

SOCIAL SECURITY AND INSURANCE

IV. CONCLUDING OBSERVATIONS

CERD

- Croatia, CERD, A/48/18 (1993) 90 at para. 497.

Problems relating to statelessness are of concern and it is noted that delays in the processing of applications for citizenship has led to interruption in the provision of educational and social benefits for members of the minority communities.

- Madagascar, CERD, A/51/18 (1996) 28 at para. 162.

Grave concern is expressed at the continuing deterioration of the social, cultural and economic conditions prevailing in the State party. The general impoverishment of the country, the dysfunctioning of social services and social security and the existence of tensions between various groups of the population, which all lead to phenomena of racial or ethnic discrimination, are matters of anxiety.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at paras. 233-235.

Paragraph 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.

Paragraph 234

Concern is expressed at the lack of positive efforts to bridge the cultural gaps in Northern Ireland between mainstream society and minority groups, particularly the Chinese and Irish Traveller communities. This has resulted in a disturbing reluctance by many members of these groups to make use of health and other social services.

Paragraph 235

Concerning the treatment of foreigners, serious concern is expressed that the proposed Asylum and Immigration Bill would alter the status of many persons living in the United Kingdom in an adverse and discriminatory manner. This bill, if enacted, would prohibit employers from employing persons who are in the process of appealing a decision which rejected their petition to remain. It would also

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deny a number of social services to persons who have been granted permission to remain in the United Kingdom, including asylum-seekers, and others who have been granted permanent leave to stay but have not been naturalized. It is a matter of deep concern that most of the affected persons would be persons belonging to ethnic minorities.

- Bulgaria, CERD, A/52/18 (1997) 39 at para. 282.

Concern is expressed that the economic crisis has affected people from ethnic minorities disproportionately. It is noted that the Roma face *de facto* discrimination in the enjoyment of their economic, social and cultural rights, which increases their vulnerability in a context of economic crisis. Concern is also expressed that Roma encounter difficulties in applying for social benefits and that rural Roma are discouraged from claiming land to which they are entitled under the law disbanding agricultural collectives.

- Croatia, CERD, A/53/18 (1998) 59 at para. 316.

With respect to article 5 of the Convention, the Law on Citizenship seems to establish different criteria for ethnic Croats compared with other minorities in Croatia in granting citizenship. The excessive delays in the processing of applications for citizenship, in particular those of ethnic Serbs, which have resulted in applicants losing social and educational benefits, are of concern.

- Slovakia, CERD, A/55/18 (2000) 47 at para. 265.

The State party should prioritize and target social services for persons belonging to the most vulnerable groups.

- Czech Republic, CERD, A/55/18 (2000) 50 at para. 283.

The Committee reiterates its concern at the lack of criminal, civil or administrative law provisions expressly outlawing racial discrimination in education, health care, social care, the penitentiary system, as well as in the private sphere. It is recommended that the State party undertake legislative reform to safeguard the enjoyment, without any form of discrimination, by all segments of the population, of the economic, social and cultural rights listed in article 5 of the Convention. Such reform should include the provision of adequate reparation for victims of racial discrimination.

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- Nepal, CERD, A/55/18 (2000) 52 at para. 300.

It is emphasized that the State party is responsible for ensuring that the Convention is implemented at the local level. It is recommended that the State party ensure adequate support to local authorities, including development of professional capacity, for implementation of the Convention and that it continue to prioritize and target social services for persons belonging to the most vulnerable groups.

- Argentina, CERD, A/56/18 (2001) 18 at para. 52.

The lack of a social security system which takes into account the specific needs of indigenous peoples is noted with concern. Steps should be taken in this regard.

ICCPR

- Canada, ICCPR, A/54/40 vol. I (1999) 48 at paras. 238-240 and 242.

Paragraph 238

Identification techniques, such as fingerprinting and retinal scanning, of people relying on social assistance are intrusive measures affecting the right to privacy. Steps should be taken to ensure the elimination of such practices.

Paragraph 239

The Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, passed by the Ontario legislature in November 1998, which denies participants in "workfare" the right to join a trade union and to bargain collectively, affects implementation of article 22 of the Covenant. The State party should take measures to ensure compliance with the Covenant.

Paragraph 240

Differences in the way in which the National Child Benefit Supplement for low-income families is implemented in some provinces may result in a denial of this benefit to some children. This may lead to non-compliance with article 24 of the Covenant.

Paragraph 242

Many women have been disproportionately affected by poverty. In particular, the very high poverty rate among single mothers leaves their children without the protection to which they are entitled under the Covenant. A thorough assessment should be made of the impact of recent changes in social programmes on women, which may have exacerbated these inequalities and harmed women and other disadvantaged groups, and action should be undertaken to redress any discriminatory effects of changes to social programmes.

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- Lesotho, ICCPR, A/54/40 vol. I (1999) 51 at para. 264.

The decision to provide permanent and pensionable status for judges should be implemented through appropriate legislation.

- Poland, ICCPR, A/54/40 vol. I (1999) 65 at para. 346.

Different retirement ages for men and women, which results in lower pensions for women, are discriminatory and should be eliminated.

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at para. 449.

The State party is urged to continue its efforts to take positive action to overcome discrimination and to ensure the equal enjoyment of rights by members of the Travelling community and in particular to improve their access to health, education and welfare services, including accommodation, and their participation in political and public life.

ICESCR

- Ecuador, ICESCR, E/1991/23 (1990) 33 at para. 157.

Attention is drawn to the necessity of harmonizing the Labour Code with standards set in international instruments, especially with regard to maternity leave.

- Italy, ICESCR, E/1993/22 (1992) 42 at para. 190.

The policy of privatization and the abolition of the sliding scale system entail certain risks for the social protection of all the sectors of the population.

- Kenya, ICESCR, E/1994/23 (1993) 24 at para. 80.

It is of concern that married women whose husbands are in taxable employment cannot participate in the scheme of the National Hospital Insurance Fund.

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- Canada, ICESCR, E/1994/23 (1993) 28 at paras. 102, 104, 110, 114 and 119.

Paragraph 102

More than half of the single mothers in Canada, as well as a large number of children, live in poverty, and this is of concern. Of particular concern is the fact that the federal Government appears to have reduced the ratio of its contributions to cost-sharing agreements for social assistance.

Paragraph 104

It is of concern that there seems to exist no procedure to ensure that those who must depend entirely on welfare payments do not thereby derive an income which is at or above the poverty line.

Paragraph 110

That in some court decisions and in recent constitutional discussions, social and economic rights have been described as mere "policy objectives" of governments rather than as fundamental human rights are matters of concern. The evidence received indicating that some provincial governments in Canada appear to take the position in courts that the rights in article 11 of the Covenant are not protected, or only minimally protected, by the Charter of Rights and Freedoms is also of concern.

Paragraph 114

Human rights legislation should incorporate more explicit references to social, economic and cultural rights.

Paragraph 119

The Canadian courts should continue to adopt a broad and purposive approach to the interpretation of the Charter of Rights and Freedoms and of human rights legislation so as to provide appropriate remedies against violations of social and economic rights.

- Viet Nam, ICESCR, E/1994/23 (1993) 34 at para. 142.

Effective measures should be adopted to reduce levels of malnutrition, especially among children; to improve the services of the social security system; to ensure the more rapid implementation of the new Labour Code; and, in general, to compensate for the effects on minorities and less privileged social groups of economic adjustments to promote the change to a free market society.

- Mexico, ICESCR, E/1994/23 (1993) 47 at para. 241.

The need to ensure that structural adjustment programmes are so formulated and implemented as to provide adequate safety nets for the vulnerable sectors of society is brought to the State party's

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attention in order to avoid a deterioration of the enjoyment of the economic, social and cultural rights for which the Covenant provides protection and which are generously enshrined in the Constitution of Mexico.

- Morocco, ICESCR, E/1995/22 (1994) 28 at para. 119.

There is a need to adopt further measures to provide adequate safety nets for the vulnerable sectors of society affected by structural adjustment programmes. Such measures should include a system of taxation favouring direct and progressive taxes and the extension of the social security system to those categories which do not yet benefit from it.

