, which seriously restricts access to adequate housing for a large number of people.

### *Paragraph 377*

The State party is urged to review its current housing policies and, in particular, to reintroduce a programme of social housing, especially for the disadvantaged and marginalized groups, and to ensure reasonable access to housing credit for those from lower income groups.

### *Paragraph 381*

The State party is called upon to make safe drinking water accessible to the entire population and to combat the problems of malnutrition, especially among children, hygiene and water-related diseases.

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at para. 395.

It is noted with appreciation that the State party is cooperating with international organizations and relevant specialized agencies to reduce poverty and work towards further realization of the right to food and the right to health.

- Panama, ICESCR, E/2002/22 (2001) 73 at paras. 457, 466 and 473.

### *Paragraph 457*

Concern is expressed about the reported lack of social housing and, in particular, about the many different programmes and initiatives that exist in the field of housing, which are not integrated into a coherent national strategy. There is also concern about the lack of information concerning the extent



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to which the recommendations in the report on the technical assistance mission to Panama in 1995 have been implemented, especially with regard to the need to take into account the opinions of those affected by forced evictions, in line with general comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant).

### *Paragraph 466*

The State party should consider ratifying the ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries. Particular attention should be paid to improving poverty and literacy rates and access to water, employment, health, education and other basic social services for indigenous peoples. It is recommended that the issue of land rights of indigenous peoples be fully resolved so as to avoid their coming under threat by mining and cattle ranching activities that result in their displacement from their traditional ancestral and agricultural lands.

### *Paragraph 473*

Comprehensive data should be collected and a coherent national strategy established on housing, especially social housing. In this regard, it is urged that all appropriate measures be taken in order to ensure the availability of affordable housing units, especially for the low-income, disadvantaged and marginalized groups.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at para. 490.

There is concern about the high level of poverty in the country and the inadequate measures taken to combat it. This is exacerbated by, among other things, privatization policies high unemployment, the low level of pensions and wages, a legal minimum wage which is below the recognized subsistence level, and the scarcity of adequate housing.

- Nepal, ICESCR, E/2002/22 (2001) 83 at paras. 538, 544, 562 and 569.

### *Paragraph 538*

There is concern that although the kamaiya system of agricultural bonded labour was abolished in July 2000, the emancipated *Kamaiyas* are facing many problems, including lack of housing, land, work, and education for their children.

### *Paragraph 544*

There is concern about the occurrence of forced evictions, such as in the cases of the people displaced by the Kulekhani and Marshyangdi hydropower projects, without adequate compensation or appropriate relocation measures.

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### *Paragraph 562*

Legislation and programmes should be effectively enforced in order to put an end to discrimination, in particular with regard to access to housing, work and education, against persons belonging to the Dalits and the liberated *Kamaiyas*.

### *Paragraph 569*

Adequate compensation and appropriate relocation measures should be provided to those who are forcibly evicted because of development projects, such as in the cases of the Kulekhani and Marshyangdi hydropower projects, in line with General Comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on forcible evictions.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 592, 607-609 and 634-636.

### *Paragraph 592*

The persisting *de jure* and *de facto* discrimination against minority groups in Japanese society is of concern, particularly, against the Buraku and Okinawa communities, the indigenous Ainu people and people of Korean descent, especially in the fields of employment, housing and education.

### *Paragraph 607*

It is noted with concern that the poorer sections of the population in the Hanshin-Awaji areas affected by the earthquake are finding it increasingly difficult to finance their building reconstruction. Some were forced to sell their property in order to pay off their existing mortgages without being able to rebuild their houses.

### *Paragraph 608*

The large number of homeless persons throughout the country, especially in the Osaka/Kamagasaki area is a matter of concern.

### *Paragraph 609*

There is concern about forced evictions, especially of the homeless from their temporary abode and those who have occupied houses for a long time in the Utoro district. In this regard, there is particular concern about the summary procedure whereby provisional eviction orders are granted by the courts without any reasons being given, under the court order for a provisional disposition procedure, without being subject to a stay of execution, thus rendering any right of appeal meaningless and in effect transforming provisional eviction orders into permanent ones, in breach of the guidelines established in General Comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on forced evictions.

### *Paragraph 634*

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In line with its obligations under article 11 of the Covenant, it is recommended that effective measures should be taken quickly to assist poorer earthquake victims in meeting their financial obligations to public housing funds or banks, undertaken to reconstruct their destroyed houses, in order to help them avoid having to sell their properties to meet continuing mortgage payments.

