

SOCIAL SECURITY AND INSURANCE

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Austria, CERD, A/57/18 (2002) 15 at para. 33.

33. The Committee is concerned at the considerable number of asylum-seekers without identity documents who have been denied public assistance from the Federal Care and Maintenance Programme and who must therefore rely on private assistance and other agencies for survival. The Committee recommends that the State party ensure the provision of basic and equal assistance to all asylum-seekers, without distinction as to race or ethnic and national origin.

- New Zealand, CERD, A/57/18 (2002) 69 at para. 422.

422. While noting the programmes and projects initiated by the State party...the Committee remains concerned about the continuing disadvantages that Maori, Pacific Island people and other ethnic communities face in the enjoyment of social and economic rights, such as the rights to employment, housing, social welfare, and health care. The State party is invited to devote priority attention to this issue and to continue to encourage active and effective participation by Maori in the search for solutions such as the Maori Mental Health Strategic Framework adopted in May 2002, with a view to further reducing these disadvantages.

- Saudi Arabia, CERD, A/58/18 (2003) 41 at para. 206.

206. The Committee welcomes the recent initiative to include non-Saudis in a health insurance system...

- Slovenia, CERD, A/58/18 (2003) 45 at para. 241.

241. The Committee is concerned that a significant number of persons who have been living in Slovenia since independence without Slovenian citizenship may have been deprived under certain circumstances of their pensions, of apartments they were occupying, and of health care and other rights. The Committee takes note of the efforts undertaken by the State party to address these issues...

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- Republic of Korea, CERD, A/58/18 (2003) 83 at para. 495.

495. The Committee remains concerned that foreign workers in the industrial trainee programme and undocumented migrants do not fully enjoy their rights as provided by article 5.

The Committee recommends that the State party continue to take measures to improve the situation of all migrant workers, in particular with regard to the right to security of person and to social security and social services...

- Malawi, CERD, A/58/18 (2003) 93 at para. 559.

559. The Committee expresses concern over the State party's reservations to the 1951 Convention relating to the Status of Refugees which, in particular, reduce the protection offered to refugees in the field of employment, access to property, right of association, education and social security.

The Committee welcomes the draft Refugee Act, which reflects the intention of the State party to withdraw these reservations, and encourages the State party to give high priority to this process...

- Australia, CERD, A/60/18 (2005) 13 at para. 44.

44. The Committee is concerned at reports according to which temporary protection visas granted to refugees who arrive without a valid visa do not make them eligible for many public services, do not imply any right to family reunion, and make their situation precarious. It is further reported that migrants are denied access to social security for a two-year period upon entry into Australia (art. 5).

The Committee...recommends that the State party review its policies, taking into consideration the fact that, under the Convention, differential treatment based on citizenship or immigration status would constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of that aim.

- Bahrain, CERD, A/60/18 (2005) 22 at para. 86.

86. The Committee notes with concern the reportedly disparate treatment of and

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discrimination faced by members of some groups, in particular the Shia, that may be distinguishable by virtue of their tribal or national origin, descent, culture or language; the Committee is especially concerned about apparently disparate opportunities that are afforded to such groups.

The Committee recommends that the State party ensure that everyone, without distinction as to race, colour, or national or ethnic origin, enjoys the rights to work and to health and social security, adequate housing and education in accordance with article 5 (e) (i), (iii), (iv) and (v) of the Convention.

- France, CERD, A/60/18 (2005) 26 at para. 118.

118. While the Committee takes note of the measures taken to settle the question of foreign veterans' pensions, it remains concerned at the continued differential treatment of such persons as compared with veterans who are French nationals.

The Committee encourages the State party to find a definitive solution to the question of foreign veterans' pensions by applying the principle of equal treatment.

ICCPR

- Hungary, ICCPR, A/57/40 vol. I (2002) 60 at para. 80(7).

(7) The Committee is deeply concerned at the situation of the Roma people who, despite various steps taken by the State party, remain disadvantaged in almost all aspects of life covered by the Covenant. The Committee particularly regrets ongoing discrimination against Roma with regard to employment, housing, education, social security and participation in public life...

The State party should strengthen measures for improving the situation of the Roma people...

- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at para. 83(20).

(20) The Committee is concerned that, despite extensive positive measures adopted by the State party, the Roma continue to suffer from prejudice and discrimination, particularly with regard to access to housing, employment and social services, and that the State party was unable to submit detailed information, including statistical information, on the situation of these communities as well as on the results achieved by the institutions responsible for the

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advancement and welfare of the Roma (arts. 26 and 27).

(a) The State party should intensify its efforts to integrate Roma communities in Portugal in a manner that is respectful of their cultural identity, in particular through the adoption of positive action with regard to housing, employment, education and social services.

...

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at paras. 75(18) and 75(24).

(18) The Committee is concerned about the lack of full protection of the rights of internally displaced persons in Serbia and Montenegro, particularly with regard to access to social services in their places of actual residence, including education facilities for their children, and access to personal documents...

The State party should take effective measures to ensure that all policies, strategies, programmes and funding support have as their principal objective the enjoyment by all displaced persons of the full spectrum of Covenant rights. Furthermore, internally displaced persons should be afforded full and effective access to social services, educational facilities, unemployment assistance, adequate housing and personal documents, in accordance with the principle of non-discrimination.

...

(24) The Committee is concerned that widespread discrimination against the Roma persists with regard to all areas of life. The Committee is particularly concerned about the deplorable social and economic situation of the Roma minority, including access to health services, social assistance, education and employment which has a negative impact on the full enjoyment of their rights under the Covenant (arts. 2, 26, 27).

The State party should take all necessary measures to ensure the practical enjoyment by the Roma of their rights under the Covenant, by urgently implementing all strategies and plans to address discrimination and the serious social situation of the Roma in Serbia and Montenegro.

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at paras. 82(17) and 82(21).

(17) While noting the progress made in establishing registration centres, the Committee is concerned about the continuing high number of citizens who have migrated internally in recent years but were not registered at their new domicile and for this reason face problems of access to social welfare, education and other services (arts. 12 and 16).

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The State party should take effective measures to ensure that all citizens are registered in order to facilitate and ensure their full access to social services.

...

(21) While noting measures undertaken to improve the living conditions of the Roma community, the Committee is concerned that the Roma community continues to suffer prejudice and discrimination, in particular with regard to access to health services, social assistance, education and employment which have a negative impact on the full enjoyment of their rights under the Covenant (arts. 2, 26 and 27).

The State party should take all necessary measures to ensure the practical enjoyment by the Roma of their rights under the Covenant, by urgently implementing and reinforcing effective measures to address discrimination and the serious social situation of the Roma.

See also:

- Poland, ICCPR, A/60/40 vol. I (2004) 40 at para. 85(17).
- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(23).

(23) The Committee is concerned about the lack of full protection of the rights of registered and unregistered migrant workers in Thailand, particularly with regard to liberty of movement, access to social services and education, and access to personal documents...

The State party must take measures to effectively implement the existing legislation providing for the rights of migrant workers. Migrant workers should be afforded full and effective access to social services, educational facilities and personal documents, in accordance with the principle of non-discrimination...

ICESCR

- Colombia, ICESCR, E/2002/22 (2001) 110 at paras. 767 and 788.

767. The Committee is concerned that 43 per cent of the Colombian population are not yet covered by social security. The Committee notes that the State party has not yet ratified ILO Convention No. 102 (1952) concerning minimum standards of social security.

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788. The Committee urges the State party to consider ratifying ILO Convention No. 102 (1952) concerning minimum standards for social security and to take measures to ensure that the coverage of the social security system is significantly increased.

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- France, ICESCR, E/2002/22 (2001) 121 at para. 860.

860. The Committee notes with appreciation the progress made by the State party with regard to the right to health, particularly by establishing universal coverage of health-care insurance through Law No. 99-641 of 27 July 1999 which extends health insurance to everyone living in the national territory and provides 100 per cent coverage to persons with a very low income.

- Croatia, ICESCR, E/2002/22 (2001) 125 at paras. 901 and 906.

901. The Committee is concerned about the deterioration in the general standard of living in the State party, which has ensued in part from economic instability, high levels of unemployment, non-payment of salaries of many workers, the unrecovered pension payments made by Croatians prior to independence and the destruction during the war of vital infrastructure and settlements that have not yet been reconstructed. The Committee is concerned that some reconstruction efforts appear to have been disproportionately benefiting certain ethnic groups.

...

916. The Committee recommends as a matter of urgency that the State party continue its negotiations with the relevant authorities to ensure that Croatians who made pension contributions prior to independence are able to benefit from their pensions.

- Jamaica, ICESCR, E/2002/22 (2001) 130 at paras. 931, 933, 943 and 946.

931. ...The Committee is...concerned about the existence of laws which are discriminatory on the basis of sex (mostly against women but at times against men), such as section 6, paragraph 1, of the 1947 Pensions Act providing for payments to married males, the 1942 Women (Employment of) Act prohibiting night work by women except in specified circumstances, and the 1958 Children (Adoption of) Act allowing for adoption of female children by males only under specially justified circumstances.

...

933. The Committee is concerned that the social security scheme of the State party does not provide for universal coverage and that it excludes a considerable portion of the disadvantaged and marginalized groups in society, including older persons, single parents and persons with disabilities. The Committee expresses particular concern about the declining expenditure on social security and that the system does not sufficiently address the needs of a rapidly ageing population.

...

943. ...The Committee...recommends that the State party consider amending the Acts

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mentioned above (para. 931) and other legal measures that are discriminatory to men as well as women.

...

946. The Committee recommends that the State party strive for universal coverage of the social security system in Jamaica, giving priority to the disadvantaged and marginalized groups in society. In particular, the Committee strongly recommends the formulation and implementation of strategies to ensure adequate coverage for the population group eligible for retirement benefits. The Committee encourages the State party to explore the possibilities of international cooperation in this regard as provided for under article 2, paragraph 1, of the Covenant.

- Czech Republic, ICESCR, E/2003/22 (2002) 25 at para. 94.

94. The Committee strongly recommends to the State party to integrate the provisions of the Covenant into its privatization programmes and provide for social safety nets in carrying them out.

- Ireland, ICESCR, E/2003/22 (2002) 29 at paras. 129, 131, 136, 140, 142 and 149.

129. The Committee is concerned about the persistence of discrimination against persons with physical and mental disabilities, especially in the fields of employment, social security benefits, education and health. The Committee is particularly concerned that people with disabilities, including those working in sheltered workshops, do not have the status of employees and therefore do not qualify for the minimum wage arrangements; if, however, they do benefit from minimum wage arrangements, they are liable to lose their rights to free medical care.

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131. The Committee is concerned about the inadequacy of the minimum wage and welfare payment levels set by the State party in relation to its obligations under articles 7, 9 and 11 of the Covenant.

...

136. The Committee notes with regret that a human rights framework encompassing, *inter alia*, the principles of non-discrimination and equal access to health facilities and services, as outlined in paragraph 54 of the Committee's general comment no. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant), was not embodied in the recently published Health Strategy. The Committee also regrets the State party's failure to introduce a common waiting list for treatment in publicly funded hospital services for publicly and privately insured patients.

...

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140. The Committee recommends that the State party conduct and complete as soon as possible a thorough review of the sheltered workshops for the disabled and consider adopting measures, legislative or otherwise, allowing people with disabilities to work with full employment status and to retain the right to free medical care.