See also:

- Morocco, ICESCR, E/2001/22 (2000) 82 at para. 550.
- Belgium, ICESCR, E/1995/22 (1994) 34 at para. 153.

In addition, it is noted with concern that the most vulnerable groups of society in Belgium are not always adequately protected. In this regard, the reductions made in 1993 with regard to subsidies and certain social benefits, such as some categories of reimbursable medicines, is of concern. It is regretted that this negative trend is developing in Belgium as well as in other European countries.

- Mauritius, ICESCR, E/1995/22 (1994) 37 at para. 177.

It is noted that Mauritius does not have a comprehensive system of family benefits through which all families benefit in a universal manner, and that the system of family allowances should be reviewed because the present regulations penalize the very families that need the allowance most.

- Argentina, ICESCR, E/1995/22 (1994) 47 at para. 233.

The extension of the Government's privatization of the pension programme is noted with concern. The basic payment system, to which all are entitled, is gradually being replaced by a new capitalization scheme whose return depends on the pensioner's contributions. This calls into question the prospects for those who are unable to capitalize adequate pensions, including lower-paid workers, and unemployed and underemployed persons.

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- Austria, ICESCR, E/1995/22 (1994) 50 at paras. 254, 258, 260 and 261.

Paragraph 254

It is noted that despite the considerable legislative efforts made by the State party to ensure equality between the sexes, inequality persists in practice, particularly in the matter of promotion, and sometimes in the provision of social benefits.

Paragraph 258

The Austrian authorities should continue their efforts to ensure *de facto* equality between men and women, especially in the areas of access to employment, remuneration for equal work, working conditions, the right to social security and participation in higher education.

Paragraph 260

The State party should carefully monitor the possible effects of unemployment and reduced social welfare services on the realization of economic, social and cultural rights, in particular for the most vulnerable groups in society, and take the necessary measures to mitigate their adverse repercussions.

Paragraph 261

Taking account of the observations made by the ILO Committee of Experts on the Application of Conventions and Recommendations, in its 1994 report, concerning work done by detainees within prisons for private businesses, the Government of Austria should take measures to improve the level of remuneration and social welfare of such detainees.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1995/22 (1994) 52 at paras. 294 and 303.

Paragraph 294

It is noted with concern that the present level of social security payments available to the elderly appears to be insufficient to permit them to enjoy fully their rights under the Covenant. The health and social problems facing elderly people who are totally dependent on Comprehensive Social Security Assistance payments is of particular concern.

Paragraph 303

The existing social security system should be reviewed as soon as possible, with a view to addressing the inadequacies of benefits for older persons.

- Republic of Korea, ICESCR, E/1996/22 (1995) 24 at para. 85.

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The social welfare system should be expanded swiftly to meet the needs of those on the margins of society, including foreign workers. The protection of foreign workers needs particular attention, especially considering their social isolation and vulnerability. Particular attention is also drawn to the very poor, the homeless and victims of severe mental or physical illness.

- Sweden, ICESCR, E/1996/22 (1995) 35 at para. 145.

The Government is encouraged to continue to take adequate measures to ensure that the reduction of its social welfare programmes does not result in a violation of its obligations under the Covenant. In this connection, particular attention should be paid to fighting unemployment and to ensuring the same degree of welfare for all segments of society, as well as to speeding up the social integration of immigrants.

- Suriname, ICESCR, E/1996/22 (1995) 37 at paras. 160, 164, 165 and 167.

Paragraph 160

It is of concern that social assistance to the poor is administered on a discretionary basis, which creates the possibility of unequal protection of the poor. Even when provided with social assistance, many disadvantaged persons receive inadequate amounts, and those whose incomes are slightly above the official subsistence minimum do not receive any help at all from the social assistance programmes. The subsistence minimum requires revision and as it presently stands it excludes many persons genuinely in need of assistance.

Paragraph 164

Programmes should be initiated to educate the public so that traditional customs and attitudes that are discriminatory towards women are gradually modified and abolished. The Government is urged to ensure that all legislation is applied in a non-discriminatory manner and that laws which clearly discriminate against women are abolished. In particular, the laws permitting persons to marry without the acknowledgement or consent of the partner should be abolished, the problem of violence against women should be legally addressed, and general legislation regarding maternal benefits should be enacted and enforced.

Paragraph 165

Legislation should be enacted to protect workers who are not covered by collective bargaining agreements, in order to ensure them a minimum wage, health and maternal benefits, safe working conditions, and other guarantees that meet international standards for conditions of work. The Government is encouraged to extend such protection also to immigrant workers.

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Paragraph 167

Definite criteria should be established for the administration of social assistance to the poor so as to protect the lowest-income groups. The Government should undertake a redefinition of the official subsistence minimum so that all disadvantaged persons genuinely in need receive an adequate level of assistance.

- Ukraine, ICESCR, E/1996/22 (1995) 50 at para. 266.

It is noted with concern that social services are not adequate to ensure a minimum standard of living for the most vulnerable groups, including pensioners, unemployed persons, persons with disabilities and non-citizens.

- Paraguay, ICESCR, E/1997/22 (1996) 22 at para. 76.

It is of concern that large sectors of the population are excluded from any social protection because the informal sector accounts for a large share of the economy.

- Guinea, ICESCR, E/1997/22 (1996) 39 at para. 202.

It is of concern that no follow-up has yet been given to the draft social security code recently revised with the assistance of ILO. Social security protection is limited to the public administration, State-controlled entities and large enterprises. As most of the country's workforce is concentrated in agriculture, the extent of social security coverage remains insignificant.

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

- Portugal (Macau), ICESCR, E/1997/22 (1996) 48 at paras. 255 and 263.

Paragraph 255

That non-resident workers are not covered by the social security system is of concern.

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Paragraph 263

The enactment of legislation on the right to social security is urged so as to ensure full compliance with the requirements of the Covenant, and the State party should extend the coverage of social security to non-resident workers.

- Finland, ICESCR, E/1997/22 (1996) 55 at paras. 309 and 316.

Paragraph 309

It is of concern that the major cuts in social security and other welfare expenditures have reduced the disposable incomes of single parents and young families with children, affected the situation of persons without regular income under the Sickness Insurance Act, and led to the cessation of adjustments to pensions and unemployment benefits.

Paragraph 316

Adequate measures should be taken to ensure that the reduction of budgetary allocations for social welfare programmes does not result in the violation of the State party's obligations under the Covenant. Emphasis is placed on the need to protect the rights of socially vulnerable groups, such as young families with children, refugees and elderly or unemployed persons.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at paras. 335, 344-346, 349 and 360.

Paragraph 335

The Committee reiterates its serious concern that the level of social security payments available to the elderly does not allow them to enjoy their rights under the Covenant.

Paragraph 344

It is of deep concern that there is no comprehensive mandatory old-age social security scheme in Hong Kong and that approximately 60 per cent of the population is not protected by any public or private pension plan.

Paragraph 345

It is of concern that large numbers of individuals and families who are eligible for comprehensive social security assistance (CSSA) do not apply for it, either because they are not aware of CSSA, because they fear the cultural stigma attached to the concept of welfare assistance, or because they are discouraged from applying by certain practices of the authorities which are not in conformity with Hong Kong law, such as the requirement of children's consent before parents may receive CSSA benefits.

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Paragraph 346

It is of concern that CSSA recipients are not granted reimbursement for expenses for traditional medicine, given the fact that Hong Kong residents frequently use traditional medicine and that Hong Kong courts grant such reimbursements in civil liability actions.

Paragraph 349

The standard of living of elderly singletons in the lowest 20 per cent income group who are not receiving CSSA is lower than that of CSSA recipients. It is noted that many of these singletons live in substandard accommodation.

Paragraph 360

The Hong Kong Government should consider again the adoption of a universal, comprehensive retirement-protection scheme which seeks to ensure that disadvantaged groups are accorded full access to social security.