### *Paragraph 635*

The State party is urged to carry out an investigation, on its own and jointly with the prefectures, to assess the extent and causes of homelessness. Also, adequate measures should be taken to ensure full application of the existing laws, such as the Livelihood Protection Law, ensuring an adequate standard of living for the homeless.

### *Paragraph 636*

Remedial action should be taken to ensure that all eviction orders and, in particular, the court order for a provisional disposition procedure, conform to the guidelines specified in General Comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on forcible evictions.

- Germany, ICESCR, E/2002/22 (2001) 97 at paras. 670 and 688.

### *Paragraph 670*

Concern is reiterated about the rising number and plight of homeless persons, as mentioned in the previous concluding observations.

### *Paragraph 688*

The State party is urged to take effective measures, to devise programmes, to examine the extent and causes of homelessness and to ensure an adequate standard of living for the homeless.

- Israel, ICESCR, E/2002/22 (2001) 103 at paras. 704 and 706.

### *Paragraph 704*

Deep concern is expressed about the continuing gross violations of economic, social and cultural rights in the occupied territories, especially the severe measures adopted to restrict the movement of civilians between points within and outside the occupied territories, severing their access to food, water, health care, education and work. There is alarm over reports that the Israeli security forces have turned back supply missions of the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East attempting to deliver food, water and medical relief to affected areas.

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### *Paragraph 706*

The State party is urged to exercise its powers and responsibilities to put an end to the violence, the loss of human lives and the restrictions imposed on the movement of civilians between points within and outside the occupied territories. In this regard, the State party is urged to implement without delay its obligations under the Covenant and to desist from decisions and measures resulting in violations of the economic, social and cultural rights of the population living in the occupied territories. The Committee expresses its firm conviction that the implementation of the International Covenant on Economic, Social and Cultural Rights can play a vital role in procuring a lasting peace in Israel and Palestine.

### **CEDAW**

- Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at para. 232.

Concern is expressed over food taboos, which are not only detrimental to the health of women, especially mothers, but also have serious consequences for the health of future generations. The Government should address the issue of eliminating food taboos by raising awareness about their detrimental effects on the health of women.

- Burkina Faso, CEDAW, A/55/38 part I (2000) 25 at para. 274.

The precarious state of women's health, especially in rural areas, is of particular concern. The high rates of maternal and infant mortality caused by infectious diseases and malnutrition result from the lack of local health-care centres and adequate health-care providers. The lack of access for women to family planning services is also noted with concern.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 201 and 202.

### *Paragraph 201*

The fact that sanctions have had a negative impact on women and children in areas such as health care, nutrition, employment and other basic social services, is recognized. Nevertheless, concern is expressed at the failure of the Government to put in place specific and targeted measures to address these problems.

### *Paragraph 202*

The Government should assess the differential impact of sanctions on women and children, especially on particularly vulnerable groups of women, and should put in place measures aimed at countering

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such a negative impact. In that regard, the Government should use resources available from programmes such as the oil-for-food programme in a manner that directly benefits women, including through diverting resources currently allocated for other purposes.

- Maldives, CEDAW, A/56/38 part I (2001) 15 at paras. 142 and 143.

### *Paragraph 142*

The health and nutrition of girls suffer after puberty and maternal mortality and morbidity rates and the mortality rate of girls under the age of 5 years remain at unsatisfactory levels. Patriarchal and stereotypical attitudes also have a negative impact on women's health and nutrition.

### *Paragraph 143*

The Government should obtain information on the causes of maternal mortality, malnutrition and morbidity and the mortality rate of girls under the age of 5 years, and develop programmes to address those problems.

## **CAT**

- Paraguay, CAT, A/52/44 (1997) 30 at para. 201.

Reports that paramilitary groups in the service of major landholders have been evicting people from land they have occupied for many years and that this activity appears to be tolerated by the State are of concern.

- Slovenia, CAT, A/55/44 (2000) 34 at paras. 207 and 211.

### *Paragraph 207*

The sub-standard conditions in which asylum-seekers are housed in the State party is of concern.

### *Paragraph 211*

As a matter of priority, the State party is urged to take all necessary measures to ensure that asylum-seekers are housed in conditions that comply with the requirements of article 16 of the Convention.