...

142. The Committee urges the State party to reconsider its methods of fixing the minimum wage and welfare payment levels so as to ensure they conform to the State party's obligations under articles 7, 9 and 11 of the Covenant.

...

149. The Committee recommends that the State party review the recently published National Health Strategy with a view to embracing a human rights framework in that strategy, in line with the principles of non-discrimination and equal access to health facilities and services, as outlined in paragraphs 53 and 54 of the Committee's general comment no. 14 (2000). The Committee furthermore urges the State party to introduce a common waiting list for treatment in publicly funded hospitals for privately and publicly insured patients.

- Benin, ICESCR, E/2003/22 (2002) 34 at paras. 171, 187 and 190.

171. The Committee is particularly concerned at the fact that 80 per cent of workers work in the informal sector, and are therefore not registered and not covered by social security.

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187. The Committee urges the State party to take more effective action to reduce unemployment, especially where it affects young people, and to prevent mass dismissals or ensure that they are accompanied by social support measures.

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190. The Committee recommends the State party to take whatever action is necessary to reduce the proportion of the population working in the informal sector and ensure that the social security system offers workers adequate coverage and minimum pensions.

- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 360 and 382.

360. The Committee notes with concern the different retirement ages for men (65) and women (60), which in practice result in lower pensions for women.

...

382. The Committee recommends the adoption of the same age of retirement for men and women.

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- Georgia, ICESCR, E/2003/22 (2002) 59 at paras. 416 and 434.

416. The Committee is concerned about the extremely low level of the social security benefits, which is far below the minimum level of subsistence, and about the fact that these benefits are often paid in arrears.

...

434. The Committee strongly recommends that the State party undertake reform of the social security system, including the establishment of a clearer relationship between pensions and previous employment; the raising of social security benefits to a level closer to the subsistence minimum; and the payment of benefits in a more timely manner, in particular to those most disadvantaged and marginalized groups that have no other means of subsistence

- Solomon Islands, ICESCR, E/2003/22 (2002) 65 at paras. 457 and 470.

457. The Committee is...concerned that the erosion of the traditional social support among relatives and the *wantok* system is not being complemented and supported by some other forms of social assistance.

...

470. The Committee...recommends that the State party take effective measures to address the problem of the erosion of traditional support system and *wantok* communities, particularly in rural areas, and complement and support such a system by some other forms of social assistance.

- Estonia, ICESCR, E/2003/22 (2002) 68 at paras. 492, 500 and 523.

492. The Committee welcomes the measures undertaken to protect the rights of persons with disabilities, including the introduction of a social welfare scheme to cover additional expenses incurred due to disability.

...

500. The Committee...expresses its concern that unemployment benefits, which are calculated at 50 per cent of the amount earned in a previous job, may in some cases be insufficient to secure a decent standard of living for a worker and his/her family.

...

523. The Committee...recommends that the State party undertake the necessary measures to ensure that the lowest level of unemployment benefit is sufficient to secure a decent standard of living for a worker and his/her family.

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- Luxembourg, ICESCR, E/2004/22 (2003) 24 at paras. 81 and 93.

81. The Committee is concerned about the situation of prisoners who work for private companies and recalls that under ILO Convention No. 29 (1930) concerning forced or compulsory labour, when a private company is involved with work carried out by a prisoner, the latter must consent to such work and the conditions of work (including wages and social security) must be close to those of a free employment relationship.

...

93. The Committee recommends that the State party ensure that a prisoner may only perform work for a private company when such work has been consented to and the labour conditions are close to those of a free working relationship as regards wages and social security.

- Brazil, ICESCR, E/2004/22 (2003) 28 at para. 157.

157. In the light of the indication given by the State party that the reform of the social security system foresees an improved role for the State in fundamental areas of social development, the Committee recommends to the State party in this regard that the social security system and the social development measures take into account the needs of disadvantaged and marginalized groups.

- New Zealand, ICESCR, E/2004/22 (2003) 35 at paras. 181, 190, 201 and 202.

181. The Committee welcomes the introduction of new legislation providing for a government-funded parental leave scheme, whereby 12 weeks' paid parental leave is granted to either parent. The Committee also notes the statement made by the State party that it intends to withdraw its reservation under article 10, paragraph 2, of the Covenant.

...

190. The Committee notes with concern that nearly one in four persons lives in poverty according to the measurement commonly used in the State party, and that clear indicators are lacking to assess the effectiveness of measures to combat poverty.

...

201. While acknowledging the ongoing reform of the social welfare system, the Committee recommends that in targeting assistance more specifically to disadvantaged and marginalized groups, including persons with special needs, single-parent families and homeless persons, concerns to contain costs do not lead to a decrease in the level of effective social protection.

202. Given the complexity of the social welfare system with a range of different social security benefits, assistance measures and entitlement conditions, the Committee

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recommends that the State party widely disseminate accessible information on the system to all, and especially to those who, owing to language, educational or cultural difficulties, need specific targeted information.

- Israel, ICESCR, E/2004/22 (2003) 42 at para. 251.

251. The Committee welcomes the improvements in the conditions for foreign workers, allowing them to change employers for the legal duration of their stay, prohibiting employers from withholding workers' passports, as well as the regulations regarding the system of compulsory health insurance for these foreign workers.

- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at paras. 304, 307, 326 and 329.

304. The Committee is concerned about the high rates of unemployment, particularly among young people, women and the Roma population. The Committee notes with great concern, in this regard, that the lack of employment opportunities and low salaries have prompted massive emigration of people in the active and working age, a majority of whom work abroad illegally without social insurance and legal protection.

...

307. The Committee expresses its concern that the current levels of social benefits and pensions are inadequate.

...

326. The Committee recommends that the State party strengthen its efforts to improve job opportunities for young people, women and the Roma population. It also recommends that the State party seek to conclude international agreements with a view to ensuring the social protection of migrant workers and, in particular, to acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

...

329. The Committee urges the State party to ensure that the social security and pension systems under reform give special attention to the needs of the most disadvantaged and vulnerable groups in society...

- Yemen, ICESCR, E/2004/22 (2003) 55 at paras. 356 and 375.

356. The Committee notes with concern that significant segments of society, particularly self-employed and agricultural workers, are not covered by the social security system.

...

375. The Committee urges the State party to undertake measures to make its social security

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system more comprehensive so as to include all workers and their families. In this regard, the Committee encourages the State party to ratify ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security.

- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 409 and 427.

409. The Committee is concerned that only 15 per cent of the population are covered by the Guatemalan Social Security Institute and that there is a considerable disparity in the coverage of workers in rural and urban areas. The Committee also notes that the State party has not yet ratified ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security.

...

427. The Committee recommends that the State party take all necessary measures to ensure that the coverage of the national social security system is significantly extended to include rural and domestic workers and their families. The Committee also recommends that the State party ratify ILO Convention No. 102 (1952).

- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 454, 459, 464, 468, 482, 487, 492 and 496.

454. The Committee is concerned about reports of cases where the lack of registration of place of residence and other identity documents in practice places limitations on the enjoyment of rights, including work, social security, health services and education. The Committee is also concerned about reports that some groups of people, including the homeless and the Roma, face particular difficulties in obtaining personal identification documents, including registration of residence.

...

459. The Committee notes with concern that the informal economy in the State party has grown considerably and that illegal migration of labour is widespread, which means that a large number of people work without legal and social protection.

...

464. The Committee remains concerned about the inadequate amounts paid in pensions and social benefits, while noting that the problem of arrears has been addressed.

...

468. The Committee remains concerned about the problem of street children in the major cities of the State party. The Committee is also deeply concerned about the growing number of orphaned children and children deprived of parental care.

...

482. The Committee urges the State party to ensure that the lack of residence registration

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and other personal identity documents do not become an obstacle to the enjoyment of economic, social and cultural rights.

...

487. The Committee recommends that the State party strengthen its efforts to protect the human rights of workers in the informal labour market with a view to creating the conditions for unimpeded implementation of migrants' rights, and protecting migrants' legal rights and interests as indicated in the State party's report (para. 69). The Committee also encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

...

492. The Committee urges the State party to ensure that under the new pensions system, introduced by the Federal Law of 1 January 2002, the basic component of pensions is raised to the minimum subsistence level. In view of the fact that the realization of this goal may take time, owing to limited resources, the Committee urges the State party to give priority to raising minimum pension levels and to ensuring that social benefits are targeted to the families most in need.

...

496. The Committee urges the State party to further strengthen measures to prevent child neglect and to ensure adequate assistance and social rehabilitation for neglected or abandoned children. The State party should take effective measures to deal with the root causes of neglect and abandonment, particularly by increasing assistance rendered to families with children, including by increasing the levels of family benefits.

- Democratic People's Republic of Korea, ICESCR, E/2004/22 (2003) 71 at paras. 515, 527 and 547.

515. The Committee... notes with appreciation the wide coverage of free health care in the State party.

...

527. The Committee is concerned about information according to which some segments of the population are still suffering hardship because of the period of reconstruction and reform and may be in need of extra support from the public authorities.

...

547. The Committee invites the State party to explore the possibility of increasing in due course the budgetary allocations for social expenditure, as well as public assistance for people in need, and of enabling persons looking for employment, particularly women, to find jobs on the territory of the Democratic People's Republic of Korea.

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- Lithuania, ICESCR, E/2005/22 (2004) 18 at paras. 82-84, 91, 104-106 and 113.

82. The Committee expresses its concern that basic pensions are insufficient to ensure an adequate standard of living. The absence of a system of indexing basic pensions to the consumer price index and to the minimum subsistence level is also a cause of concern.

83. The Committee notes with concern the low level of unemployment benefits and that these benefits were granted only to 11.5 per cent of all unemployed persons in 2002 owing to strict eligibility conditions.

84. The Committee is concerned about the unequal distribution of social benefits and social services depending on the place of residence.

...

91. The Committee is concerned about the lack of sufficient and suitable housing in the State party as well as the acute shortage of social housing.

...

104. The Committee urges the State party to put in place a system of indexing the level of basic pensions reflecting changes in the cost of living, and to ensure that basic pensions are sufficient to provide for an adequate standard of living. The Committee encourages the State party to proceed with its plans to ratify ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security and to consider ratifying ILO Convention No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

105. The Committee recommends that the State party increase the coverage and amount of unemployment benefits, so as to ensure that they are sufficient to secure an adequate standard of living and further loosen the eligibility conditions.

106. The Committee urges the State party to promote equal access to social benefits and social services by striving to correct regional imbalances.

...

113. The Committee urges the State party to adopt nationwide policies in order to ensure that families have adequate housing facilities and amenities and that adequate resources are allocated for social housing, particularly for low-income families and the disadvantaged and marginalized groups. In this regard, the Committee draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing (article 11, paragraph 1, of the Covenant).

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 135 and 156.

135. The Committee is concerned that low income persons, the Roma, and documented and

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undocumented immigrants and their families may not have access to social services.

...

156. The Committee urges the State party to ensure access of disadvantaged and marginalized persons and families to individual as well as collective social services...

- Kuwait, ICESCR, E/2005/22 (2004) 29 at paras. 192, 193, 212 and 213.