- Russian Federation, ICESCR, E/1998/22 (1997) 27 at paras. 105, 107, 108, 120 and 122.

Paragraph 105

It is noted with concern that the State party is ill-equipped to deal with the problem of unemployment, which now affects between 3 million and 7 million persons. The criteria for eligibility for unemployment benefits, the system for detecting fraudulent benefits applications, and the low amount of such benefits all appear to be in need of reconsideration. Moreover, services to assist the unemployed to obtain employment, including information and retraining services, need to be developed more fully.

Paragraph 107

The development of poverty, estimated to affect at least 30 per cent of the population, and the inability of the State party to provide adequate social services and a reasonable subsistence-level revenue to these persons are of serious concern.

Paragraph 108

The Government's ability to pay pensioners, who constitute a sizeable and increasing percentage of the population, is seriously affected by a lack of adequate financial resources. As a result, many are not receiving their pensions and are thus unable to satisfy their basic needs. The funding of pensions is being seriously impaired by the failure of enterprises to make their legal contributions to the pension fund.

Paragraph 120

The State party should develop and improve its policy for helping the unemployed to find work and to receive unemployment benefits.

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Paragraph 122

Assistance to those who live in poverty should be increased, and adequate financial resources should be made available so that they can live in dignity. Similar efforts should be undertaken on behalf of pensioners, many of whom live in serious financial difficulty. Greater efforts should be made to target social welfare expenditure to the truly needy sectors of the population.

- Peru, ICESCR, E/1998/22 (1997) 33 at paras. 149 and 161.

Paragraph 149

Concern is expressed that the bulk of the population is excluded from any form of social security because of the existence of a sizeable informal sector in the economy.

Paragraph 161

The State party should take steps to ensure that the private pension system is not promoted to the detriment of the public pension system, in terms of safeguarding pensioners' acquired rights.

- Libyan Arab Jamahiriya, ICESCR, E/1998/22 (1997) 38 at para. 184.

Reports that foreigners who have come to work in the State party in connection with the Great Man-made River project are living and working in appalling conditions is of concern. Foreign employees in the State party who are accused of infringing disciplinary rules may be punished by penalties of imprisonment which can include compulsory labour. The State party also maintains different rates of payment of pensions for foreign and Libyan workers, which is discriminatory.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at paras. 220 and 237.

Paragraph 220

It is noted with concern that the national social security scheme covers only workers employed in the formal sector. Concern is expressed about the non-application of article 9 of the Covenant to self-employed workers, including small farmers, and their families.

Paragraph 237

The Government is urged to continue its review of the Social Security Law, and in this respect, the obligation of universal coverage under article 9 of the Covenant.

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- Iraq, ICESCR, E/1998/22 (1997) 50 at paras. 261 and 277.

Paragraph 261

Concern is expressed that the payment of benefits abroad to a citizen of another country is ensured only if he returns to his country of origin at the end of his insured period of service. This precludes workers who leave the State party before their contract period has expired or who settle in a country other than their country of origin from receiving their benefits. Furthermore, payment of benefits is made outside the State party only under reciprocity agreements or international labour conventions, and is subject to authorization. It is noted with concern that due to the current situation in the State party, all such payments have been suspended.

Paragraph 277

The social security laws in force should be applied without any discrimination.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1998/22 (1997) 56 at para. 305.

Social assistance should be more carefully targeted to alleviate poverty among the segments of the population who are suffering from long-term unemployment, those whose overall revenue is low (particularly in relationship to family size), and those who are unable to work. Particular attention should be directed at groups which are statistically disproportionately represented at or near the bottom of the income scale and which appear to have difficulty in moving up from the lowest income group. Such groups would include at least the following: ethnic minorities, women, lone parents, children in vulnerable situations, the elderly, people with disabilities, and Catholics in Northern Ireland. The State party is urged to extend benefits to the approximately 1 million persons who qualify and do not apply to receive them. A less restrictive policy on free legal aid with respect to social and economic rights would facilitate access to these and other social and economic benefits.

- Azerbaijan, ICESCR, E/1998/22 (1997) 61 at para. 338.

With respect to article 9 of the Covenant, it is of concern that the disintegration of public finance and the high rate of inflation have destroyed the purchasing power of pensions and social insurance benefits.

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- Saint Vincent and The Grenadines, ICESCR, E/1998/22 (1997) 72 at paras. 427-429 and 433.

Paragraph 427

With respect to the right to social security, concern is expressed about the fact that employers do not comply with their legal obligation to send information and contributions for their employees to the National Insurance Scheme (NIS), and about the failure of employers to register domestic workers under the scheme. Furthermore, it is noted that there is an absence of provision for registration of self-employed persons under the NIS, and that, although the NIS provides for benefits to be paid in case of sickness, invalidity, retirement and death, no provision is made for compensation in case of workplace accidents.

Paragraph 428

Concern is expressed about the lack of social protection for working minors, due to the discrepancy between the minimum age for employment (16) and the minimum age for receiving a national insurance card (18) under the NIS.

Paragraph 429

Concern is expressed about the absence of a comprehensive scheme for maternity leave, with the result that not all female workers benefit from such leave.

Paragraph 433

In view of the high rate of unemployment in the State party, hope is expressed that the Government will shortly be able to establish a scheme for the provision of unemployment benefits.

- Nigeria, ICESCR, E/1999/22 (1998) 27 at para. 113.

Dissatisfaction is expressed with the functioning of the inadequate social security system. The Government does not interfere with the private sector, where most workers are now engaged. The National Nigerian Insurance Trust Fund does not cover all the needy. In the private sector, social security benefits are voluntary, depending on employers' whims.

- The Netherlands, ICESCR, E/1999/22 (1998) 37 at paras. 182 and 191.

Paragraph 182

It is of concern that the reform of the social security system may have certain adverse consequences for the most underprivileged sectors of society.

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Paragraph 191

The Government should ensure that the reduction of budgetary allocations for social welfare programmes does not adversely affect the economic, social and cultural rights of the most vulnerable groups in the Netherlands.

- Israel, ICESCR, E/1999/22 (1998) 43 at paras. 246 and 266.

Paragraph 246

Concern is expressed over the effect of the directive of the Ministry of the Interior, according to which Palestinians may lose their right to live in the city if they cannot prove that East Jerusalem has been their "centre of life" for the past seven years. The serious lack of transparency in the application of the directive is regretted. It is noted with concern that this policy is being applied retroactively both to Palestinians who live abroad and to those who live in the West Bank or in nearby Jerusalem suburbs, but not to Israeli Jews or to foreign Jews who are permanent residents of East Jerusalem. This system has resulted in, *inter alia*, the separation of Arab families and the denial of their right to social services and health care, including maternity care for Arab women, which are privileges linked to residency status in Jerusalem.

Paragraph 266

The State party should reassess its Permanent Residency Law with a view to ensuring that its implementation does not result in impeding the enjoyment of economic, social and cultural rights by Palestinians in East Jerusalem.

- Cyprus, ICESCR, E/1999/22 (1998) 50 at paras. 284 and 291.

Paragraph 284

The continued existence of discrimination between men and women, including inequalities in, among other things, professional opportunities, wages and salaries for work of equal value (especially in the private sector), protection under social security, the transmission of nationality to children and the conferment of refugee status on children (only children of displaced men are so treated), is of concern. This appears to be caused by structural and cultural factors.

Paragraph 291

The State party should intensify its efforts to guarantee the equal enjoyment by men and women of their economic, social and cultural rights, including by abrogating the discriminatory provisions of the social security legislation.

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- Germany, ICESCR, E/1999/22 (1998) 54 at para. 329.

Pension plans and social security benefits need thorough revision to ensure gender equality and fairness among all eligible beneficiaries in all the Länder, in the East and in the West.

- Switzerland, ICESCR, E/1999/22 (1998) 59 at paras. 353, 361 and 369.

Paragraph 353

Despite the constitutionalization of the right to maternity benefits, the Parliament has not yet recognized this right. This does not satisfy the requirements of article 10 that pregnant women should be entitled to adequate social security benefits.