## **CRC**

- Honduras, CRC, CRC/C/34 (1994) 11 at para. 42.

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The lack of provision of and access to health services and facilities, and clean water and sanitation is an extremely serious problem in rural areas and is of concern. The prevalence of malnutrition of children from poorer and more disadvantaged sectors of the population is also of concern, especially as regards the adverse effects of the insufficiency of nutritious food on the child's right to survival and a healthy development.

- Canada, CRC, CRC/C/43 (1995) 16 at paras. 80, 85 and 94.

### *Paragraph 80*

The emerging problem of child poverty, especially among vulnerable groups is of concern. The increasing number of children who are brought up by single parent families, or in other problematic environments is also worrisome. The need for special programmes and services to provide the necessary care, especially in terms of education, housing and nutrition, for such children is emphasized.

### *Paragraph 85*

The special problems still faced by children from vulnerable and disadvantaged groups, such as aboriginal children, with regard to the enjoyment of their fundamental rights, including access to housing and education, is of concern.

### *Paragraph 94*

Efforts should be strengthened to ensure that children from vulnerable and disadvantaged groups, such as aboriginal children, benefit from positive measures aimed at facilitating access to education and housing.

- Croatia, CRC, CRC/C/50 (1996) 31 at paras. 196 and 207.

### *Paragraph 196*

Concern is expressed about the Law on Temporary Possession, according to which property may be occupied by temporary settlers in the absence of the property owners. Families affected by this law will face problems if they should return before the present occupiers have found alternative shelter.

### *Paragraph 207*

Special efforts should be made to resolve the problem of property owners returning to their homes before their occupiers have been able to find alternative shelter, in the light of the best interests of the child and, when necessary, in the framework of international cooperation.

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- Guatemala, CRC, CRC/C/54 (1996) 31 at paras. 207, 225 and 226.

### *Paragraph 207*

Concern is expressed about the insufficient support given to families facing severe problems in fulfilling their responsibilities as regards the upbringing of their children. Widespread and severe malnutrition is also of concern.

### *Paragraph 225*

The State party is encouraged to strengthen its support to families in carrying out their child-rearing responsibilities, such as by providing nutritious food and conducting vaccination programmes.

### *Paragraph 226*

The State party is encouraged to implement the "Food for Education Programme" as an incentive for children to attend school. A comprehensive nutritional programme should also be developed, taking into particular account the special needs of children.

- Nigeria, CRC, CRC/C/57 (1996) 12 at para. 69.

The effectiveness of measures undertaken to avoid regional variations in the provision of health-care services and medical supplies remains a cause of concern. The problems encountered in providing access to safe water are also of concern.

- Mauritius, CRC, CRC/C/57 (1996) 29 at para. 188.

It is encouraged that a comprehensive study be undertaken on the impact of malnutrition on child development in connection with school drop-out and child labour, and that all appropriate measures be taken to address this problem. International cooperation could be requested to achieve this task and consideration should be given to the strengthening of cooperation with the International Labour Organization and the United Nations Children's Fund (UNICEF). The establishment of day-care centres at workplaces should be encouraged and supported, in order to enable children of working mothers to benefit from a healthy development.

- Ghana, CRC, CRC/C/66 (1997) 15 at paras. 94 and 114.

### *Paragraph 94*

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The persistence of malnutrition and the apparent difficulty in reversing this negative trend are matters of concern.

### *Paragraph 114*

All appropriate measures, including through international cooperation, should be taken to prevent and combat malnutrition.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at paras. 138 and 164.

### *Paragraph 138*

The persistence of discriminatory attitudes and harmful practices affecting girls, as illustrated by serious disparities, sometimes starting at birth and affecting the enjoyment of the rights to survival, health, nutrition and education is of concern.

### *Paragraph 164*

Further steps should be taken in the area of health and welfare services. In particular, concerted efforts are needed to combat malnutrition and ensure the implementation of a National Nutritional Policy for children.

- Australia, CRC, CRC/C/69 (1997) 16 at paras. 100 and 115.

### *Paragraph 100*

The spread of homelessness amongst young people is of concern as this puts children at risk of involvement in prostitution, drug abuse, pornography, or other forms of delinquency and economic exploitation.

### *Paragraph 115*

Further research should be carried out to identify the causes of the spread of homelessness, particularly among young persons and children, including, *inter alia*, the socio-economic background of the child and his/her family, and to identify any link between homelessness and child abuse, including sexual abuse, child prostitution, child pornography, and trafficking in children. It is encouraged that further policies of poverty alleviation be adopted, and support services be strengthened to provide for homeless children.