192. While noting that Kuwait has a sound social insurance scheme, the Committee is concerned that it does not cover work accidents and occupational diseases.

193. The Committee is concerned that non-Kuwaiti workers in Kuwait are excluded from the social insurance scheme.

...

212. The Committee encourages the State party to extend social insurance to cover work accidents and occupational diseases.

213. The Committee urges the State party to continue to carry out studies and undertake measures to ensure that social insurance benefits are accorded to non-Kuwaiti workers so that they are put on a fair and equal footing with Kuwaiti workers with regard to the right to social security. In this regard, the Committee encourages the State party to ratify ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security.

- Spain, ICESCR, E/2005/22 (2004) 34 at paras. 230 and 247.

230. While noting that undocumented immigrants residing in the State party enjoy a number of fundamental rights and freedoms, including the right to basic social services, health care and education, on the condition that they register with their local municipality, the Committee remains concerned about the precarious situation of the large number of those undocumented immigrants who only enjoy a limited protection of their economic, social and cultural rights.

...

247. The Committee urges the State party to take measures to ensure the effective protection of fundamental economic, social and cultural rights of all persons residing within its territory, in accordance with article 2, paragraph 2, of the Covenant. It further encourages the State party to promote the legalization of undocumented immigrants so as to enable them to enjoy fully their economic, social and cultural rights.

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- Ecuador, ICESCR, E/2005/22 (2004) 39 at paras. 286, 287, 309 and 310.

286. The Committee is concerned about the severe underfunding of the Ecuadorian Institute of Social Security, which has a negative impact on the personal and material coverage provided by the social security system.

287. The Committee is concerned that only a limited percentage of the Ecuadorian population is entitled to social security benefits, especially to sickness and maternity insurance.

...

309. The Committee urges the State party to settle the problem of the debt owed to the Equatorian Institute of Social Security so as to allow it to perform its task of ensuring adequate security coverage and payment of social benefits. The Committee also urges the State party to strengthen the role of social security inspections to combat fraud, for example by employers who do not pay social security contributions for their employees.

310. The Committee urges the State party to increase the coverage of the social security system, especially for self-employed workers and women.

- Malta, ICESCR, E/2005/22 (2004) at paras. 347 and 365.

347. The Committee notes with concern that the State party has not ratified a number of international labour conventions in the area of labour rights and social security, including Conventions No. 102 (1952) concerning Minimum Standards of Social Security, No. 117 (1962) concerning Basic Aims and Standards of Social Policy, No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security and No. 122 (1964) concerning Employment Policy.

...

365. The Committee encourages the State party to ratify ILO Conventions Nos. 102 (1952), 117 (1962), 118 (1962) and 122 (1964).

- Italy, ICESCR, E/2005/22 (2004) 54 at paras. 428, 447 and 462.

428. The Committee is concerned that Law No. 189 of 30 July 2002 on Immigration, which introduced a strong link between the labour contract and the length of a residence permit, may hinder the enjoyment by migrant workers and their families of economic, social and cultural rights as enshrined in the Covenant. The Committee is further concerned about the excessive time taken by the authorities to renew residence permits in the State party, which

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may restrict, *inter alia*, freedom of movement and access to social services by migrant workers and their families.

...

447. The Committee recommends that the State party undertake measures to expedite the process of renewing the residence permits of migrant workers so as to enable them to enjoy their economic, social and cultural rights. The Committee further recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

...

462. The Committee recommends that the State party develop home care and other personal and social services, taking into account the combined health and social care needs of older persons.

- Azerbaijan, ICESCR, E/2005/22 (2004) 59 at paras. 487 and 513.

487. The Committee is concerned about the State party's plans to increase the volume of social benefits by decreasing the number of beneficiaries in order to ensure the appropriate level of life.

...

513. The Committee recommends that the State party undertake measures to ensure that social security benefits are adequate. The Committee further recommends that the State party ensure that targeted social assistance depending on family income is guaranteed to all disadvantaged and marginalized persons, including refugees and internally displaced persons, and that such assistance does not fall below the subsistence level. The Committee also encourages the State party to consider ratifying ILO Conventions No. 102 (1952) concerning Minimum Standards of Social Security, No. 117 (1962) concerning Basic Aims and Standards of Social Policy and No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

- Chile, ICESCR, E/2005/22 (2004) 67 at paras. 546, 554, 569 and 582.

546. The Committee is deeply concerned that the private pension system, based on individual contributions, does not guarantee adequate social security for a large segment of the population that does not work in the formal economy or is unable to contribute sufficiently to the system, such as the large group of seasonal and temporary workers. The Committee notes that women are particularly affected in this regard: "housewives" and about 40 per cent of working women do not contribute to the social security scheme and are consequently not entitled to old-age benefits. Moreover, the Committee is concerned at the fact that working women are left with a much lower average pension than men as their

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retirement age is five years earlier than that of men.

...

554. The Committee is concerned about the scope of the planned law (on the reorganization of subsidies for industrial disablement and sick leave) which would involve a legislative restriction of the current law, permitting parents a subsidized leave from work to care for children under the age of 1 in the case of serious illness.

...

569. The Committee recommends that the State party take effective measures to ensure that all workers are entitled to adequate social security benefits, including special measures to assist those groups who are currently not able to pay into the private social security system, paying special attention to the disadvantaged position of women and the large number of temporary and seasonal workers and workers in the informal economy.

...

582. The Committee recommends that the State party review its proposed legislation on the reduction in the parental medical leave benefit system, with a view to ensuring that it will not represent a retrogressive measure affecting the minimum standards of the right to health, as outlined in the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health (article 12 of the Covenant).

- Zambia, ICESCR, E/2006/22 (2005) 19 at paras. 90, 91, 112 and 113.

90. The Committee regrets the lack of the exact percentage of GDP spent on social security. The Committee also takes note of the State party's acknowledgement that the amount is minimal and that it has declined over the years. The Committee is further concerned that comprehensive social protection is not available to the vast majority of the population, in particular low-income workers, workers over 55 years of age and workers employed in the informal sector.

91. The Committee is concerned about the fact that privatized social security schemes in the State party have not been financially sustainable, thereby leaving its beneficiaries without adequate social protection.

...

112. The Committee urges the State party to extend the protection under the National Pension Scheme Authority to cover low-income workers, workers over 55 years of age and workers employed in the informal sector, especially in rural areas.

113. The Committee recommends that the State party exercise a stronger monitoring function in relation to private social security schemes and funds so as to ensure that those schemes provide adequate social protection to their beneficiaries.

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- China, ICESCR, E/2006/22 (2005) 25 at paras. 135, 144, 145, 156, 175, 176 and 185.

135. The Committee welcomes the establishment of a new social security system based on contributions from employers and employees and of a new pension system in which employers and employees contribute to a communal pension fund and to individual pension accounts.

...

144. The Committee notes with deep concern the *de facto* discrimination against internal migrants in the fields of employment, social security, health services, housing and education that indirectly result from, *inter alia*, the restrictive national household registration system (*hukou*) which continues to be in place despite official announcements regarding reforms.

145. The Committee is concerned about the reported persistence of discrimination against persons with physical and mental disabilities, especially in terms of employment, social security, education and health.

...

156. The Committee is concerned that many of the reforms in the formal welfare system have not been extended to the countryside, where the local authorities of poor regions have a limited capacity to generate the funds necessary to provide welfare and social services. The Committee notes with concern that the means-tested non-contributory social assistance extended to all urban areas starting in 1996 was similarly extended to some, but not all rural areas.

...

175. The Committee calls upon the State party to implement its decision to dismantle the *hukou* system of national household registration and to ensure that in any system that replaces it, internal migrants will be able to enjoy the same work, social security, housing, health and education benefits enjoyed by those in urban areas.

176. The Committee recommends that the State party adopt effective measures to ensure equal opportunities for persons with disabilities, especially in the fields of employment, social security, education and health, to provide for more appropriate living conditions for persons with disabilities and to allocate adequate resources for improving the treatment of, and care for, persons with disabilities...

...

185. The Committee recommends that the State party strengthen the redistributive mechanisms between regions and levels of government, so as to ensure that local authorities receive additional funds necessary for adequate provision of welfare and social services to their populations. The Committee urges the State party to extend non-contributory social assistance to the rural areas that are presently not covered, as a means to combat poverty among the rural populations.

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- China (Hong Kong Special Administrative Region), ICESCR, E/2006/22 (2005) 34 at paras. 207, 211-213, 219 and 223-225.

207. The Committee regrets that the Hong Kong Special Administrative Region has not implemented a number of the recommendations contained in its concluding observations of 2001.^{9/} The Committee wishes to reiterate in particular its concern at the following issues:

...

(d) The continuing spread of poverty and lack of effective access to social services, which affects the disadvantaged and marginalized groups;

(e) The exclusion of many individuals, including women who are homemakers, persons with disabilities and older persons, from the Mandatory Provident Fund Scheme, due to their inability to make sufficient voluntary contributions;

...

211. The Committee is concerned that the social security system in the Hong Kong Special Administrative Region does not include unemployment benefits.

212. The Committee expresses its concern about the particularly precarious situation of foreign domestic workers, a majority of whom are from South-East Asia, who are underpaid and are not entitled to social security.

213. The Committee is seriously concerned that under the existing social security system, and in particular under the Comprehensive Social Security Assistance, the levels of benefit are not sufficient to guarantee a decent standard of living and that many low-income persons, in particular older persons, are not covered by the scheme. The Committee is further concerned that new migrants are unable to apply for Comprehensive Social Security Assistance due to the seven-year residence requirement.

...

219. The Committee once again urges the Hong Kong Special Administrative Region to implement the Committee's relevant suggestions and recommendations contained in its concluding observations adopted in 2001,^{9/} as well as in the current ones, and urges it to undertake whatever relevant concrete measures may be necessary towards their implementation.

...

223. The Committee recommends that the Hong Kong Special Administrative Region consider extending its social security system to cover unemployed workers through the payment of an unemployment benefit based on contributions from employers and employees.

224. The Committee urges the State party to review the existing "two-week rule", with a view to eliminating discriminatory practices and abuse arising from it, and to improving the legal protection and benefits for foreign domestic workers so that they are in line with those

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afforded to local workers, particularly with regard to wages and retirement benefits. The Committee recommends that the Hong Kong Special Administrative Region enable domestic helpers to acquire pension rights through their inclusion in the Mandatory Provident Fund Scheme.

225. The Committee urges the Hong Kong Special Administrative Region to review the eligibility criteria for the Comprehensive Social Security Assistance so as to ensure that all those in need, including low-income persons and families, older persons and new migrants, are adequately covered by the scheme to enable them to enjoy a decent standard of living.

Notes

...

9/ *Official Records of the Economic and Social Council, 2002*, Supplement No. 2 (E/2002/22-EC.12/2001/17), chap. IV, paras. 189 to 210.

- China (Macao Special Administrative Region), ICESCR, E/2006/22 (2005) 38 at paras. 238, 243, 248 and 253.

238. The Committee is concerned about the differences in the criteria for entitlement to maternity leave for workers in the public and private sectors, and that the entitlement of male workers to five days of paternity leave is only applicable in the public sector.

...

243. The Committee is seriously concerned that migrant workers, who account for a significant proportion of the working population of the Macao Special Administrative Region, are excluded from the social welfare system.

...