Paragraph 361

Concern is expressed that the ongoing reform of the social security system may have adverse consequences for the underprivileged sectors of society.

Paragraph 369

Adequate social security protection should be provided to pregnant women and recent mothers.

- Canada, ICESCR, E/1999/22 (1998) 63 at paras. 395-398, 400-403, 405, 411, 415, 416 and 419-421.

Paragraph 395

The newly-introduced successive restrictions on unemployment insurance benefits have resulted in a dramatic drop in the proportion of unemployed workers receiving benefits to approximately half of previous coverage, in the lowering of benefit rates, in reductions in the length of time for which benefits are paid and in increasingly restricted access to benefits for part-time workers. While the new programme is said to provide better benefits for low-income families with children, the fact is that fewer low-income families are eligible to receive any benefits at all. Part-time, young, marginal, temporary and seasonal workers face more restrictions and are frequently denied benefits, although they contribute significantly to the fund.

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.

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Paragraph 397

It is noted with concern that, in all but two provinces (New Brunswick and Newfoundland), the National Child Benefit introduced by the federal government, which is meant to be given to all children of low-income families, is in fact only given to children of working poor parents since the provinces are allowed by the federal government to deduct the full amount of this benefit from the amount of social assistance received by parents on welfare.

Paragraph 398

It is noted with grave concern that the repeal of the Canada Assistance Plan (CAP) and cuts in social assistance rates, social services and programmes have had a particularly harsh impact on women, in particular single mothers, who are the majority of the poor, the majority of adults receiving social assistance and the majority among the users of social programmes.

Paragraph 400

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 401

It is of concern that, in both Ontario and Quebec, governments have adopted legislation to redirect social assistance payments directly to landlords without the consent of recipients, despite the fact that the Quebec Human Rights Commission and an Ontario Human Rights Tribunal have found this treatment of social assistance recipients to be discriminatory.

Paragraph 402

It is of grave concern that the Government of Ontario proceeded with its announced 21.6 per cent cuts in social assistance in spite of claims that this would force large numbers of people from their homes.

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 405

It is noted with concern that at least six provinces in Canada (including Quebec and Ontario) have adopted "workfare" programmes that either tie the right to social assistance to compulsory employment schemes or reduce the level of benefits when recipients, who are usually young, assert their right to choose freely what type of work they wish to do. In many cases, these programmes

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constitute work without the protection of fundamental labour rights and labour standards legislation. It is further noted that in the case of the province of Quebec, those workfare schemes are implemented despite the opinion of the Canadian Human Rights Commission and the decisions of the Human Rights Tribunal that those programmes constitute discrimination based on social status or age.

Paragraph 411

The significant cuts in services on which people with disabilities rely, such as cuts in home care, attendant care and special needs transportation systems, and tightened eligibility rules for people with disabilities, are of concern. Programmes for people who have been discharged from psychiatric institutions appear to be entirely inadequate.

Paragraph 415

The State party should consider re-establishing a national programme with specific cash transfers for social assistance and social services that includes universal entitlements and national standards and lays down a legally enforceable right to adequate assistance for all persons in need, a right to freely chosen work, a right to appeal and a right to move freely from one job to another.

Paragraph 416

An official poverty line should be established and social assistance should be established at levels that ensure the realization of an adequate standard of living for all.

Paragraph 419

The National Child Benefit Scheme should be amended so as to prohibit provinces from deducting the benefit from social assistance entitlements.

Paragraph 420

Canada's Employment Insurance Plan should be reformed so as to provide adequate coverage for all unemployed workers in an amount and for a duration which fully guarantees their right to social security.

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 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.

- Iceland, ICESCR, E/2000/22 (1999) 26 at paras. 82 and 86.

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Paragraph 82

It is noted with concern that 10 per cent of the population live below the poverty line, and that the problem of poverty particularly affects single parents, couples with children, farmers, students and household workers. Social welfare expenditure appears to be insufficient to help those vulnerable groups, despite the State party's relative affluence and resources.

Paragraph 86

The State party should increase its social welfare expenditures so as to strengthen its health and social welfare centres around the country. The development of a social indicator model of drug and alcohol abuse and its treatment is recommended. In addition, there should be an elaboration of educational and social programmes to deal with problems of the victims of alcohol and drug abuse on a long-term basis.

- Ireland, ICESCR, E/2000/22 (1999) 33 at para. 135.

The persistence of poverty among disadvantaged and vulnerable groups, notably the disabled, the traveller community, children, elderly women and single women with children, is of concern. Moreover, it is noted with concern that social welfare payments are not above the income poverty line and that child-care benefits are not sufficient to cover the cost of bringing up a child.

- Argentina, ICESCR, E/2000/22 (1999) 49 at paras. 261, 262, 266 and 281.

Paragraph 261

The large number of workers who fall within the informal economic sectors is of concern. Approximately 37 per cent of urban workers in the country are not registered, which implies that some 3 million workers have no social security coverage.

Paragraph 262

Concern is expressed that unemployment benefits reach only some 6 per cent of the unemployed population and that some categories of workers are excluded, such as rural domestic and construction workers and public employees.

Paragraph 266

The extent of the privatization of the pension programme is noted with concern, particularly provisions which allow the Government to reduce, and eventually even not to pay pensions by invoking economic constraints.

Paragraph 281

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The State party should ensure that its social security system guarantees workers an adequate minimum pension, which should not be unilaterally reduced or deferred, especially in times of economic constraints. Consequently, the State party should repeal article 16 of Law 24,463 in order to guarantee the full payment of all pensions.

- Cameroon, ICESCR, E/2000/22 (1999) 56 at paras. 335 and 351.

Paragraph 335

The increasing incidence of poverty and unemployment in the State party, especially among the most vulnerable groups, such as minority groups and the elderly, and among the rural population, is of concern. Alarm was expressed at reports indicating that 55 per cent of the population were living below the poverty line in 1998 of which 40 per cent live in rural areas compared with 15 per cent in urban areas. In this regard, the inadequacy of social security with regard to child maintenance for single parents and low-income families is of concern.

Paragraph 351

The State party is urged to review its legislation and policy regarding child maintenance, with a view to ensuring the provision of adequate social security for single parents and low-income families.

- Mexico, ICESCR, E/2000/22 (1999) 62 at paras. 386 and 387.

Paragraph 386

Concern is expressed about the privatization of the social security system, which may exclude from certain benefits those not in a position to contribute to an individual pension account, such as the unemployed, underemployed, lower-paid workers and those employed in the informal sector.

Paragraph 387

The presence of numerous military and paramilitary forces within the indigenous community of Chiapas and other states in the region is of concern. Allegations that these elements interfere with the supervision and implementation of development programmes and the distribution of economic and social assistance is of particular concern.

- Jordan, ICESCR, E/2001/22 (2000) 49 at para. 238.

Concern is expressed that non-Jordanian workers are exempted from minimum wage provisions, are denied participation in trade union activities and are excluded from the social security system.

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- Mongolia, ICESCR, E/2001/22 (2000) 53 at para. 269.

The negative consequences of the transition process on a large part of the Mongolian population are of concern. According to World Bank figures from 1998, 35 per cent of the population lives below the weighted national average poverty line and 18 per cent of the population is destitute. Deep concern is also expressed about the information submitted by the State party that the social safety nets put in place to minimize the impact of the transition have had only a limited effect in curbing the extent and depth of poverty.

- Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at paras. 342 and 348.

Paragraph 342

It is noted with regret that the Government is in arrears in payments of pensions and of civil servants' salaries.

Paragraph 348

The decrease in the resources available to the Government to fund social insurance, due to the need to reduce the national budget deficit is noted.

- Australia, ICESCR, E/2001/22 (2000) 66 at paras. 384, 392, 393 and 397.

Paragraph 384

It is noted with concern that paid maternity leave is not provided for in law or in collective labour conventions, and that the State party has not ratified ILO Convention No. 103 concerning maternity protection.

Paragraph 392

It is strongly recommended that the State party undertake measures to protect homeworkers and to ensure that they receive the official minimum wage, that they benefit from adequate social security and that they enjoy working conditions in conformity with the legislation.