- Togo, CRC, CRC/C/69 (1997) 39 at para. 285.

All appropriate measures, including through international cooperation, should be taken to prevent and



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combat under-five mortality, malnutrition, malaria and iodine deficiency, and to improve access to clean water and safe sanitation.

- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at para. 54.

Further studies should be conducted in relation to widespread chronic malnutrition or stunting and diarrhoea. Such research would help guide policies and programmes to reduce the occurrence of stunting. Technical assistance should be considered from, *inter alia*, UNICEF and WHO in this regard.

- Ireland, CRC, CRC/C/73 (1998) 14 at para. 83.

The incidence of child poverty and homeless children is of particular concern. Measures and programmes for the protection of the rights of the most vulnerable children should be strengthened.

- Micronesia, CRC, CRC/C/73 (1998) 20 at paras. 122 and 140.

### *Paragraph 122*

The prevalence of malnutrition and vitamin A deficiency in the State party, as well as the limited access to safe water and adequate sanitation, is of concern. The insufficient legal framework, as well as the insufficient social and medical programmes or services to tackle those issues are also of concern.

### *Paragraph 140*

Efforts to combat malnutrition and vitamin A deficiency should be continued.

- Maldives, CRC, CRC/C/79 (1998) 31 at para. 214.

The prevalence of malnutrition (stunting and iron deficiency) and the high maternal mortality rate, as well as the limited access to safe water and adequate sanitation are of concern.

- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 144.

Concern is expressed at the high level of malnutrition among children in the state party, mainly due

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to poor nutrition. It is recommended that all appropriate measures, such as awareness-raising campaigns in and outside schools and counselling, be taken in order to sensitize adults, especially parents and domestic servants, and children alike to the importance of quality nutrition.

- Yemen, CRC, CRC/C/84 (1999) 33 at para. 174.

The prevalence of malnutrition as well as the limited access to health services in rural areas and the persistence of health problems related to insufficient access to safe water and sanitation are matters of concern. Concerted efforts are needed to combat malnutrition and to ensure the adoption and implementation of a national nutritional policy for children. International cooperation for the establishment of programmes such as the WHO/UNICEF programme Integrated Management of Childhood Illness is recommended.

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 121.

The persistently high rates of malnutrition in children under 5 years of age and in school-age children and limited access to health-care services in rural and remote areas remain of concern. More concerted efforts need to be taken to combat malnutrition and to ensure the adoption and implementation of a national nutritional policy and action plan for children.

- Benin, CRC, CRC/C/87 (1999) 35 at para. 155.

The health situation of children is of concern; in particular, the limited access to basic health care for children, high maternal, child and infant mortality rates, relatively short period of breastfeeding, poor weaning practices, the high rate of malnutrition, and poor sanitation and limited access to safe drinking water, especially in rural communities. Appropriate resources should be allocated and comprehensive policies and programmes developed to improve the health situation of children; facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; improve breastfeeding practices; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and increase access to safe drinking water and sanitation. It is encouraged that technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from, *inter alia*, UNICEF and the World Health Organization be considered.

***See also:***

- Mali, CRC, CRC/C/90 (1999) 43 at para. 219.

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- Chad, CRC, CRC/C/87 (1999) 45 at para. 192.

The prevalence of malnutrition, as well as limited access to health services is of concern. The persistence of health problems related to insufficient access to safe water and sanitation is also a matter of concern. Efforts should be increased, with continued support from international assistance, to make basic health care, safe water and sanitation accessible to all children. In particular, concerted efforts are needed to combat malnutrition and to ensure the implementation of the recently adopted national plan of action for nutrition.

- Nicaragua, CRC, CRC/C/87 (1999) 54 at para. 238.

The persistent regional disparities in access to health care, high rates of malnutrition in children under five years of age and in school-age children, and low access to health care services in rural and remote areas, remain matters of concern. All appropriate measures should be taken, including through international cooperation, in order to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care, with special emphasis on rural areas, to combat malnutrition and to ensure the adoption and implementation of a national nutritional policy and plan of action for children.

- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 53.