248. The Committee recommends that the Macao Special Administrative Region take effective measures to increase public awareness, especially in the private sector, about the importance of maternity and paternity leaves that reconcile professional and family life for men and women. The Committee further recommends that the Macao Special Administrative Region take immediate measures to ensure the right of private sector workers to maternity leave, without placing limitations on the number of births, and to ensure that male workers in the private sector are granted the right to five days of paternity leave, as in the public sector.

...

253. The Committee recommends that the Macao Special Administrative Region take effective measures to ensure that all workers are entitled to adequate social security benefits, including migrant workers....

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- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 273, 274, 279, 280, 282, 293, 301, 302, 306, 307, 309 and 320.

273. The Committee is deeply concerned that, despite the State party's efforts to improve the economic and social situation of Roma through national action plans for the implementation of the Decade of Roma Inclusion (2005-2015) in both Republics, widespread discrimination against Roma persists with regard to employment, social security, housing, health care and education.

274. The Committee expresses its deep concern about the uncertain residence status of and the limited access by refugees, returnees from third countries and internally displaced persons, including internally displaced Roma, to personal identification documents, which are a requirement for numerous entitlements such as eligibility to work, to apply for unemployment and other social security benefits, or to register for school.

...

279. The Committee is...concerned about the broad definition of the concept of "essential services", including professions such as teachers and postal workers. The Committee is also concerned that the right to strike can only be exercised if strict conditions are met, and that participation in a strike can lead not only to the suspension of wages but also of social security rights.

...

280. The Committee is concerned about the very low unemployment benefit coverage in the State party.

...

282. The Committee is concerned that a large number of Krajina Serbs and internally displaced persons from Kosovo above the retirement age have reportedly not received their pensions for years.

...

293. The Committee is concerned about the limited access to primary health care in rural areas, especially for refugees and other vulnerable groups, and that 7 per cent of the Serbian population are not covered by compulsory health insurance.

...

301. The Committee recommends that the State party ensure adequate participation of Roma representatives in the implementation of the plans of action adopted or envisaged by both Republics with regard to non-discrimination, gender equality, employment, social protection, housing, health and education of Roma, and to allocate sufficient funds to these and other relevant programmes.

302. The Committee calls on the State party to assist refugees, returnees and internally displaced persons by facilitating the procedures necessary to obtain personal documents, including birth certificates, identity cards and work booklets, to enable them to enjoy their

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economic, social and cultural rights.

...

306. The Committee requests the State party to limit the scope of its definition of “essential services” and to ensure that the exercise of the right to strike does not lead to the suspension of social security rights.

307. The Committee recommends that the State party increase unemployment benefit coverage so as to ensure an adequate standard of living for unemployed workers and their families...

...

309. The Committee requests the State party to pursue its bilateral negotiations with Croatia regarding the payment of pensions to Krajina Serbs residing in Serbia and Montenegro and to alleviate documentation requirements for the payment of pensions to internally displaced persons whose work booklets were destroyed during the hostilities in Kosovo.

...

320. The Committee recommends that the State party ensure universal access to affordable primary health care, in particular by increasing the number of family doctors and community health centres, and allow all members of society, including refugees, internally displaced persons and Roma, to join the compulsory health insurance scheme.

CEDAW

- Estonia, CEDAW, A/57/38 part I (2002) 13 at paras. 100, 113 and 114.

100. The Committee...urges the State party to develop preventive optional welfare programmes to address the problem of teenage pregnancy.

...

113. The Committee expresses its concern that the report does not contain sufficient information on the situation of rural women, including older rural women, including with regard to their cash income, social security, access to free health-care services and social and cultural opportunities...

114. ...The Committee recommends that the State party monitor existing programmes and develop comprehensive policies and programmes aimed at the economic empowerment of rural women, ensuring their access to training, productive resources and capital, as well as to health-care services, social security and to social and cultural opportunities.

- Uruguay, CEDAW, A/57/38 part I (2002) 23 at para. 199.

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199. The Committee recommends that both in the public and in the private sector the State party endeavour to ensure strict compliance with labour legislation, and take action to eliminate discrimination in employment and with respect to pensions and private-sector pay, as well as promoting participation by women in sectors traditionally regarded as male.

- Iceland, CEDAW, A/57/38 part I (2002) 27 at paras. 249 and 250.

249. The Committee expresses concern about the change of the pension system, which has negatively impacted on women more than men.

250. The Committee recommends that the State party study the impact of the pension system on women and take appropriate measures to avoid poverty among older women.

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 292 and 293.

292. The Committee is concerned about the increasing number of women who migrate from Sri Lanka in search of work and find themselves in situations where they are vulnerable. Despite the progressive and protective measures taken by the State party, including mandatory registration and insurance coverage, these women are often subjected to abuse and sometimes death.

293. The Committee urges the State party to ensure the full and effective enforcement of the measures taken to protect women migrant workers, including preventing the activities of illegal employment agencies and ensuring that insurance covers the disabled and jobless after they return to Sri Lanka.

- Suriname, CEDAW, A/57/38 part II (2002) 82 at paras. 59 and 60.

59. The Committee expresses concern at discriminatory practices and certain legal labour provisions that could lead to discrimination against women workers with regard to reproductive health and maternity and notes that, in the civil service, women are discriminated against when entering into marriage or becoming pregnant. It notes that regulations on flexible working hours are lacking and that the employer has the right to decrease the number of vacation days during the year in which maternity leave is enjoyed.

60. The Committee recommends that the State party remove discriminatory labour legislation in accordance with article 11 of the Convention and ensure that women workers have working conditions and social security benefits equal to those enjoyed by men, as well

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as protection for maternity without discrimination under article 4, paragraph 2 of the Convention.

- Saint Kitts and Nevis, CEDAW, A/57/38 part II (2002) 90 at para. 100.

100. The Committee... recommends that measures should be taken to deal with the situation of unemployed women, and the large number of women who work in the informal sector, with a view to their inclusion in the formal sector, and access to social benefits.

- Belgium, CEDAW, A/57/38 part II (2002) 95 at paras. 163 and 164.

163. The Committee is concerned about the discrimination women face concerning issues of social security and taxation.

164. The Committee urges the State party to analyse the various forms of discrimination on issues of social security and taxation faced by women [and] to remedy such discrimination

- Zambia, CEDAW, A/57/38 part II (2002) 107 at paras. 248 and 249.

248. The Committee...expresses concern at disparities between women's and men's wages, sexual harassment, and the lack of social security for women.

249. ...The Committee calls on the State party to review its legislation and policy in the employment sector to facilitate full implementation of article 11 of the Convention.

- Uganda, CEDAW, A/57/38 part III (2002) 164 at paras. 143 and 144.

143. The Committee expresses concern...at the high rate of unemployment among women, disparities between the wages of men and women, even in the public sector, disparities in social security and the lack of legal protection for women against sexual harassment at the workplace... It is also concerned that legislation required by article 40 of the Constitution to provide the right to work under satisfactory and safe and healthy conditions, equal pay for equal work, paid leave and maternity protection have still to be enacted.

144. The Committee...urges the State party to enact legislation to protect the rights of persons in employment which complies with the provisions of article 11 of the Convention...

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- Guatemala, CEDAW, A/57/38 part III (2002) 171 at paras. 186 and 187.

186. ...The Committee notes that, despite the introduction of protections and social security rights in the area of labour, including domestic workers and those working in the *maquila* industries, this legislation is not complied with or enforced and that some employers in this industry require women seeking employment to undergo pregnancy tests. The Committee notes that non-enforcement of such labour legislation constitutes “discrimination of effect” as defined in article 1 of the Convention.

187. The Committee calls upon the State party to ensure that State authorities implement all current legislation concerning women’s human rights, in particular labour legislation through proactive investigations of alleged violations of female workers’ rights and take measures to strengthen the enforcement powers of labour inspection authorities. The Committee further urges the State party to take appropriate measures, including the promotion of stronger private sector codes of conduct, to ensure compliance with existing legislation, in particular with regard to the rights of women enshrined in the Convention, which forms part of Guatemalan law. The Committee also calls upon the State party to take steps to raise awareness among women of their legal rights and the means by which those rights can be enforced.

- Barbados, CEDAW, A/57/38 part III (2002) 177 at paras. 243 and 244.

243. The Committee notes...the absence of statutory parental leave for fathers and the apparent lack of equal employment opportunity legislation.

244. The Committee... recommends the adoption of an equal employment opportunity law and a legislative provision on parental leave for fathers.

- Greece, CEDAW, A/57/38 part III (2002) 184 at paras. 285 and 286.

285. The Committee is concerned that fathers are not taking childcare leave and that this reinforces negative stereotypes regarding working matters.

286. The Committee requests that the State party introduce individualized paid paternal leave for childcare.

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- Mexico, CEDAW, A/57/38 part III (2002) 205 at paras. 441 and 442.

441. The Committee expresses its concern about the poor conditions of employment of Mexican women, particularly the wage discrimination, the vertical and horizontal segregation to which they are exposed and the inadequate social benefits they receive. The Committee is especially concerned about women working in the informal sector, including domestic workers, and those employed in the *maquila* industry whose basic labour rights are not respected...

442. The Committee recommends that the State party speed up the adoption of the reforms that must be made in the Labour Act, including the prohibition of discrimination against women, in an effort to ensure their participation in the labour market on a footing of genuine equality with men. It also urges the State party to give effect to the labour rights of women in all sectors. To that end, it recommends that the State party strengthen and promote the role of INMUJERES in negotiating the Labour Act so as to give special attention to the needs of women workers...

- Peru, CEDAW, A/57/38 part III (2002) 212 at paras. 478 and 479.

478. ...The Committee is concerned at the precarious conditions of women working in the informal sector and at part-time work, who have no labour protection, no access to social security and no due respect for their labour rights...

479. The Committee recommends that the necessary measures should be taken to guarantee implementation of the provisions of article 11 of the Convention and application of the International Labour Organization Conventions, in particular those on non-discrimination in employment and equal remuneration for women and men...

- Albania, CEDAW, A/58/38 part I (2003) 13 at paras. 76 and 77.

76. The Committee is concerned about the situation of rural women, as the majority of the female population, who are discriminated against in practice with respect to owning and inheriting property, and who are disadvantaged by poverty, poor infrastructures, lack of credit, and limited access to education, health-care services and social insurance...

77. The Committee urges the State party to give full attention to the needs of rural women and to develop comprehensive policies and programmes aimed at their economic empowerment, ensuring their access to productive resources, capital and credit, as well as education, health-care services, social insurance and decision-making...

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- Switzerland, CEDAW, A/58/38 part I (2003) 20 at paras. 102, 132 and 133.

102. The Committee notes with appreciation the significant law reform undertaken in the State party in several areas in conformity with the Convention, particularly: ...the tenth revision of the Federal Act on old-age and survivors' insurance (1997), establishing a system of individual pensions independent of civil status...

...

132. The Committee expresses concern over the delay in introducing paid maternity leave in the State party and notes that several proposals to introduce paid maternity leave have been rejected by popular vote.

133. The Committee calls upon the State party to ensure the speedy enactment of the draft legislation on maternity leave with pay that was adopted by the Federal Council and the National Council in November and December 2002... The Committee recommends the undertaking of awareness-raising campaigns for developing a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children. Such campaigns should also stress the role of men and pave the way for a debate on the issue of paternity and parental leave as important factors in the sharing of family responsibilities and guaranteeing equality for women in the labour market and in social life.