Paragraph 393

The State party should consider enacting legislation on paid maternity leave and ratifying ILO Convention No. 103 concerning maternity protection.

Paragraph 397

The State party is called upon to ensure that the two-year waiting period for the receipt of social security assistance by new immigrants does not infringe upon their right to an adequate standard of living.

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- Belgium, ICESCR, E/2001/22 (2000) 77 at paras. 472 and 484.

Paragraph 472

Concern is expressed about the discriminatory effects against women of the so-called "cohabitation rule" in the unemployment insurance regime.

Paragraph 484

The State party is urged to revise the "cohabitation rule" in the unemployment insurance regime, in order to eliminate its indirect discriminatory impact on women.

- Honduras, ICESCR, E/2002/22 (2001) 33 at paras. 126 and 146.

Paragraph 126

The fact that the social security system covers less than one third of the population, especially excluding the groups in society with no income at all is of concern. In this regard, the Committee is concerned about the fact that the State party has not ratified the relevant ILO conventions concerning social security (Nos 102, 117 and 118).

Paragraph 146

It is strongly recommended that the State party expand its social security system to encompass low-income groups and informal sector groups, which are presently excluded. In addition, the State party should ratify the relevant ILO conventions (Nos 102, 117 and 118) concerning social security.

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 180, 198 and 201.

Paragraph 180

The widespread and unacceptable incidence of poverty is of grave concern. It is of special concern that a large number of older persons continue to live in poverty without effective access to social services.

Paragraph 198

A comprehensive pension system should be adopted that provides adequate retirement protection for the entire population, in particular for housewives, self-employed persons, older persons and persons with disabilities.

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Paragraph 201

The authorities are urged to ensure that Comprehensive Social Security Assistance levels permit recipients a reasonable standard of living consistent with articles 9 and 11 of the Covenant.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at paras. 221 and 233.

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 233

While welcoming the adoption of programmes to supplement the incomes of those living under the poverty line, notably through the National Basic Livelihood Security Act, the Committee has doubts about the adequacy of the assistance given. The eligibility criteria are apparently so rigid as to exclude many of the poor, and the amount of financial assistance regularly awarded can reportedly be drastically reduced without notice and without reason. The National Pension Scheme, which is said to have nationwide coverage open to all persons, nevertheless fails to provide for an inordinate proportion of the workforce who are reaching pensionable age but have not been able to contribute into the system for a sufficient number of years.

- Togo, ICESCR, E/2002/22 (2001) 57 at para. 315.

Concern is expressed about the position of women in Togolese society. Despite a constitutional declaration of equality under the law, women continue to experience wide-spread discrimination, especially in relation to the rights to education, to social security (in particular pension benefits), family protection (particularly family law regulation of inheritance), and in relation to traditional law practices.

- Senegal, ICESCR, E/2002/22 (2001) 61 at paras. 335, 346, 347, 349, 359, 366, 371 and 380.

Paragraph 335

The new law enacted by the State party that allows women 14 weeks of maternity leave is welcomed.

Paragraph 346

SOCIAL SECURITY AND INSURANCE

It is of concern that, while half of Senegalese workers are employed in the informal sector, most of them still lack access to basic social services, including social security and health insurance, and work long hours in unsafe conditions.

Paragraph 347

Appropriate measures are not being taken to protect the rights of domestic workers, mostly women and girls, especially with regard to their lack of access to basic social services, their unfavourable working conditions and their wages, which are far below the minimum wage.

Paragraph 349

It is of concern that funds allocated for basic social services through its 20/20 Initiative fall far short of the minimum social expenditure required to cover such services. In this regard, it is noted with regret that more is spent on the military and on servicing the State party's debt than on basic social services.

Paragraph 359

It is of concern that asylum-seekers are denied access to basic social services while waiting for a decision on their status, which takes a long time. There is also concern that children of asylum-seekers who have not yet been granted refugee status cannot enrol in school unless they are able to pay tuition fees.

Paragraph 366

Immediate measures should be taken to address the problem of discrimination against women in access to employment and to monitor closely, both in the private and public sectors, the implementation of the law on maternity leave.

Paragraph 371

The State party is urged to allocate more funds for its 20/20 Initiative, designed as a basic social safety net for the disadvantaged and marginalized groups of society.

Paragraph 380

The State party is urged to expedite the consideration of the applications of asylum-seekers and to provide them with basic social services, including hospital care and free education for their children.

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at paras. 404, 412, 413, 421 and 429.

Paragraph 404

Concern is expressed about the persisting discrimination in the political, social and economic spheres of life against women in society, which is particularly reflected in limited participation by women in the political and economic decision-making process, a low legal age of marriage for girls, more severe

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punishment of women for adultery and "honour crimes", and unequal treatment insofar as personal property and social security laws are concerned. It is regretted that the State party has not adopted any significant legislative or administrative measures to eliminate this discrimination, nor ratified the Convention on the Elimination of All Forms of Discrimination against Women.

Paragraph 412

The absence of unemployment benefits is of concern, which runs counter to the obligation under the Covenant to realize progressively the right to just and favourable conditions of work and to social security.

Paragraph 413

There is concern about the disparity in the provision of social benefits and accident compensation to Syrian nationals, refugees and stateless persons.

Paragraph 421

Effective measures should be taken to incorporate a gender equality perspective in both legislation and in governmental policies and administrative programmes, with a view to ensuring equality of men and women and addressing, in particular, the problems of the low legal age of marriage for girls, the more severe punishment of women for adultery and "honour crimes", and the unequal treatment of women insofar as personal, property, succession and social security laws are concerned. The State party is also encouraged to ratify the Convention on the Elimination of All Forms of Discrimination against Women.

Paragraph 429

All necessary measures should be taken to guarantee - to the maximum of its available resources, as stipulated by article 2 (1) of the Covenant - that an adequate system of social security is maintained, in particular with regard to the payment of unemployment benefits.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at paras. 488, 495 and 506.

Paragraph 488

The establishment of a fund for social insurance is welcomed.

Paragraph 495

Concern is expressed about the scale of the arrears in the payment of wages and pensions, depriving the people concerned of the means for survival.

Paragraph 506

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The State party is called upon to ensure that employees are remunerated in a timely manner and that legislation on minimum wages is fully enforced.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 602-604 and 629-631.

Paragraph 602

The consequences of the recent changes to the public pension system are of concern, which involve a gradual increase in the age of eligibility from 60 to 65 years. If the retirement age and the age for eligibility for public pension benefits do not coincide, there may be a loss of income for those who are obliged to retire before the age of 65.

Paragraph 603

Concern is expressed about the absence of a minimum pension and the persistent *de facto* gender inequality in the pension system, which perpetuates the income gap between men and women.

Paragraph 604

It is of concern that discrimination against persons with disabilities continues to exist in law and practice, particularly in relation to labour and social security rights.

Paragraph 629

As the age of eligibility for the public pension system gradually increases from 60 to 65 years, measures should be undertaken to secure social security benefits for those retiring before the age of 65.

Paragraph 630

A minimum pension should be incorporated into the national pension system. The persisting *de facto* gender inequality in the pension system should be remedied to the maximum possible extent.

Paragraph 631

Discriminatory provisions in statutes should be abolished and a law should be adopted against all kinds of discrimination relating to persons with disabilities. Further, the State party is urged to continue and speed up progress enforcing the employment rate for persons with disabilities in the public sector that is provided in legislation.

- Germany, ICESCR, E/2002/22 (2001) 97 at paras. 665, 669, 674, 680, 683 and 687.

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Paragraph 665

The Government's reformed social security, and the pension system under reform, do not sufficiently take into consideration the needs of families, women, elderly persons and the more disadvantaged groups in society. Although the pension reform is currently still in progress, the Federal Constitutional Court recently referred to potential discrimination against families under the scheme as envisaged.