The negative impact of the declining economic situation on the health of children, in particular the deterioration of infant and under five mortality rates, and the prevalence of malnutrition among children are of concern. All appropriate measures should be taken, including international cooperation, in order to ensure access to basic health care and services for all children, and initiatives relating to the reduction of infant mortality should be undertaken. More concerted efforts need to be taken to combat malnutrition and to ensure the adoption and implementation of a national nutritional policy and action plan for children.

- Vanuatu, CRC, CRC/C/90 (1999) 29 at paras. 144 and 153.

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### *Paragraph 144*

The National Programme of Action for Children (1993-2000) which focuses on health, population and family planning, nutrition, water supply and environmental sanitation, agriculture, livestock and fisheries, and education has not been allocated a specific budget for its implementation and is of concern. The State party is encouraged to undertake all appropriate measures to implement the National Programme of Action for Children. In this connection, technical assistance should be sought from, *inter alia*, UNICEF and the World Health Organization (WHO).

### *Paragraph 153*

The poor sanitation and the limited access to safe drinking water, particularly in remote areas, are of concern. Efforts to reduce the incidence of maternal, child and infant mortality, to improve breastfeeding practices; and to prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children should be continued. Additional measures should be taken to increase access to safe drinking water and to improve sanitation.

- Mexico, CRC, CRC/C/90 (1999) 34 at para. 185.

The persistence of regional disparities in access to health care and the high rates of malnutrition among children under five years of age and those of school age, especially in rural and remote areas and among children belonging to indigenous groups, remain of concern. Effective measures should be taken to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care and to combat malnutrition, with special emphasis on children belonging to indigenous groups and children living in rural and remote areas.

- India, CRC, CRC/C/94 (2000) 10 at paras. 80, 84 and 85.

### *Paragraph 80*

In light of article 24 of the Convention, it is noted that the State party has already focused and placed priority on the main health issues by establishing several national programmes. Nevertheless, concern is expressed about the high maternal mortality, and very high levels of low birth weight and malnutrition among children, including micronutrient deficiencies, linked to the lack of access to prenatal care and, more generally, limited access to quality public health care facilities, insufficient numbers of qualified health workers, poor health education, inadequate access to safe drinking water and poor environmental sanitation. This situation is exacerbated by the extreme disparities faced by women and girls, especially in rural areas.

### *Paragraph 84*

Concern is expressed about the high percentage of children living in inadequate housing, including

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slums, and their inadequate nutrition and access to safe drinking water and sanitation. Concern is expressed about the negative impact on families and the rights of children of structural adjustment projects.

### *Paragraph 85*

In accordance with article 27 of the Convention, it is recommended that the State party take appropriate measures to give effect to its commitments made at Habitat II in 1996 regarding children's access to housing. In the light of Commission on Human Rights resolution 1993/77 on forced evictions, the State party is encouraged to prevent any occurrence of forced relocation, displacement and other types of involuntary population movements. Resettlement procedures and programmes should include registration, facilitate comprehensive family rehabilitation and ensure access to basic services.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at para. 190.

The State party is urged to make every effort to assist children who have been displaced from their homes to return as soon as possible, including through assistance in the reconstruction of homes and other essential infrastructure, within the framework of international cooperation.

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 330 and 331.

### *Paragraph 330*

The Committee reiterates the concerns expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39) with regard to the deterioration in the health of the Armenian people, especially women and children, and decreasing budgetary allocations in this sector. Concerns include the deterioration in the quality of care; inadequate prenatal and neonatal care; poor nutrition; and that the cost of care is a barrier to access to health care for poor households.

### *Paragraph 331*

It is recommended that the State party increase allocation of resources towards an effective primary health care system. The State party should continue its efforts to distribute food to the poorest sections of society and expand use of iodized salt.

- Grenada, CRC, CRC/C/94 (2000) 72 at paras. 388 and 408.

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### *Paragraph 388*

The establishment of a school nutrition programme for children enrolled at the pre-school and primary school levels are welcomed.

### *Paragraph 408*

Insufficient resources have been allocated to ensure the sustainability of the school nutrition programme. The State party is urged to take all necessary measures to ensure that adequate resources are allocated to the school nutrition programme and that adequate health and counselling services are made available in schools.

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 442.

Concern is expressed about the high incidence of child and infant mortality as well as maternal mortality, the high rate of malnutrition, vitamin A deficiency and stunting; the poor situation of sanitation; and insufficient access to safe drinking water, especially in rural communities. The State party should reinforce its efforts to allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children, particularly in rural areas. In this context, the State party should facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; and increase access to safe drinking water and sanitation.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 66 and 67.