- Congo, CEDAW, A/58/38 part I (2003) 29 at paras. 172 and 173.

172. The Committee is concerned that there is unequal access to the labour market and that women are confined to work in agriculture and the informal sectors, which are related to low incomes and wages. The Committee is further concerned at the lack of social benefits and a regulatory framework to protect women's human rights within these sectors.

173. The Committee urges the State party to take all possible measures to ensure that women have access to the labour market on an equal basis with men. The Committee recommends that the State party take measures to provide a regulatory framework for the informal sector.

- Luxembourg, CEDAW, A/58/38 part I (2003) 47 at para. 295.

295. The Committee commends the State party for adopting new laws in support of the goal of gender equality: the law on pensions, which plays a key role in preventing poverty among older people, particularly women...

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- Canada, CEDAW, A/58/38 part I (2003) 53 at paras. 359, 360, 365, 366, 373, 374, 377, 378, 381 and 382.

359. The Committee is concerned about a number of recent changes in British Columbia which have a disproportionately negative impact on women, in particular aboriginal women. Among these changes are: a cut in funds for legal aid and welfare assistance, including changes in eligibility rules; a cut in welfare assistance...

360. The Committee, through the State party, urges the government of British Columbia to analyse its recent legal and other measures as to their negative impact on women and to amend the measures, where necessary.

...

365. While noting the improvement regarding the *de facto* situation of live-in caregivers through formal employment contracts, the Committee is concerned that the caregivers are allowed into the country only as temporary residents, they do not receive adequate social security and having to live in the homes of their employers may subject them to exploitation and abuse.

366. The Committee urges the State party to take further measures to improve the current live-in caregiver programme by reconsidering the live-in requirement, ensuring adequate social security protection and accelerating the process by which such domestic workers may receive permanent residency.

...

373. The Committee notes with concern the lack of women's *de facto* equality in the labour market, including the fact that, owing to their unpaid tasks in the family, a large percentage of them work in part-time jobs, marginal jobs and self-employment arrangements, which often do not carry adequate social benefits.

374. The Committee recommends that the State party monitor closely the situation of women's non-standard jobs and to introduce employment-related measures which will bring more women into standard employment arrangements with adequate social benefits.

...

377. While commending the State party's efforts towards bringing aboriginal women into improved income-generating positions, the Committee is concerned that the focus on entrepreneurship may not lead to aboriginal women's economic independence.

378. The Committee recommends that the State party ensure that income-generating activities for aboriginal women provide for a sustained and adequate income, including all necessary social benefits.

...

381. While noting improvements in the Employment Insurance Act, the Committee is

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concerned that the number of women eligible for unemployment benefits is lower as compared with men. While appreciating the increase in the number of months of parental leave, the Committee is concerned that the low benefit level of the parental leave may not encourage great numbers of fathers to avail themselves of that leave.

382. The Committee recommends to the State party to reconsider the eligibility rules of that Act based on a gender-based impact analysis in order to compensate for women's current inequalities in accessing those benefits owing to their non-standard employment patterns. It also encourages the State party to consider raising the benefit level for parental leave.

- Costa Rica, CEDAW, A/58/38 part II (2003) 86 at paras. 62 and 63.

62. The Committee notes with concern that although the Constitution guarantees the right to work and the principle of non-discrimination in the employment sphere, norms and practices still exist that discriminate against working women, and that there is a wage gap, to the disadvantage of women, which has greater impact in the private sector than in the civil service; it also notes with concern the precarious working and living conditions of women domestic workers, including migrant workers, as well as of salaried women workers, rural women, women in the informal sector and indigenous women.

63. The Committee requests the State party to continue promoting the approval of the reforms to the Labour Code contained in the draft Law on Gender Equity... The Committee also requests the State party to adopt the legislative, administrative or other measures needed to ensure that women domestic workers, including migrant workers, temporary wage earners, women in the informal sector and rural and indigenous women have access to social security and other employment benefits, including paid maternity leave.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at para. 92.

92. The Committee commends the State party on its Federal Constitution of 1988 that enshrines the principle that men and women have equal rights and duties; prohibits discrimination in the labour market by reason of sex, age, colour or marital status; protects motherhood as a social right by ensuring maternity leave without the loss of job and salary; and establishes the duty of the State to suppress violence within the family.

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 263 and 264.

263. The Committee expresses concern about actual and potential poverty situations among

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older women on account of having experienced multiple forms of discrimination throughout their economically active years. It also expresses concern that the structuring of the welfare system might affect older women more negatively than men.

264. The Committee recommends that the State party research the needs of older women and develop measures that adequately address their health, economic and emotional situation in order to avoid poverty and isolation. It also recommends that the State party take women's unpaid and paid employment patterns and family responsibilities into account when altering legal and policy measures in order to avoid discrimination of effect.

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 400, 411 and 412.

400. The Committee appreciates the State party's establishment of a paid parental leave scheme and the stated intention to improve it.

...

411. While acknowledging the efforts undertaken by the State party to address discrimination faced by women in the labour market, the Committee is concerned that women remain disadvantaged in the labour market, that prerequisites and criteria [to] qualify for paid parental leave may add to women's difficulties in entering the labour market and that the level of benefits does not provide an incentive for men to take up parental leave. The Committee is concerned about the persistence of a gender pay gap, occupational segregation, the high number of women in part-time work and in temporary jobs, affecting their eligibility for paid maternity leave, and the low wages paid to women...

412. The Committee recommends that the State party ensure equal opportunities for women and men in the public and private sectors, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It also recommends that the State party design and implement targeted job-training programmes for different groups of unemployed women. The Committee further recommends that efforts be made to eliminate occupational segregation, through education and training, the application of the principle of equal pay for work of equal and comparable value, and the promotion of additional wage increases in female-dominated sectors of employment. The Committee recommends that the State party consider further amending the Parental Leave and Employment (Paid Parental Leave) Amendment Act with a view to ensuring that pregnancy under no circumstances creates an obstacle for women entering the labour market, and to removing the specific time limit which is required to qualify for paid parental leave, and to increasing the benefits level so that men are encouraged to take parental leave.

- Germany, CEDAW, A/59/38 part I (2004) 62 at paras. 388 and 389.

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388. ...The Committee is...concerned that, notwithstanding the adoption of new regulations in the Child-raising Benefits Act, men seem to continue to resist taking parental leave.

389. ...The Committee recommends that the State party continue to monitor the impact of regulations on part-time work and on parental leave and increase incentives, as necessary, so as to counteract the possible adverse consequences of part-time work for women, especially in regard to their pension and retirement benefits, and to encourage fathers to make greater use of parental leave.

- Malta, CEDAW, A/59/38 part I (2004) 111 at paras. 101, 102, 105 and 106.

101. The Committee is concerned that the regulation requiring the Director of Social Security to determine the head of household may result in unintentional discrimination against women and may contradict civil law that gives parental authority to both parents.

102. The Committee calls upon the State party to revisit this regulation, including the criteria on the basis of which the Director of Social Security determines the head of household...

...

105. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family and society which, despite women's generally high level of education, negatively affect the full enjoyment of their rights and impede the full implementation of the Convention. Such stereotypes are reflected, *inter alia*, in women's low representation in the labour force, in their low participation in political and public life, and in the non-recognition of household work and volunteering in the national account statistics and in women's pension entitlements and social benefits.

106. The Committee strongly recommends the organization of awareness-raising campaigns, on the basis of the Convention and the Committee's general recommendations, at regular intervals to foster a better understanding at all levels of society of the equal status and joint responsibilities of women and men in the family and in family care...It further encourages the State party to begin assessing the unpaid work done by women in the family in order to recognize such work in national account statistics and in pension entitlements and social benefits.

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 253 and 254.

253. The Committee expresses concern about the poor working conditions women endure

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in both the formal and informal sectors of the economy...It is also concerned that women working in the private sector and industry do not enjoy the same maternity leave benefits of women working in the public sector.

254. The Committee recommends that the State party establish a monitoring mechanism to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, ensure that maternity leave is available in all public and private employment, especially through the enactment of a law on maternity leave...

- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 302 and 303.

302. ...The Committee is...concerned about the lack of public knowledge of the rights of female domestic workers and the lack of compliance with those rights in accordance with the provisions of Act No. 103-99 on Male and Female Domestic Workers amending the Labour Code. It is particularly concerned that compliance with the rights of female domestic workers is being left to the discretion of the employer and that there may be non-compliance in cases where the female domestic workers are hired by private companies.

303. ...With respect to the rights of female domestic workers, the Committee urges the State party to take practical measures to monitor closely and enforce compliance with Act No. 103-99 and assess its effectiveness. It recommends the adoption of legislative, administrative and other measures guaranteeing access to social security and other labour benefits, including paid maternity leave, for female domestic workers, temporary employees and workers in the informal and rural sectors.

- Spain, CEDAW, A/59/38 part II (2004) 149 at paras. 338 and 339.

338. Noting that since 1999, there has been a quadrupling of immigration into Spain, the Committee is concerned about the multiple forms of discrimination migrant women, including those who are undocumented, may face by public authorities, private employers and individuals, as well as the difficulties in becoming integrated into Spanish society.

339. The Committee urges the State party to take effective measures to eliminate discrimination against migrant women, both within immigrant communities and in society at large, and to ensure that the women concerned are made aware of available social services and legal remedies and are being supported in accessing them.

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- Argentina, CEDAW, A/59/38 part II (2004) 155 at paras. 374 and 375.

374. The Committee is concerned about the poor working conditions women endure in both the formal and informal sectors of the economy. It is particularly concerned about the persistence of wage disparities between women and men, which are discriminatory, and about the lack of social benefits and services for women. The Committee is concerned that in the prevailing situation of economic difficulty and uncertainty, women may face even greater obstacles than usual in claiming their rights and taking steps against discriminatory practices and attitudes in their employment and economic activities.

375. The Committee urges the State party to make all necessary efforts to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, as well as efforts to ensure that women receive adequate social benefits and services. It also calls on the State party to ensure full adherence to existing legislation so that women can use means of redress without fear of reprisals from employers.

- Samoa, CEDAW, A/60/38 part I (2005) 9 at paras. 54 and 55.

54. ...The Committee is...concerned about the extremely limited provision of paid maternity leave in the private sector and the lack of adequate childcare services.

55. ...The Committee...requests the State party to step up its efforts to address the impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities between women and men...

- Italy, CEDAW, A/60/38 part I (2005) 51 at paras. 326 and 327.

326. ...While noting that Law 53/2000 recognizes the right of both parents to take leave from work to care for a child during early infancy, the Committee is concerned that a very small percentage of men take advantage of this opportunity.

327. The Committee...recommends that the State party extend full social security benefits to part-time workers, the majority of whom are women, and take measures to eliminate occupational segregation, in particular through education and training. The Committee further urges the State party to give women more access to full-time employment and to improve the availability of affordable childcare facilities, and encourage men, including through awareness-raising, to take equal responsibility for childcare.

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- Turkey, CEDAW, A/60/38 part I (2005) 58 at paras. 373 and 374.