Paragraph 669

Concern is reiterated that the State party has not yet established a definition of poverty, nor a poverty threshold. Particular concern is expressed about the fact that social assistance provided to the poor and socially excluded, such as single parents, students and disabled pensioners, under the Federal Social Assistance Act, is not commensurate with an adequate standard of living.

Paragraph 674

Institutional arrangements within the public administration should be reviewed to ensure that its obligations under the Covenant are taken into account at an early stage in the formulation of legislation and policy on issues relating to social welfare and assistance, housing, health and education. The introduction of "human rights impact assessments", comparable to environmental impact assessments, is further encouraged to ensure that the provisions of the Covenant are given due attention in all legislative and administrative policy and decision-making processes.

Paragraph 680

The necessary legislative and administrative measures should be taken to oblige employers to respect labour legislation and to declare the persons they employ, in order to reduce the number of illegal workers who do not enjoy the minimum protection of their rights to social security and health care.

Paragraph 683

The reformed social security system and the pension system under reform should take into account the situation and needs of disadvantaged and vulnerable groups in society. In particular, the State party is strongly urged to address the problems and deficiencies emerging in the implementation of the long-term insurance scheme.

Paragraph 687

A poverty threshold should be established, taking into account the parameters used in the State party's first poverty and prosperity report, as well as international definitions of poverty, including the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001. In particular, social assistance provided under the Federal Social Assistance Act should be commensurate with an adequate standard of living.

CEDAW

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- Cyprus, CEDAW, A/51/38 (1996) 9 at para. 65.

The Government is urged to extend full social security coverage to self-employed rural women and to abolish existing discrimination in this respect between married and unmarried women.

- Belgium, CEDAW, A/51/38 (1996) 22 at para. 187.

The issue of discrimination of women in social security and taxation is of concern.

- Slovenia, CEDAW, A/52/38/Rev.1 part I (1997) 15 at para. 118.

Current efforts to restructure the financial systems underlying health care and social security benefits, including pensions, should be designed to avoid detrimental effects on women as wage earners and beneficiaries in those sectors.

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at paras. 190 and 204.

Paragraph 190

The high number of women in rural areas working in family enterprises is of concern since their work is not recognized in the formal economy, they do not receive social security benefits and their access to health services is limited.

Paragraph 204

Measures should be taken to recognize rural women's work in family enterprises for the purposes of pension entitlement.

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at para. 57.

The fact that there were no policies and programmes in place to guarantee security and social benefits to women who worked in the informal sector is of concern.

- Italy, CEDAW, A/52/38/Rev.1 part II (1997) 106 at para. 354.

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While the shift in emphasis from the concept of man as breadwinner that underpinned current welfare reforms was intended to give women autonomy and reduce humiliating financial dependence, it is of concern that those reforms pose real risks for women who have been homemakers, and not part of the paid workforce, or whose careers have been interrupted by childcare and other responsibilities, and for older women who have little earning capacity.

- Bangladesh, CEDAW, A/52/38/Rev.1 part II (1997) 117 at para. 441.

The poor working conditions of women workers in both the private and the public sector are of concern, particularly the non-implementation of minimum wage levels and the lack of social and health benefits, including paid maternity leave, and the lack of adequate child-care facilities in the manufacturing sector. The lack of government monitoring of the conditions of women in the informal sector is noted.

- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at paras. 332, 343 and 350.

Paragraph 332

Discriminatory provisions regarding unmarried women, as well as single mothers, persist in social security provisions and in land inheritance rights under the agrarian reform law.

Paragraph 343

The Government should continue to give attention to women heads of households and should conduct further research into their situation with a view to developing sound and effective policies on strengthening their socio-economic situation and the prevention of poverty and to ensure that needed services and support are provided to such households.

Paragraph 350

Full attention should be given to the needs of rural women and an active and participatory role for rural women in the design, implementation and monitoring of all policies and programmes that are intended to benefit them, including in areas such as access to health and social services, income-generation projects and housing.

- South Africa, CEDAW, A/53/38/Rev.1 part II (1998) 58 at para. 131.

The chronic high rate of unemployment for women and the insufficient implementation of article 11 of the Convention is of concern. Given the large number of self-employed women and of women domestic/household workers, the level of their protection, including through insurance or social

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security schemes, raises grave concerns, as does the move towards regulated flexibility in employment legislation.

- New Zealand, CEDAW, A/53/38/Rev.1 part II (1998) 68 at paras. 275 and 276.

Paragraph 275

It is of concern that the ongoing privatization of social services and the introduction of fee-based systems in areas such as health reduces women's (especially poor and Maori women's) access thereto.

Paragraph 276

The impact of privatization on social services, especially in health, should be closely monitored so as to ensure equal access to quality health care for all women.

- Peru, CEDAW, A/53/38/Rev.1 part II (1998) 72 at para. 334.

Greater efforts should be made to achieve the principles of equal pay and equal pay for work of equal value, to educate women so as to enable them to enter the labour force, to provide training and re-training programmes so as to encourage women to gain access to non-traditional jobs, to guarantee their right to social security and thus to ensure that women are able to be active agents in the development of the country.

- Republic of Korea, CEDAW, A/53/38/Rev.1 part II (1998) 76 at para. 384.

Special attention should be given to the realization of the right to social security provided by the 1955 Unemployment Insurance Scheme to disabled women, and the policy to provide a variety of programmes for older women, including the promotion of their health, should not be jeopardized by the present economic crisis.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at para. 90.

Due attention should be paid to the needs of rural women by reinforcing their active and participatory role in the formulation, implementation and monitoring of policies and programmes that affect them, particularly in the areas of housing credit, income-generating projects and social security.

- Liechtenstein, CEDAW, A/54/38/Rev.1 part I (1999) 18 at para. 163.

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The Government should review the existing system of social security, particularly with regard to marginal part-time work and the law on parental leave, with a view to ensuring that the system, including in its effects, does not discriminate against women.

- Chile, CEDAW, A/54/38/Rev.1 part II (1999) 64 at para. 230.

It is a concern that many women employed by small businesses and in the informal sector earn low wages, making it difficult for them to enter the current social insurance system. Women seasonal workers find themselves in a particularly precarious situation regarding working conditions, remuneration and childcare.

- Spain, CEDAW, A/54/38/Rev.1 part II (1999) 67 at para. 270.

The situation of older women should be addressed in a cross-cutting and cross-sectoral manner, with emphasis on older women's pension entitlements. It is recommended that the care requirements for older persons be addressed through public policy measures in order to establish societal responsibility for their well-being, rather than allowing it to remain predominantly as women's unpaid responsibility.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at para. 185.

The Government is called upon to review ILO recommendations concerning maternity leave, to adapt its national situation to these recommendations and to consider coverage of such leave through social insurance schemes in order to prevent private employers from discriminating against women in recruitment.

- Burkina Faso, CEDAW, A/55/38 part I (2000) 25 at para. 276.

The State party should review its legislation on abortion and provide for coverage by social security.

- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 313 and 314.

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Paragraph 313

Concern is expressed at the persistence of stereotypical and traditional attitudes about the roles and responsibilities of women and men in private and in public life. That persistence is reflected in women's predominance in part-time work, their main responsibility for family and caring work, occupational segregation, men's extremely low participation in parental leave, at 1.5 per cent of those taking parental leave in 1997, and the taxation of married couples.

Paragraph 314

The State party should consider the introduction of non-transferable parental leave for fathers to increase the number of men that share responsibility for childcare and child-rearing.

- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at para. 396.

The law on implementation of the national action plan on employment, which introduced the right to non-transferable parental leave of six months for every parent, covered by State benefits, is welcomed.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 199 and 200.

Paragraph 199

Differences in maternity benefits granted to women in the public and the private sector are a cause of concern.

Paragraph 200

The Government should ensure that women do not bear a disproportionate portion of the economic difficulties facing the country. In particular, non-discriminatory labour legislation should be put in place and be effectively enforced. The Government should also ensure that women's reproductive function does not lead to discrimination against them in employment, job security and social benefits.

- Austria, CEDAW, A/55/38 part II (2000) 70 at para. 236.