### *Paragraph 66*

The large numbers of children living and/or working on the streets are a concern, particularly in urban centres such as Tehran and Isfahan, who are amongst the most marginalized groups of children in Iran.

### *Paragraph 67*

The State party should establish mechanisms to ensure that these children are provided with identity documents, food, clothing and housing.

### ***See also:***

- India, CRC, CRC/C/94 (2000) 10 at para. 87.
- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 336 and 337.
- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 138 and 139.
- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 197 and 198.

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- Georgia, CRC, CRC/C/97 (2000) 18 at para. 131.

All appropriate measures should be taken to protect the rights of refugee, asylum-seeking and unaccompanied children and to facilitate their access to adequate housing, education, health and other social services. In this regard, the State party should consider the adoption of legislation on asylum-seekers.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 316 and 317.

### *Paragraph 316*

It is noted that one of the many consequences of economic transition is deterioration in the family environment. This leads to an increase in homeless children in the streets and markets of Bishkek and other cities. Concern is expressed about the situation of children living and/or working on the streets, who are amongst the most marginalized groups of children in Kyrgyzstan.

### *Paragraph 317*

Mechanisms should be established to ensure that these children are provided with identity documents, food, clothing and shelter.

- Malta, CRC, CRC/C/97 (2000) 75 at paras. 440 and 441.

### *Paragraph 440*

While it is noted that a bill on a Refugees Act is currently being debated in Parliament, concern is expressed at the lack of domestic legislation for the protection of unaccompanied, asylum-seeking and refugee children and on family reunification of refugees, and at the limited access of refugee children to education, health services and housing.

### *Paragraph 441*

The State party should continue to undertake effective measures to provide refugee children with access to education, health services and housing.

- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 497 and 498.

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### *Paragraph 497*

Concern is expressed about the poor housing situation and living standards of families who fled their homes in the interior during the civil unrest of the 1980s and are currently living in urban squatter communities. Concern is also expressed at the large and increasing number of children living and/or working on the streets.

### *Paragraph 498*

In accordance with article 27 of the Convention, efforts should be increased to provide material assistance and support to economically disadvantaged families and guarantee the right of children to an adequate standard of living. The State party should establish mechanisms to ensure that children living and/or working on the streets are provided with identity documents, food, clothing and housing.

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 253 and 254.

### *Paragraph 253*

The situation of families in Montserrat who have been displaced since the volcanic eruption in 1997 is of concern. Concern is also expressed about the relatively slow pace at which programmes and services, including access to adequate housing, education and health services, are being re-established in Montserrat for internally displaced families.

### *Paragraph 254*

All appropriate measures should be taken to improve the situation of internally displaced families, including their access to adequate housing, education and health services.

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 297 and 298.

### *Paragraph 297*

Concern is expressed about the large number of children, especially children with disabilities, who are abandoned or are otherwise deprived of a family environment. Foster care, or other forms of family-based alternative care, are not sufficiently developed and available. As a result, children are placed in institutions which, owing to lack of resources, provide children with very low quality housing and care. Further, concern is expressed about the absence of effective mechanisms for children to communicate concerns and complaints about their placement. Moreover, in the light of article 25 of the Convention, the Committee is concerned at the inadequate system to review placement, monitoring or follow-up of the situation of children in institutions.

### *Paragraph 298*



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Effective measures should be taken, including the development of strategies and awareness-raising activities, to reduce and prevent the abandonment of children. In particular, it is recommended that the family be promoted as the best environment for the child, through counselling and community-based programmes to assist parents to keep children at home. Furthermore, in cases where placement of children is necessary, the State party should provide, promote and strengthen, as much as possible, foster care, family-type foster homes and other family-based alternative care. Children should be placed in institutions only as a last resort. All necessary measures should be taken to improve infrastructure and to improve the quality of care through adequate training of and support for all personnel. The State party should also establish effective mechanisms to receive and address complaints from children in care; monitor standards of care; and establish regular periodic review of placement.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at para. 451.

Concern is expressed at the very high mortality rate among young children and the high maternal mortality rate, the high level of serious illnesses, problems related to malnutrition among children and mothers, low immunization rates and poor access to safe drinking water.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 529 and 530.