373. The Committee is concerned about direct and indirect discrimination against women in the labour market, where women earn significantly less than men in both the public and private sectors. The Committee is concerned about women's high level of unemployment, very low participation in the labour force, particularly in urban areas, and their concentration in agriculture as unpaid family workers and in unregistered work with low or no income or wages and lack of social security benefits...

374. The Committee calls on the State party to take measures to ensure full implementation of article 11 of the Convention. It recommends that the State party take measures to eliminate occupational segregation, in particular through education and training...

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 392 and 393.

392. While recognizing that the second National Action Plan against Poverty and Social Exclusion and the National Anti-Poverty Strategy provide for an integrated focus on addressing the needs of specific groups, including women, the Committee is concerned at the situation of vulnerable groups of women who are considered to be at high risk of consistent poverty and social exclusion, including rural women, older women, Traveller women, women who are single parents and women with disabilities. The Committee is particularly concerned at the barriers faced by those vulnerable groups in relation to access to education, employment, health care and other social services.

393. The Committee recommends that the State party closely monitor the situation of poverty and social exclusion of women in the most vulnerable groups and implement effective measures and training programmes that will allow them fully to enjoy the benefits of the State party's prosperity. The Committee also recommends that a gender impact analysis of all social and economic policies and anti-poverty measures be conducted regularly. It further recommends that the State party consider allowing for the Homemaker's Scheme (1994) to be applied retroactively so as to benefit older women.

CAT

- Switzerland, CAT, A/60/44 (2005) 28 at paras. 64 and 65.

64. The Committee expresses concern regarding the following:

...

(h) Changes have been introduced by the revised law on asylum which restrict or aggravate

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asylum-seekers' access to legal counsel and the length and conditions of detention in "preparatory" or pre-deportation detention. The Committee is also concerned that in cases of non-entry decisions (*décision de non-entrée en matière*) the social benefits of asylum-seekers are being curtailed significantly;

...

65. The Committee recommends that the State party:

...

(h) Ensure that asylum-seekers are granted full respect of their right to a fair hearing, to an effective remedy and to social and economic rights during all procedures established by the revised law on asylum;

...

CRC

- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 232 and 233.

232. The Committee welcomes the State party's decision to develop a global plan on family policy, including changes to social welfare and social security and means-tested coverage with particular provisions for families and children and including those persons not paying contributions to the social security system. The Committee also welcomes the definition, in the National Plan of Action against Poverty and Social Exclusion of child protection priorities including the provision of support measures for families in order to enable them to fulfil their parental responsibilities. Nevertheless, the Committee remains concerned:

(a) That poverty, poor housing, unemployment, non-contractual work and the high incidence of alcoholism among parents in many families have a negative impact on respect for children's rights;

(b) At the lack of sufficient free pre-school care services, complicating an already difficult situation for poor families.

233. The Committee recommends that the State party make every effort, to the maximum extent of available resources, to support families in their child-rearing responsibilities and to ensure the protection of the rights of all children in the context of the family environment.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 377 and 378.

377. The Committee notes the challenging socio-economic situation and the comprehensive debt reduction package recently agreed under the International Monetary Fund/World Bank

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enhanced heavily indebted poor countries initiative. However, it is concerned about the increasingly high number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, AIDS orphans, street children, children living in remote rural and other under-developed areas, and children belonging to marginalized groups of the population. In addition, while taking note of the State party's intention to improve the coverage of the social security system, it joins the State party in expressing concern at the limited access to such assistance, and the need to reform the social security system.

378. In accordance with article 27 of the Convention, the Committee recommends that the State party:

- (a) Reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living;
- (b) Pay particular attention to the rights and needs of children in the Poverty Reduction Strategy Paper and in all programmes intended to improve the standard of living in the country;
- (c) Cooperate and coordinate its efforts with civil society and local communities;
- (d) Reform the social security system, with a view to broadening its coverage after completion of the studies undertaken by the State party to this end.

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 549 and 550.

549. The Committee is concerned at the prevailing disparities in the enjoyment of rights of children in Uzbekistan. In particular, the Committee is concerned:

...

That the guarantee of non-discrimination in article 2 of the Convention may be jeopardized, for example by social security laws which effectively deprive non-citizens of rights to social security benefits and impose fees which may inhibit access to health and education services.

550. The Committee recommends that the State party:

- (a) Ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

...

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- Cape Verde, CRC, CRC/C/111 (2001) 135 at paras. 632, 633, 642 and 643.

632. The Committee is concerned that the family structure, and particularly the care and protection it provides to children in the State party, is weakened by a combination of a lack of resources, poor housing conditions, a lack of free day care for single-parent-headed families, an insufficient social security and welfare system and the *union libre fixe* practice of parental relationships.

633. The Committee recommends that the State party:

(a) Give careful consideration to ways of providing improved protection and care of children and their rights in the context of the family, and that subsequent action be taken urgently towards strengthening children's family life;

(b) Consider the provision of assistance to families through, *inter alia*, a national plan for families and additional assistance to single-parent families, including with regard to securing child maintenance payments from the parent who is not caring for the child;

...

642. While noting the State party's efforts in this regard, the Committee remains concerned at the large proportion of children and their families living in poverty. The Committee is concerned, in particular, by weaknesses in the social security system, poor housing conditions, the lack of adequate sanitary facilities and the lack of easy access for many families and children to clean drinking water.

643. The Committee urges the State party:

(a) To ensure that its anti-poverty programme takes into consideration children's rights in the context of, *inter alia*, an adequate standard of living;

(b) To develop programmes of major improvements to the social security system, housing conditions of children, home sanitation facilities and access to clean drinking water.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 71 and 72.

71. ...The Committee is deeply concerned that children do not enjoy equal access to quality health care owing to the high cost of health care and the failure of insurance schemes to provide full coverage, and in part to the domination of the health sector by the private sector and significant differences between the quality of the care provided by the public versus the private sector...

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72. The Committee urges the State party:

...

(b) To ensure equal access to and quality of health care for all children, independent of socio-economic factors, and encourages the State party to provide health insurance for all children, irrespective of whether their parents are working;

...

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 140, 141, 148, 149, 154 and 155.

140. The Committee is concerned:

(a) At the high percentage of persons (19.5 per cent) estimated to be living below the poverty line and that, in this regard, the rights of some children, including the right to a family environment, may be violated;

(b) That the system of financial “allowances” provided by the State to assist in the care of children under certain circumstances, such as low family income, are not provided to children themselves but rather to mothers, irrespective of whether they are caring for their children;

(c) That the amount of such financial allowances is extremely low and, in addition, that many Roma families do not receive these allowances at all.

141. In the light of article 18, the Committee recommends that the State party:

(a) Strengthen its efforts to protect children’s right to a family environment, including by reducing the number of persons living in poverty and ensuring access for all children and parents in need to financial assistance, giving particular attention in this regard to children and parents from Roma communities;

(b) Amend the procedures for the disbursement of family allowances to ensure that this financial support is provided to the person(s) currently caring for the children intended to benefit from the allowances;

(c) Consider increasing financial support to families living in poverty to the maximum extent of available resources.

...

148. The Committee is concerned that:

...

(b) Weaknesses in infrastructure and problems of uninsured families may limit the

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realization of children's right to health care;

...

(d) Children of parents who are not covered by family social insurance policies may not have access to health care;

...

149. The Committee recommends that the State party:

...

(b) Ensure that all children have access to health care, irrespective of the insurance situation of their parents;

...

154. While noting bill (2646/1998) on the development of the national system of social care which will create a network of services - coordinated by the National Centre for Immediate Social Help - providing social care to individual families and groups in need of immediate attention and help, the Committee remains concerned that:

(a) The National Welfare Organization, created in 1998 to coordinate child welfare services, has not yet become fully operational;

(b) There is an insufficient number of social workers, lawyers, speech therapists, psychologists and other specialists working within the welfare system and available to support children and their families;

(c) There is a lack of children's welfare services in some areas of the country, such as on the Peloponnese and the Ionian islands;

(d) Many children and families from some distinct ethnic, religious, linguistic or cultural groups, such as the Roma, are not fully aware of their rights to social security and welfare and are consequently unable to claim such assistance.

155. The Committee recommends that the State party:

(a) Proceed with efforts to make the National Welfare Organization fully operational;

(b) Improve the availability of welfare specialists, including social workers, lawyers, speech therapists and psychologists;

(c) Ensure that all children, in all parts of the country, have easy access to welfare services;

(d) Strengthen the provision of information on social security and welfare benefits to children and families in need of such assistance from distinct ethnic, religious, linguistic or cultural groups, including the Roma.

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- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 227 and 228.

227. ...[T]he Committee is concerned at the deterioration of the social security system, which no longer ensures free access to health services for children.

228. In accordance with article 27 of the Convention, the Committee recommends that the State party:

...

(c) Provide adequate financial resources to the social security system to restore free access to health services for children;...

...

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 303, 304, 313 and 314.

303. While noting the State party's poverty eradication strategy, the Committee remains concerned that:

...

(d) The current social security system covers only a very small number of children and their families in need of such protection.

304. The Committee recommends that the State party:

...

(b) Consider and implement measures through which a significantly larger number of children and their families may benefit from minimum of social security protection;

...

313. Noting the measures taken by the State party to assess the causes of child labour and to assess existing legislation setting the minimum age of labour at 15 and regulating the work of children aged 15 to 18 and scope of child labour, the Committee is concerned that:

...

(d) Child labourers are the victims of economic exploitation and work in very poor conditions, including without insurance or social security benefits, with very low wages, for long hours and in dangerous and/or abusive conditions;

...

314. The Committee recommends that the State party:

...

(c) Make every effort to ensure that children do not work in conditions that are harmful to them and that they receive appropriate wages and other work-related benefits, with particular reference to article 32 of the Convention;

...

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See also:

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 282 and 283.
- Chile, CRC, CRC/C/114 (2002) 90 at paras. 357 and 358.

357. The Committee is concerned that the system of assistance to parents and legal guardians in the performance of their child-rearing responsibilities is still insufficient, in particular with respect to single-parent families, and that a significant number of children are put in institutions because of the bad economic situation affecting the family.

358. In light of article 18 of the Convention, the Committee recommends that the State party continue to improve social assistance to families to support them in their child-rearing responsibilities, including through counselling and community-based programmes, as a means of reducing the number of children in institutional care.

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 432 and 433.

432. While noting the challenging socio-economic situation, the Committee remains concerned at the increasingly high number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, AIDS orphans, street children and children living in remote rural areas. In addition, the Committee is concerned at the lack of a social security system that would ensure access to health services for children.

433. In accordance with article 27 of the Convention, the Committee recommends that the State party:

...

(d) Undertake the creation of a social security system for better access to health by children.

- Andorra, CRC, CRC/C/114 (2002) 134 at paras. 541 and 542.

541. The Committee expresses its concern about the health problems faced by adolescents within the State party, including drug abuse, and the fact that they make little use of the health services available to them. In particular, it takes note of the number of cases of anxiety and depression affecting children and of the fact that psychological treatments for children are not covered by the national security system.

542. The Committee recommends that the State party:

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...

(d) Ensure that psychological treatments for children are covered by the national social security system.

- Switzerland, CRC, CRC/C/118 (2002) 78 at paras. 348-351.

348. The Committee takes note of the ongoing reform of the social security system but remains concerned that the cost of social insurance and health is very high, which may affect low-income families.