Concern is expressed over the situation of single women and, in particular, the disadvantages suffered by never-married and divorced elderly women in terms of retirement pensions and social security benefits. The Government should take into consideration current social trends when designing policies so as to meet the needs of the increasing number of single women in the country.

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 294, 313 and 317.

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Paragraph 294

The entry into force, in December 1999, of the law on paternal leave aimed at strengthening the principle of sharing of responsibilities in the family and society, is welcomed.

Paragraph 313

The Government's labour market and employment policies should explicitly address the situation of women workers in order to ensure that women do not carry a disproportionate share of the burden of the transition to a market-based economy. Urgent targeted measures should be put in place to facilitate women's entry into new growth sectors of the economy, including women's entrepreneurship, and to ensure that women's health and retirement benefits are protected.

Paragraph 317

While the adoption of the law on pensions and the law on assistance for the elderly is appreciated, the proposed Social Security Code, which will include social assistance for persons without pension benefits, mostly elderly women in need, should be adopted.

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 101 and 102.

Paragraph 101

The situation of women in the labour market is of concern, in particular with the high level of women's unemployment and discrimination in recruitment and dismissal. It is also of concern that the present structuring of the social benefits system and the protective labour legislation might create additional obstacles to the employment of women in the labour market, especially in the process of transition to a market economy.

Paragraph 102

The State party is urged to enforce appropriate legislation and to ensure equal opportunities for women and men in the public and private sectors of the labour market. The structuring of the social benefits system and of protective legislation should be reviewed with a view to reducing the barriers against the participation of women in the labour market.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at paras. 215 and 216.

Paragraph 215

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The fact that the Maternity Leave with Pay Act of 1979 does not cover domestic workers is of concern. The disparity of eligibility and benefits to domestic workers under the National Insurance Scheme and other female workers covered under the Maternity Leave with Pay Act are also matters of concern.

Paragraph 216

The Maternity Leave with Pay Act 1979 should be revised to ensure that, in accordance with international standards, all mothers receive leave with pay. The Maternity Leave with Pay Act and the National Insurance Scheme should also be reviewed with a view to removing any disparity between the eligibility of domestic workers and other female workers to benefits.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at para. 70.

The intention to extend the child sick leave provision to fathers working in the civil service is noted with satisfaction.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at paras. 168, 169 and 175.

Paragraph 168

While there seems to be a policy on maternity leave, there is concern that women continue to be discriminated against on the grounds of pregnancy and maternity, particularly in the private sector, where contractual arrangements are also made to circumvent the existing laws. Law enforcement is dependent upon prosecution by the Chief Labour Officer; this does not appear to provide effective remedies.

Paragraph 169

Laws and policies on maternity should be brought in conformity with the Convention. A national policy for the private and public sectors should be developed that includes minimum mandatory and paid maternity and parental leave, and effective sanctions and remedies should be provided for violation of laws on maternity leave. Training programmes for the staff of the Labour Office should be established to facilitate prosecution and ensure the effective enforcement of existing laws for both the public and private sectors.

Paragraph 175

The Government is encouraged to give full attention to the needs of rural women and Amerindian women and to ensure that they benefit from policies and programmes in all areas, in particular access to decision-making, health, education and social services.

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- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at para. 215.

Elderly women may be marginalized within, as well as insufficiently covered by, the health insurance and pension systems. Special attention should be paid to the needs of elderly women in “Daily routine” programmes.

CRC

- Costa Rica, CRC, CRC/C/20 (1993) 25 at para. 127.

Due to economic factors, including pressures resulting from external debt, there has been a restructuring of the Government's budget with the result that fewer resources have been available for social welfare programmes.

- Belarus, CRC, CRC/C/24 (1994) 24 at para. 120.

The adequacy of the measures taken to provide social security for the benefit of children should be evaluated. Programmes should be carefully targeted to the needs of both rural and urban children and adequate social safety nets should be put in place for the most disadvantaged groups of children.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/38 (1995) 35 at para. 213.

The principle of the best interests of the child appears not to be reflected in legislation in such areas as health, education and social security which have a bearing on the respect for the rights of the child.

- Ukraine, CRC, CRC/C/46 (1995) 11 at paras. 59 and 72.

Paragraph 59

The absence of a programme involving social work is of concern. In particular, concern is expressed at the situation of the institutionalization as well as the treatment and protection of handicapped children. Alternatives to institutionalization are not sufficiently taken into account; support services to parents who keep their handicapped child at home are inadequate.

Paragraph 72

In view of the high rate of abandonment of children and of abortion, a strategy and policy should be adopted to assist vulnerable families for the support of their children. The adequacy of the current

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social security system and of the family planning programmes should be evaluated. The training of social workers with the aim of mobilizing and strengthening communities is recommended.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at para. 99.

Administrative measures which have allegedly made it impossible for applicants from certain regions to acquire refugee status are a concern. It is reported that once refugee status is denied, the applicants, including children, no longer have a legal basis for remaining in the country and consequently become vulnerable to police harassment and to the loss of social welfare entitlements.

- Finland, CRC, CRC/C/50 (1996) 35 at para. 212.

It is noted with satisfaction that the Government provides a comprehensive social security system and a wide range of welfare services for the benefit of children and their parents, particularly free health care, free education, extended pregnancy leave rights and a large day-care system.

- Lebanon, CRC, CRC/C/54 (1996) 7 at para. 58.

A health insurance card should be issued for children whose parents are not entitled to social security benefits.

- China, CRC, CRC/C/54 (1996) 18 at para. 116.

Inadequate measures taken in the field of social security may have led to an over-reliance on children providing future care and support to their parents. This may have contributed to the perpetuation of harmful traditional practices and attitudes such as a preference for boys, to the detriment of the protection and promotion of the rights of girls and of disabled children.

- Guatemala, CRC, CRC/C/54 (1996) 31 at para. 228.

Provision should be made for offering social assistance to families to help them with their child-rearing responsibilities as laid down in article 18 of the Convention as a means of reducing institutionalization of children.

- Nigeria, CRC, CRC/C/57 (1996) 12 at para. 86.

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The general lack of financial resources cannot be used as a justification for neglecting to establish social security programmes and social safety nets to protect the most vulnerable groups of children. Accordingly, a serious review should be undertaken to determine the consistency of the economic and social policies being developed with the State party's obligations under the Convention, in particular articles 26 and 27, especially with respect to the establishment or improvement of social security programmes and other social protection.

- Australia, CRC, CRC/C/69 (1997) 16 at para. 113.

Legislation should be reviewed to make paid maternity leave mandatory for employers in all sectors.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at paras. 75 and 78.

Paragraph 75

Efforts to temporarily “target” existing assistance to families with the lowest incomes is recognized, however, those families and children who will not receive assistance during this interim period will suffer and this is of particular concern. The non-, or delayed, payment of State benefits, in particular child allowances, is also of concern.

Paragraph 78

The Government should ensure that all benefit payments are made, that the use of targeted benefits are monitored and that the presidential programmes included in “Children in Russia” are all appropriately funded.

- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at paras. 254, 255 and 259.

Paragraph 254

Concern is expressed that under the current arrangements with regard to the “three child policy”, children from families with more than three children are at a disadvantage with regard to access to social service, financial and other assistance.

Paragraph 255

In the light of article 2 of the Convention, alternative means should be found to implement the three child policy, other than excluding the fourth child from social service benefits, and it should be ensured that all children have equal access to such assistance without discrimination.

SOCIAL SECURITY AND INSURANCE

Paragraph 259

Concern is expressed that in spite of relevant legislation and an increasing number of births in hospitals, there are still children in the State party who are not registered at birth. A large proportion of unregistered births are of Roma children. Official birth registration is a fundamental first step towards securing the rights of a child to a name and nationality, whether in the State of birth or in another State, and to gaining access to social assistance, health, education and other services.

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 126 and 127.

Paragraph 126

The large percentage of the population living below the poverty line (approximately 43 per cent and mainly in urban centres) is noted with concern. The inability of the social security system to improve the situation of the growing number of poor families is a concern.