### *Paragraph 529*

Concern is expressed at the increasing number of cases of malnutrition, due to overcrowding in urban areas and the importation of food having high levels of sugar and fat, and at the low levels of breastfeeding.

### *Paragraph 530*

The State party should strengthen its nutrition programme in order to prevent and combat malnutrition and assess the impact of the programme on those affected with a view eventually to improving its effectiveness, in particular by encouraging healthier nutritional habits. The National Nutrition and Children's Council is encouraged to continue its work on a national breastfeeding policy.

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 636-639.

### *Paragraph 636*

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The growing number of children who, owing to rural exodus and poverty, are forced to live and work on the streets is of concern.

### *Paragraph 637*

Special programmes should be established to address the situation of children living and/or working in the streets.

### *Paragraph 638*

The problems of environmental degradation in the State party are of concern, including very limited access to drinkable water, and at the precarious conditions of housing facilities for families.

### *Paragraph 639*

In the light of article 24 (c) of the Convention, all appropriate measures should be taken, including through international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution and contamination of water supplies. The State party should take effective measures, including through international cooperation, to improve housing facilities for families.

### *See also:*

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 334 and 335.
  
- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 76 and 77.

### *Paragraph 76*

The significant number of children living in the streets is of concern. Even though the Law on the Protection of the Rights of the Child covers children living in the street, no specific mechanisms have been established for its implementation. Assistance to the children living in the streets is generally provided only by non-governmental organizations.

### *Paragraph 77*

Existing mechanisms should be supported to provide children living in the streets with food, clothing, housing, health care and educational opportunities, including vocational and life-skills training.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 190 and 191.

### *Paragraph 190*

Concern is expressed at the large numbers of children living or working on the streets of the main

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cities in the State party, and at their lack of access to education, health care, essential nutrition and housing.

### *Paragraph 191*

Urgent efforts should be made to protect the rights of children currently living and/or working on the streets, including through the provision of education, health care, nutritional aid and alternative care assistance. The State party should address the causes of children falling into a situation of street life.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 456 and 457.

### *Paragraph 456*

Concern is expressed about the increasing number of children living and/or working on the streets and the lack of policies, programmes and services to provide greater protection and care for these children and to strengthen families.

### *Paragraph 457*

A study should be undertaken to understand the scope and nature of the increasing phenomenon of children living and/or working on the streets. Mechanisms should be established to ensure that children living and/or working on the streets are provided with nutrition, clothing, housing, health and rehabilitation services, education, and vocational and life-skills training.

- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 503, 504, 516 and 517.

### *Paragraph 503*

Deep concern is expressed at the discrimination against children of Haitian origin born in the State party's territory or belonging to Haitian migrant families, especially their limited access to housing, education and health services.

### *Paragraph 504*

In the light of article 2 and other related articles of the Convention, the State party should take, as a matter of priority, effective measures to ensure that children of Haitian origin born in the State party's territory or belonging to Haitian migrant families have the same access to housing, education and health services as other children. It is recommended that the State party: strengthen and increase measures to reduce economic and social disparities; prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children living in and/or working on the streets, and children living in rural areas.

### *Paragraph 516*

While taking note of achievements in the area of basic health and welfare, the very high infant and

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under-five mortality rates and the prevalence of malnutrition among children remain of concern. The persistence of health problems related to insufficient access to safe water and sanitation are also matters of concern.

### *Paragraph 517*

All appropriate measures should continue to be taken to improve the health infrastructure, including through international cooperation, to ensure access to basic health care and services for all children and to increase access to safe drinking water and sanitation. More concerted efforts need to be taken to combat malnutrition and to ensure the adoption and implementation of a national nutritional policy and action plan for children.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 139, 140, 143 and 144.

### *Paragraph 139*

The large number of internally displaced children who were forced to leave their home towns in 1990 owing to the high level of violence in the south-east region is of concern. Concern is also expressed at their limited access to housing, health services and education.

### *Paragraph 140*

In line with the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), the State party should ensure that internally displaced children and their families have access to appropriate health and education services and adequate housing. Further, data and statistics should be collected in order to know how many children are displaced and what their needs are, with a view to developing adequate policies and programmes.

### *Paragraph 143*

Although a number of centres have been established, with the collaboration of non-governmental organizations, to provide counselling, training and rehabilitation services for children living in the streets, concern is nevertheless expressed about the significant number of such children and that assistance is generally only provided to them by non-governmental organizations.