349. The Committee endorses the concluding observations of the Committee on Economic, Social, and Cultural Rights (E/C.12/1/Add.30, para. 36) and recommends that the State party review its health insurance systems in order to lower the cost of health services, for example, by reducing premiums.

350. ...[T]he Committee is concerned that the family allowances or benefits vary according to canton and depend on the recipients being gainfully employed.

351. The Committee recommends that the State party take all appropriate measures to prevent poverty in light of the principles and provisions of the Convention, especially its articles 2, 3, 6, 26 and 27, and that it review its system of family allowances and benefits, taking due account of the means- testing system, especially for families without gainful employment and self-employed families.

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 567 and 568.

567. ...[T]he Committee is concerned at the...inaccessibility of health services to children not enrolled in the health care system...

568. The Committee recommends that:

...

(g) Social security and health insurance be broadened so as to include all children within the State party.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 137 and 138.

137. The Committee is extremely concerned at the high proportion of children living in

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poverty in the State party, which limits their enjoyment of many rights under the Convention and leads to a higher incidence among those children of death, accidents, pregnancy, poor housing and homelessness, malnutrition, educational failure and suicide...

138. The Committee urges the State party:

...

(c) To review its legislation and policies concerning benefits and social security allowances for 16- to 18-year-olds.

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 270 and 271.

270. Noting the positive progress made by the State party in establishing a social security network in 14 States, the Committee is convinced that social security coverage needs to be extended further and strengthened.

271. The Committee recommends that the State party continue and strengthen its efforts to provide social security protection to children and their families.

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 331-333.

331. ...The Committee is...concerned at the growing percentage of families living below the poverty line, and regrets that its previous recommendation that the State party take further steps to strengthen the system of assistance to both parents in the performance of their child-rearing responsibilities has not been followed-up, ([CRC/C/15/Add. 42], para. 25). Moreover, financial assistance to families has decreased.

332. The Committee expresses serious concern at the high increase in the number of children left without parental care and regrets that its previous recommendation ([CRC/C/15/Add. 42], para. 26) to the State party to develop a comprehensive strategy to assist vulnerable families has not been followed.

333. In light of article 18, the Committee recommends that the State party:

(a) Strengthen its efforts to protect children's right to a secure family environment and ensure, through a comprehensive new Children's Act, effective protection of children and access by all children and parents in need to financial assistance in this regard;

(b) Take action on the recently drafted social assistance bill designed to restructure the system of social security benefits;

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(c) Improve social assistance and support to families through advice and education so as to promote positive child-parent relationships;

...

(e) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency, crime and drug addiction;

(f) Consider increasing financial support for families with children living in poverty under the Poverty Reduction Strategy 2001 at the national, regional and local levels.

- Republic of Moldova, CRC, CRC/C/121 (2002) 89 at paras. 410 and 411.

410. The Committee welcomes the adoption of the Preliminary Poverty Reduction Strategy in April 2002 and other efforts to support families, but remains concerned at the deteriorating living standards affecting in particular families with children, the inadequate social security system and the large number of parents migrating abroad to find work.

411. The Committee recommends that the State party:

(a) Undertake all necessary measures to support parents and families, including single-parent families, in their child-rearing responsibilities as part of its full implementation of the National Strategy for Children and Families;

(b) Fully implement the Preliminary Poverty Reduction Strategy, *inter alia* with a view to providing an adequate level of food security and social protection for children at risk and to improving and making transparent the payments of allowances to families with children.

- Poland, CRC, CRC/C/121 (2002) 120 at para. 498.

498. The Committee welcomes the various legislative measures taken to further implement the Convention, notably the following:

(a) The Act of 24 July 1998 amending the Act on Social Welfare, which established local centres for family assistance;

(b) The Act of 7 January 2000 amending the Acts on Social Welfare and Pensions, which created a coherent system of family protection and childcare within the framework of social welfare based on the local centres for family assistance.

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- Israel, CRC, CRC/C/121 (2002) 131 at paras. 596-599.

596. The Committee welcomes the information that the National Health Insurance Law covers all citizens of Israel, but remains concerned at the persistent and significant gap in health indicators between Israeli Jews and Arabs.

597. The Committee recommends that the State party strengthen and increase the allocation of resources to ensure that all citizens benefit equally from available health services.

598. The Committee notes the State party's activities to improve support for vulnerable families (e.g. single-parent families), but is concerned at the recent cuts in the budget for social welfare and at the very high percentage of children living in poverty, particularly those living in large families, single-parent families and Arab families.

599. The Committee recommends that the State party develop and implement a comprehensive strategy for the eradication of poverty, and provide it with adequate financial and human resources.

- Estonia, CRC, CRC/C/124 (2003) 9 at para. 25.

25. The Committee welcomes:

...

(b) The system of family benefits and child allowances supporting parents and children in general and providing extra support for especially vulnerable families such as single-parent families, and families with many children and/or with unemployed parents;

...

(d) The introduction of comprehensive health-care insurance;

...

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 136 and 137.

136. The Committee is concerned that education and social welfare laws and regulations do not include specific provisions providing for the welfare and rights of foreign children, in particular those of undocumented migrant workers.

137. The Committee recommends that the State party:

(a) Amend domestic laws, in particular those on education and social welfare, to include

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specific provisions which ensure equal access to services for all foreign children, including those of undocumented migrant workers;

(b) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.

- Viet Nam, CRC, CRC/C/124 (2003) 67 at paras. 300 and 301.

300. The Committee notes with deep concern that, as recognized in the State party's report, family disintegration, including divorce, is on the rise and contributes to the increasing numbers of children in conflict with the law and of those living on the street and abusing drugs. The Committee is further concerned at the growing gap between rich and poor families, and that poverty puts children at greater risk of exploitation and abuse.

301. The Committee recommends that the State party:

...

(b) Improve social assistance and support to vulnerable families by establishing a professionalized system of social workers within communities to provide counselling and assistance;

(c) Consider increasing financial support for economically disadvantaged families, particularly within development and poverty reduction plans for rural and remote areas.

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 363, 364, 367, 368, 373, 374, 388 and 389.

363. The Committee welcomes the information on the Policy Statement on measures to be taken relating to child and family welfare and on the preparation of a national programme of support to families with children. The Committee is concerned at the insufficient assistance and guidance given to parents in their child-rearing responsibilities for the upbringing and development of the child (art. 18), resulting in numerous cases of custody procedures or in alternative care in institutions. The Committee is further concerned that preventive efforts and family counselling are inadequate and that placement in an institution may be a solution to social problems and crisis situations in the family.

364. The Committee recommends that the State party:

...

(b) Undertake a comprehensive review of all legislation, policies and administrative decisions related to children within the family in order to assess their impact on the family

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as a whole with a view to the adoption of a family policy. The Committee further encourages the State party to adopt a family policy including a minimum of social security for the child and the family, housing and social services, provision for managing both parents' work and their childcare responsibilities, women's and single parents' status, child maintenance, maternity and paternity leave and other family-related issues;

...

367. The Committee is encouraged by the decline in the infant mortality rate. However, the Committee is deeply concerned that the present economic situation in the health sector does not allow for compulsory preventive medical check-ups of children from birth to the age of 3 to be covered by public health insurance...

368. The Committee recommends that the State party urgently:

(a) Define sustainable financing mechanisms for the primary health-care system and an effective utilization of resources, including adequate salaries for child health-care professionals, in order to ensure that all children, in particular children from the most marginalized vulnerable groups, have access to free basic health care of good quality;

...

373. The Committee notes that new financial benefits were introduced in 1995 under Act No. 117/1995 Coll. regulating contributions and additional social care payments and that the Elimination of Poverty and Social Exclusion Strategy is being implemented. However, the Committee shares the concerns of the Committee on Economic, Social and Cultural Rights ([E/C.12/1/Add.76], para. 10) that the inadequacy of the social safety nets during the restructuring and privatization process has negatively affected the enjoyment of economic, social and cultural rights, disproportionately affecting the most disadvantaged and marginalized groups.

374. The Committee recommends that the State party ensure that the provisions of the Convention are taken into account in the privatization process and that all children residing on the territory of the State party equally enjoy social benefits.

...

388. The Committee welcomes the implementation of strategies aimed at promoting Roma children's rights to health-care services and inclusion in education...However, it remains concerned at the negative attitudes and prejudices among the general public, media representations, incidents of police brutality and discriminatory behaviour on the part of some persons working with and for children, including teachers and doctors.

389. In accordance with article 2 of the Convention, the Committee recommends that the State party:

(a) Initiate campaigns, at all levels and in all regions, aimed at addressing the negative

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attitudes towards Roma in society at large, and in particular among authorities such as the police and professionals providing health care, education and other social services;

(b) Based on the evaluation of previous strategies, develop and implement a comprehensive proactive strategy for the improvement of access to primary health care, education and social welfare services, in cooperation with Roma NGO partners, and targeting the whole Roma child population;

...

- Iceland, CRC, CRC/124 (2003) 109 at paras. 490 and 491.

490. The Committee appreciates the State party's approach to a comprehensive policy in matters concerning support to families with children, as evident from the parliamentary resolution on an official family policy, the establishment of the Family Council, the adoption of the 2000 Equal Status and Equal Rights of Men and Women Act, and the Law on Paternity and Maternity of 2000. However, it is concerned that:

...

(b) Insufficient support is provided to single-parent families;

(c) Insufficient leave is afforded to parents with sick children;

...

491. In accordance with the provisions of the Convention, particularly articles 18 and 27, the Committee recommends that the State party:

...

(b) Make greater efforts to strengthen support to single-parent families;

(c) Increase the available leave for parents with sick children;

...

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 137 and 138.

137. The Committee notes that the limits for receiving social benefits for children are extended beyond the age of 18 years for persons attending full-time education; however, it notes that the age is not the same for males and females.

138. The Committee encourages the State party to ensure that social benefits for girls and boys are equal so that this is not a factor in their decisions relating to higher education.

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- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 327 and 328.

327. The Committee is concerned that:

(a) Only a limited number of families are eligible for health insurance coverage plans and other social insurance policies;

...

328. The Committee recommends that the State party:

...

(b) Develop and implement measures through which children and their families may benefit from a minimum of social security protection;

...

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 440 and 441.

440. Noting the intention to reform the social safety net for the poor, the Committee, in the light of its earlier concern about the large number of families living in poverty (CRC/C/15/Add.32, para. 20), wishes to stress that the situation is made more difficult by the lack of an efficient social security policy. The Committee is also concerned that the existing standard of living hampers children's physical, mental, spiritual, moral and social development.

441. The Committee therefore recommends that the State party strengthen its efforts to revise and/or establish a social security policy along with a clear and coherent family policy, as well as effective strategies for using the social safety net benefits to further the rights of children. Furthermore, the Committee recommends that the State party develop and implement a poverty reduction strategy and seek assistance from the international community, including United Nations agencies and other competent bodies, in that effort.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 506 and 507.

506. The Committee notes the efforts undertaken by the State party, notably through the National Five-Year Plan for Social and Economic Development (2000-2004), but remains concerned about the large number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, children living in remote rural areas and street children. In addition, the Committee is concerned that not many children benefit from the social security system.

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507. In accordance with article 27 of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to provide support and material assistance to economically disadvantaged families, including single-parent families, and to guarantee the right of children to an adequate standard of living;

(b) Extend further and strengthen the social security coverage;

...