Paragraph 127

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 is encouraged to proceed with the programme, in cooperation with the World Bank, to eradicate poverty, especially among children.

- Norway, CRC, CRC/C/97 (2000) 43 at paras. 225 and 226.

Paragraph 225

Concern is expressed that the breadth and standard of welfare services provided by local authorities to children from low-income families, and consequently the standard of living of some children, are unequal in different municipalities across the country partly as a result of significant differences in the financial resources available to different municipal authorities, differences in the priorities set by those authorities and differences in systems of assessing needs and granting assistance. These disparities have the effect of providing either unequal access, or different levels of welfare assistance to children, particularly those with disabilities, according to the area of the country in which they reside.

Paragraph 226

The State party is urged to consider ways in which all children can be guaranteed equal access to the same standard of services, irrespective of where they live, such as, for example, by establishing nationwide standards for and allocation of resources to the implementation of the Convention's provisions in the context of the provision of welfare services.

See also:

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 37 and 38.

SOCIAL SECURITY AND INSURANCE

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 288 and 289.

Paragraph 288

Concern is expressed about the prevailing disparities in the enjoyment of the rights of children in Kyrgyzstan. In particular, the Committee is concerned with the situation of children living in institutions; in regions of the country which are lagging behind in socio-economic development; and children of rural and poor families. The guarantee of non-discrimination in article 2 of the Convention may be jeopardized, for example by the 1998 social security law which effectively deprives all non-citizens of rights to social security benefits, except for education fee discounts for families with many children and/or of low income; and the practice whereby non-citizens are subject to higher fees demanded by health practitioners.

Paragraph 289

All necessary measures should be taken to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The State party should prioritize and target social services for children belonging to the most vulnerable groups.

- Malta, CRC, CRC/C/97 (2000) 75 at paras. 403 and 404.

Paragraph 403

It is noted that the State party's reservation to article 26 of the Convention may have an adverse effect on the existing levels of social services and benefits for children.

Paragraph 404

In light of the 1993 Vienna Declaration and its Programme of Action, it is recommended that the State party review the reservation made to article 26 of the Convention with a view to withdrawing it.

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 37 and 38.

Paragraph 37

It is noted that owing to the extensive decentralization of decision-making, administration and delivery of services in the State party, there is a significant delegation of powers from the central level to the municipalities. However, not all the municipalities provide the same level of social policies and services for the most vulnerable groups in society, in particular poor families, single-parent families, and disabled, refugee and minority children.

Paragraph 38

SOCIAL SECURITY AND INSURANCE

The State party should undertake an evaluation of the implementation of all aspects of the Convention by municipal authorities and every effort should be made to ensure that the Convention is effectively implemented at the municipal level. An integrated monitoring system or mechanism should be established to ensure that children in all municipalities benefit to the same extent from basic social services.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 141 and 142.

Paragraph 141

The lack of a comprehensive policy regarding the protection of social welfare, and that such protection is not equally accessible to the children of parents who are not employed in the civil service, are matters of concern.

Paragraph 142

In light of article 26 of the Convention, efforts should be strengthened to extend the protection of social welfare to all sectors of the population, including through systems such as the health insurance card.

- United Kingdom of Great Britain and Northern Ireland (Isle of Man), CRC, CRC/C/100 (2000) 31 at paras. 196 and 197.

Paragraph 196

The Isle of Man's social security system provides financial support to families with children and additional assistance to single parent and low income families. The social security system also provides for the training, education and employment of young people aged 16 and 17 years who are unable to find employment. However, additional efforts are needed to strengthen the social security system to ensure the full implementation of the economic, social and cultural rights of all children below the age of 18 years.

Paragraph 197

The Isle of Man is encouraged to reinforce its efforts to provide adequate support and assistance through its social security support for economically disadvantaged children below the age of 18 years.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 463 and 464.

Paragraph 463

The State party's efforts to establish a social security system is acknowledged. The limited access of members of the population to such assistance is a concern.

SOCIAL SECURITY AND INSURANCE

Paragraph 464

The State party is encouraged to make every effort to ensure that, at a minimum, children from poorer families and communities, including rural communities, have access to basic health and other services which are either free or within their means.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 56, 57, 68 and 69.

Paragraph 56

Concern is expressed about the high number of children living in institutions, due mainly to the fact that children living in vulnerable families or with a very low income cannot be supported because of the lack of alternative care and of social assistance.

Paragraph 57

In light of articles 18 and 26 of the Convention, comprehensive measures should be developed to support vulnerable families with a view to assisting them in their child-rearing responsibilities, for instance by increasing various forms of social assistance to families or by securing child-care services and facilities to help them with their child-rearing.

Paragraph 68

Concern is expressed at the high proportion of families, in particular those with three or more children, living at the subsistence level and families threatened with eviction because of the effect of the transition to a market economy on the social welfare system as a whole.

Paragraph 69

In light of articles 3, 4, 6, 26 and 27 of the Convention, all appropriate measures should be taken to the maximum extent of available resources, in particular at the local level, to support families in a difficult economic and/or social situation in order to ensure, to the maximum extent possible, the survival and development of all children living in Latvia.

See also:

- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 280 and 281.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 170 and 171.

Paragraph 170

Concern is expressed at the continuing absence of social welfare services, in spite of provisions contained in the 1994 Social Policy.

SOCIAL SECURITY AND INSURANCE

Paragraph 171

Further efforts should be made to implement the provisions of its 1994 Social Policy. This Policy should be updated to take into account current circumstances.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 442, 443, 456 and 457.

Paragraph 442

It is noted with concern that budgetary allocations for education and social services have been gradually reduced since independence (1994) and that there is a scarcity of resources for welfare and social services. There is no social welfare system in the State party. Additionally, concern is expressed that in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources, at both the national and community levels, in favour of children “to the maximum extent of ... available resources”. Insufficient efforts have been made to ensure that an adequate proportion of financing gained through international cooperation is allocated to children’s programmes.

Paragraph 443

In the light of articles 2, 3 and 6 of the Convention, the State party is encouraged to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources, and where possible with international cooperation. In allocating resources, the State party should pay particular attention not only to education and health, but also to social services, especially in the outer islands and among non-Palauan children, to redress the gradual reduction in allocation to these areas. A social welfare system should be established to protect vulnerable children, particularly in the light of the recent trend towards charging fees for social services. Adequate resources should be allocated to strengthen the infrastructure of professionals working with and for children. The State party is encouraged to reinforce its efforts in preparation for the eventual phasing out of the Compact of Free Association by allocating adequate financial and human resources. In this connection greater protection should be guaranteed for the most vulnerable groups of children against the adverse effects of these economic changes.

Paragraph 456

The breakdown of the traditional extended family structure and the increasing number of female-headed households is noted with concern, particularly in the light of the lack of a welfare support system and alternative care facilities, as well as of inadequate early child-care services. Concern is also 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

SOCIAL SECURITY AND INSURANCE

The State party should undertake a needs-assessment study of female-headed households with a view to ensuring adequate availability and accessibility of welfare programmes, alternative care facilities and early child-care services. 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. Moreover, in the light of the weakening of the extended family structure, special attention should be paid to the strengthening of families as social units.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 207 and 208.

Paragraph 207

It is of 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

Consideration should 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.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 335 and 336.

Paragraph 335

The State party's efforts to broaden the coverage of the social security system are acknowledged and the Committee joins the State party in expressing concern at the limited access to such assistance.

Paragraph 336

The State party is encouraged to revise its social policy by improving its drug policy and by facilitating access to primary health care. Similarly access to education and adequate housing should be promoted in order to assist poor families and their children to improve their living conditions.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 517 and 518.

Paragraph 517

Concern is expressed that fathers and mothers do not benefit equally from the provision of financial assistance by the State in the context of assistance to families, and that the greater access of mothers to financial aid may lead to discrimination against either, or both, fathers and mothers and have a consequentially negative effect on the rights of their children.

SOCIAL SECURITY AND INSURANCE

Paragraph 518

The State party should establish an equal right of fathers and mothers to financial assistance related to the care of their children.