### *Paragraph 144*

Existing mechanisms should be supported in order to provide children living in the streets with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to ensure their full development. Moreover, these children should be provided with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families.

*See also:*

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- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 281 and 282.
  - Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 344 and 345.
  - United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at para. 407.
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- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 207, 208, 211, 212, 219 and 220.

### *Paragraph 207*

It is of concern that the overall standard of living of many children is very poor, particularly with regard to access to clean water, food, adequate housing and sanitation. It is of further concern that the current social security provisions cover only a very small proportion of the population and that the parents and children most in need of such assistance are not covered by social security.

### *Paragraph 208*

Steps should be taken to improve the standard of living of children, giving particular attention to water, food, housing and sanitation concerns. Consideration should also be given to ways of extending social security coverage to a much broader proportion of the population and to ensuring the access of all children to social welfare assistance.

### *Paragraph 211*

Deep concern is expressed over the grave violations of the rights of refugee children and their families and, in particular, at allegations of widespread massacres of tens of thousands of refugees and the State party's lack of cooperation with, and obstruction of, efforts by the United Nations investigative mission mandated to clarify such allegations. Also of concern is the fact that the situation of refugee children and their families is poor. In addition, the very high number of children and their families internally displaced within the State party as a result of the armed conflict is a matter of deep concern. Concern is also expressed at the separation of children from their families and the very limited access of displaced children to adequate food and to health and education services.

### *Paragraph 212*

The State party should strengthen its efforts to provide adequate assistance to refugees and every effort should be made to prevent all forms of violence against refugee and internally displaced children and investigate and seek justice with regard to allegations of massacres of refugee children and their families. Urgent measures should be implemented to protect civilian populations from further internal displacement, to ensure that those children and their families who have already been displaced have access to food, education and health assistance, and to support the return home of internally displaced populations and their reintegration into their communities. Noting the ongoing efforts, the State party is further urged to continue to give particular attention to strengthening family reunification efforts.

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It is recommended that the State party work closely with UNHCR and UNICEF in this regard.

### *Paragraph 219*

The high number and difficult situation of children living in and/or working on the street is of concern. Concern is expressed about the lack of access of these children to food and health and education services and the exposure of these children to several risks, including those related to substance abuse, violence, sexually transmitted illnesses and HIV/AIDS. The tendency of the criminal justice system to treat these children as delinquents is also of concern.

### *Paragraph 220*

The State party is urged to strengthen its assistance to children living in and/or working on the street, by studying the causes and implementing preventive measures and improving the protection of children already in this situation, including through the provision of education, health services, food, adequate shelter and programmes to assist children to leave street life. Children living and or working on the street not be treated as delinquents for acts such as their presence in the street or begging.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 269 and 270.

### *Paragraph 269*

It is noted that the State party has implemented a number of food and nutrition programmes for children in schools, such as the “Happy Heart” programme. However, by noting the high rates of both chronic and severe malnutrition still affecting, in particular, children under five in rural areas, especially those belonging to indigenous groups, deep concern is expressed that there are no governmental policies to reduce and combat malnutrition among babies and children under five.

### *Paragraph 270*

The Committee reiterates its prior recommendation that the State party develop a comprehensive nutritional programme in order to prevent and combat malnutrition, particularly among children under five, and assess the impact of the programme on those affected, with a view eventually to improving its effectiveness. It is recommended that the State party seek international cooperation from, among others, UNICEF and WHO.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 398 and 399.

### *Paragraph 398*

While noting the reforms under way in health care, including the introduction of the integrated management of childhood diseases (IMCI), concerns remain about the limited access to basic health

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care, related largely to the introduction of user fees in health; the insufficient number of trained medical personnel; the high incidence of malaria; high maternal, child and infant mortality rates; a high rate of malnutrition; poor sanitation and limited access to safe drinking water, especially in rural areas.

### *Paragraph 399*

The State party should allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children. Additionally, all effective measures should be taken to: facilitate greater access to health services by abolishing or rationalizing user fees in primary health to reduce the burden on poor families; increase the number of trained medical and other health personnel, including traditional healers; facilitate cooperation between trained medical personnel and traditional healers, especially midwives; reduce the rates of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; increase access to safe drinking water; improve sanitation; and reduce the incidence of malaria. The State party is encouraged to continue its cooperation through the IMCI and other measures for child health improvement with, among others, WHO and UNICEF.