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 566 and 567.

566. The Committee...is still concerned:

...

(c) That there is a significant gap in the quality of care between public and private health services, and that private services are inaccessible to most people because they do not have insurance;

...

567. The Committee recommends that the State party:

(a) Ensure that its commitment to public primary health care is matched by adequate allocations of human and financial resources and that all children, especially in rural areas, have access to health care;

...

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 621 and 622.

621. ...The Committee shares the serious concern of the State party relating to the extremely large number of abandoned children becoming *de facto* orphans because of the rising number of families experiencing difficulties due to socio-economic circumstances. In addition, the Committee is also concerned that limiting the duration of maternity leave, abolishing family leave, as well as abolishing or failing to pay many benefits to women with small children, put additional strain on families.

622. In light of article 18, the Committee recommends that the State party:

...

(c) Improve social assistance and support to families through advice and parenting education to promote positive child-parent relationships and increase financial support and other benefits for families with children, in particular for those living in poverty.

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- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 566 and 567.

566. The Committee notes that a government commission was set up to facilitate development of programmes to overcome poverty and promote economic growth. However, it also notes the recommendation made by the Committee on Economic, Social and Cultural Rights which encouraged the State party to reform its social security system and accord attention in particular to the most disadvantaged and marginalized groups. In addition, the Committee regrets that social benefits for children with disabilities are discontinued when they reach 16 years.

567. The Committee encourages the State party to pursue efforts to reform its social security system, as recommended by the Committee on Economic, Social and Cultural Rights as this relates to children. Furthermore, it urges the State party to extend payment benefits to all children with disabilities, including those between 16 and 18 years of age.

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 228 and 229.

228. While acknowledging the efforts made by the State party to address the high level of poverty, including the Strategic Programme to Overcome Poverty approved in 2003 and the increase of benefits and allowances for poor families and children, the Committee remains deeply concerned about the large number of children living below the absolute poverty line.

229. The Committee recommends that the State party continue and strengthen its efforts to support poor families and provide the necessary resources for the full implementation of the Strategic Programme to Overcome Poverty.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 285, 301 and 302.

285. The Committee notes with appreciation the adoption of the third law to amend the federal law on child benefits (entered into force on 1 January 2001) which improves the possibility for both parents to take parental leave...

...

301. The Committee notes the change in policy from financial transfers to an emphasis on building appropriate infrastructure for poor families. It also welcomes the first national report on poverty (2001) and notes the increase in child allowances over the past years as well as the income tax reform which provides for measures to help families with children, but remains concerned at the prevalence of poverty, mainly affecting large families, single-parent families, families of foreign origin and disproportionately families from the eastern part

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of the State party, as indicated in the eleventh Youth Report.

302. The Committee, in line with its previous recommendations ([CRC/C/15/Add.43], para. 31) recommends that the State party:

(a) Take all necessary measures to the “maximum extent of...available resources” to accelerate the elimination of child poverty, notably to eliminate the disparities between the eastern and western parts of the country;

(b) Continue to provide material assistance and support to economically disadvantaged families, notably single-parent families and families of foreign origin, to guarantee the right of children to an adequate standard of living;

(c) Evaluate appropriately the changes in social policies.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 534, 557 and 558.

534. The Committee welcomes a number of positive developments in the reporting period, including:

...

(d) The adoption of the Family Earnings Act in 1999, under which the age for entitlement to a special childcare allowance was raised, so that a parent of a seriously ill child or a child with mental or physical disability who attends school will receive an allowance until the child or young person reaches the age of 26;

...

557. The Committee notes the rulings of the Constitutional Court (U-I-284/94 of 4 February 1999 and U-I-246/02 of 3 April 2003) that the erasure of about 18,300 people originating from other parts of the former Socialist Federal Republic of Yugoslavia from the Register of Permanent Residence in 1992 had no legal basis and that the permanent residence status should be restored to the affected persons retroactively. The Committee is concerned that many children were negatively affected by this erasure, as they and their families lost their right to health care, social assistance and family benefits as a consequence of losing their permanent residence status and children born in Slovenia after 1992 became stateless.

558. The Committee recommends that the State party proceed with the full and prompt implementation of the decisions of the Constitutional Court, compensate the children affected by the negative consequences of the erasure and ensure that they enjoy all rights under the Convention in the same way as other children in the State party.

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- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 490 and 506-508.

490. The Committee recommends that the State party:

(a) Give consideration to ways of providing particular support to children in single-parent families, including through community structures and social security benefits;

...

506. The Committee recommends that the State party:

...

(d) Consider means of providing particular support to pregnant teenagers, including through community structures and social security benefits...

...

507. In view of the increasing number of children living in poverty, the Committee notes with regret the scarcity of information concerning the right of the child to benefit from social security, and expresses concern at the lack of a comprehensive legislative and regulatory social security system that is in full compliance with article 26 of the Convention.

508. The Committee therefore recommends that the State party make efforts to revise and/or establish a social security policy along with a clear and coherent family policy within the framework of its poverty reduction strategy, as well as effective strategies for using social safety net benefits to further the rights of children.

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 119 and 120.

119. The Committee welcomes the programmes of development of social services aimed at the deinstitutionalization of children and the shifting towards decentralized and community-based services with a view to improving living standards that are conducive to reintegration. However, the Committee remains concerned that children may be removed from their families because of their health status, or placed in institutions by parents in difficult economic situations.

120. The Committee recommends that the State party:

(a) Take effective measures to strengthen support to families by developing a comprehensive child-centred family policy to enable families to care for their children at home;

(b) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;

(c) Strengthen efforts in the area of deinstitutionalization ensuring that parallel structures

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are in place to provide adequate follow-up and reintegration support and services for children who leave institutional care;

...

- Austria, CRC, CRC/C/146 (2005) 47 at paras. 267 and 268.

267. The Committee notes with appreciation the various measures adopted by the State party to combat poverty, including the adoption of family-related benefits and an increase in child allowances to help families with children. However, the Committee remains concerned at the high rate of poverty, mainly affecting single-parent families, large families and families of foreign origin.

268. The Committee recommends that the State party take all necessary measures to further reduce and eliminate family poverty, which affects children. It also recommends that the State party continue to provide well-coordinated financial assistance to provide support to economically disadvantaged families, in particular single-parent families and families of foreign origin, so as to guarantee the right of a child to an adequate standard of living. In this regard, efforts should be increased to support, in particular, single mothers re-entering the labour market and to extend good quality and affordable child day-care facilities.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 476 and 477.

476. The Committee is concerned that little progress has been made in the area of freedom of religion and notes that members of unrecognized religions continue to be discriminated against and do not have the same rights as those of recognized religions, for example with regard to access to social services...

477. The Committee recommends that the State party take effective measures, including enacting or rescinding legislation, to prevent and eliminate discrimination on the grounds of religion or belief...

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 640 and 641.

640. The Committee welcomes the improvement of primary health-care coverage, including the basic health insurance scheme (SUMI) that provides free medical care for children up to 5 years of age and their mothers. The Committee is concerned, however, that not all children, especially indigenous children, benefit from SUMI...

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641. The Committee recommends that the State party continue to strengthen its efforts in improving the health situation of children in the State party and their access to quality health services in all areas of the country, particularly rural areas. It also recommends that the State party take measures to ensure that all children benefit from SUMI...

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 685, 686, 723 and 724.

685. The Committee, aware of the economic difficulties facing the State party due in part to the widespread corruption, and the generally uneven distribution of resources, remains concerned that its welfare system is under a tremendous resource strain. In particular, the Committee is seriously concerned that there is a severe lack of financial resources allocated to the protection and promotion of children's rights.

686. With a view to strengthening implementation of article 4 of the Convention and in the light of articles 2, 3 and 6, the Committee recommends that the State party prioritize, as a matter of urgency, budgetary allocations and efficient budget management, to ensure the implementation of the rights of children to the maximum extent of available resources, where needed, within the framework of international cooperation.

...

723. In view of the high proportion of children living in poverty in the State party, the Committee notes with concern the lack of reliable information regarding the coverage of the social security plans in place *vis-à-vis* the needs of children and their families. The Committee reiterates that such data is crucial for the monitoring and evaluation of progress achieved and impact assessment of policies with respect to children. The Committee is also concerned that the social security system currently in place in the State party is not in full compliance with article 26 of the Convention.

724. The Committee recommends that the State party:

(a) Upgrade its system of data collection on the coverage of the social security plans currently in place, and ensure that all data and indicators are used to evaluate and revise these plans whenever necessary; and

(b) Make efforts to revise or/and establish a social security policy along with a clear and coherent family policy in the framework of poverty reduction strategy, as well as effective strategies for using the social safety net benefits to further the rights of children.

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- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 84 and 85.

84. The Committee is concerned that legal provisions ensuring the right of the child to benefit from childcare services and seek social security, as well as the criteria with which benefits are granted, has not been developed in Saint Lucia.

85. The Committee recommends that the State party review its legislation pertaining to the child's right to social security, paying specific attention to the child's right to request social security grants and benefits, as well as include measures in place to ensure that all children benefit from childcare services.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 249 and 251.

249. The Committee is concerned that the country's complex political structure and the lack of unified laws and policies make equitable access to health-care services for all children increasingly difficult...Finally, the Committee expresses serious concern that some 90 per cent of Roma have no health insurance, which results in their *de facto* exclusion from access to health care.

...

251. The Committee recommends that the State party undertake all necessary measures to ensure that all children enjoy the same access and quality of health services, with special attention to children belonging to vulnerable groups, especially Roma. Furthermore, the Committee recommends that the State party strengthen its efforts in improving the health situation of children in the State party, including through:

(a) Strengthening its efforts to ensure that all children have access to basic health-care services;

...

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 353-355.

353. In view of the significant proportion of children living in poverty, the Committee notes with regret the paucity of information concerning the rights of the child to benefit from social security, and expresses concern at the absence of a comprehensive legislative and regulatory social security system that is in full compliance with article 26 of the Convention.

354. In accordance with articles 26 and 27 of the Convention, the Committee recommends that the State party:

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(a) Strengthen its strategy to combat poverty, with due emphasis on monitoring the impact on the rights of children and that it allocate sufficient human and financial resources, including through international assistance, to ensure the implementation of its strategy;

(b) Reinforce its efforts to provide support and material assistance to economically disadvantaged families, notably those living in rural areas, slums and squats and to guarantee the right of children to an adequate standard of living;

...

(d) Establish a social security policy along with a clear and coherent family policy, as well as effective strategies for using the social safety net benefits to further the rights of children and provide adequate financial resources to the social security system.

355. The Committee therefore recommends that the State party make efforts to revise and/or establish a social security policy along with a clear and coherent family policy in the framework of poverty reduction strategy, as well as effective strategies for using the social safety net benefits to further the rights of children.

- Yemen, CRC, CRC/C/150 (2005) 161 at paras. 791 and 792.

791. The Committee is very concerned at the high number of children living in poverty in the State party.

792. In accordance with article 27 of the Convention, the Committee recommends that the State party:

(a) Reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living;

(b) Pay particular attention to the rights and needs of children in the Poverty Reduction Strategy Programme and in all programmes intended to improve the standard of living in the country;

(c) Reform the social security system, with a view to broadening its coverage.