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SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE IMPLEMENTATION
OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 4th MEETING

Held at Headquarters, New York,
on Wednesday, 24 April 1985 at 10.30 a.m.

Chairman: Mr. KORDS (German Democratic Republic)

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The meeting was called to order at 11 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12
(continued)

Report of Portugal (continued) (E/1980/6/Add.35/Rev.1)

1. At the invitation of the Chairman, Miss Franco (Portugal) took a place at the table.

2. Miss FRANCO (Portugal) said that she had been unable to obtain certain information requested by members of the Working Group, mainly statistical material. That material would be covered in her Government's second report on articles 10 to 12. She proposed to answer questions on the report paragraph by paragraph.

3. In reply to the representative of Tunisia, she said that Article 8 (2) of the Constitution provided that, for the rules of a duly ratified international convention to become effective in Portugal, there was no need for them to be incorporated into domestic laws or regulations: official publication was sufficient. Legislation was concerned with the practice rather than the formality of safeguarding human rights, and required the Government authorities to see that citizens were given real equality, in respect both of economic, social and cultural conditions and of fundamental political rights. The constitutional provisions concerning rights, freedoms and guarantees were directly applicable and were binding on all public and private entities. They had to be interpreted and applied in accordance with the Universal Declaration of Human Rights; and the judge or other person interpreting them had no alternative but to apply them.

4. A whole range of remedies was open to any citizen who believed that one of his rights had been violated. Should all remedies fail, however, he could appeal to the European Commission or the European Court of Human Rights, or to the Human Rights Committee. The two International Covenants and the European Convention on Human Rights, while covering essentially identical rights, sometimes differed in scope and in methods of protection. Since all three instruments were in force in domestic law, a person could invoke any one of them according to the degree of protection offered in respect of the right in question.

5. The representatives of the German Democratic Republic and Tunisia had asked about measures taken to eliminate social and cultural factors which limited the exercise of rights under articles 10 to 12 and measures to eliminate inequalities between men and women (paras. 19 and 20). Ultimately, the elimination of social and cultural barriers depended on the achievement of an acceptable level of development. The Government was therefore pursuing policies designed to overcome structural imbalances and improve the welfare of the entire population. It had concentrated a high percentage of resources on promoting education, and publicity campaigns were being conducted by the Government and interested groups. An active part was played by the Commission on the Status of Women, an official body attached

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to the office of the Prime Minister, established in 1976 to help secure changes of attitude and promote the sharing of responsibility between men and women in all sectors of society. As indicated in the report under articles 13 to 15 (E/1982/3/Add.27/Rev.1), steps had already been taken to abolish discrimination in ways of thinking and male and female stereotyping.

6. The representative of the USSR had asked about measures taken to deal with unemployment and the part played by the State and the public sector. As indicated in her introductory statement, current unemployment was in part the result of economic and social readjustments in recent years and the world economic recession. With a view to creating conditions for full employment, the Government was currently pursuing policies aimed at promoting sound economic development. As an interim measure, people who lost their jobs were entitled to an allowance equivalent to 60 per cent of their real income. Other measures included Decree-Law No. 102/84, referred to in paragraph 171 of the report, which attempted to set up a mechanism for helping young people to find their place in society and take up an occupation.

7. As far as measures to promote employment were concerned, the report of Portugal on articles 6 to 9 of the Covenant, in which all those questions were dealt with in depth, would shortly be forwarded to the United Nations.

8. In reply to the USSR representative's question concerning measures taken to ensure equality, there were no reported cases of discrimination on grounds of race or ethnic origin, one of the main reasons being the homogeneous nature of the Portuguese people: there were no minorities. In that connection, she drew attention to paragraphs 2 to 5 - and particularly to paragraph 4 - of the report of Portugal on articles 13 to 15 of the Covenant (E/1982/3/Add.27/Rev.1), concerning measures to prevent or punish racial discrimination. Portugal had ratified the International Convention on the Elimination of All Forms of Racial Discrimination, and its initial report on implementation was shortly to be discussed.

9. In connection with article 10, in response to a question from the representative of Tunisia, family planning was a right enshrined in the Constitution, and it was actively promoted by the Commission on the Status of Women. Family planning services were provided free of charge by health centres, hospitals and medical schools, and a national co-ordinating body had been established. The total number of family planning and health centres had risen from 18,000 in 1976 to 163,000 in 1980. There was no voluntary sterilization, since family planning was regarded as a means of improving maternal and child health and not as a factor in population policy. Abortion had been legalized in 1984, but only in very limited circumstances: where a pregnant woman was in danger of death or severe physical or mental impairment, where there were abnormalities, or in the case of rape. The measure was a highly controversial one in a strongly Catholic country, and the Church had actively campaigned against it. There was as yet no information on how the law was being promoted or implemented. The figures for live births, stillbirths and infant mortality had all decreased between 1978 and 1982.

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10. Regarding questions by the representatives of Kenya and Denmark concerning marriage laws, the age requirements referred to in paragraph 41 applied equally to men and women without discrimination, and parental authority could be exercised equally by either parent. In the absence of agreement, through divorce or other difficulties, consent could be given by the Family Court. In the case of divorce, assignment of parental authority would be decided in the divorce settlement.

11. In reply to a further question concerning the marriage laws (para. 42), in the event of a marriage being dissolved because the legal requirements - one of which was mutual consent - had not been fulfilled, the consequences for spouses and children and the question of alimony would have to be decided as if the spouses were single parents. Parental duties were defined without reference to the status of parents.

12. Article 36 (4) of the Constitution provided that children should not be subject to discrimination because they had been born out of wedlock. That provision had been incorporated in laws on a number of subjects, including inheritance and registration. In practice the problem had been eradicated. It was difficult for anyone to avoid paternal responsibility: if a mother stated that the father was unknown the authorities would investigate the truth of the statement in order to ensure that the father was not evading his responsibilities.

13. In reply to questions from the representatives of Kenya and Japan, the marriage grant (para. 46) paid to each partner on submission of a marriage certificate to the social security office was granted for every marriage and irrespective of income.

14. The representative of the German Democratic Republic, in connection with paragraph 48, had inquired as to the possibility of access to social security benefits for persons not participating in a contributory scheme. Article 63 of the Constitution provided that everyone was entitled to social security. A variety of schemes existed. All working persons, whether paid employees or self-employed, were enrolled in or could apply to join the main contributory scheme. People over 18 who were not eligible for the scheme could apply for voluntary insurance for disability, death and old age benefit. Old and disabled people were provided with a social pension, without specific requirement. The non-contributory scheme referred to in paragraph 48 applied to needy or destitute people who did not meet the requirement for participation in any scheme under the main system.

15. In reply to the representative of the USSR, no statistics were available concerning the size of the group of individuals and families in difficult social-economic circumstances, referred to in paragraph 50. Apart from the difficulty of obtaining statistics, Portugal was in an intermediate stage of development, in which the average monthly income in 1983 had been \$182 a month.

16. The USSR representative had also asked, in connection with paragraph 38, for data on the network of institutions for mothers and children. Details could be found in paragraph 53. Again, no statistical information was available, mainly

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because the family crèche system had been established only in 1984. Mothers and children had access to health and social security centres throughout the country. The representative of France had asked about the working of the crèche system. The crèches, which received children from the ages of three months to three years, were staffed by between 12 and 20 nurses, aged between 21 and 55, with normally four children per nurse. Nurses had to apply to the local social security centre for permission to set up a crèche and provide evidence of their educational, health and other qualifications and of the suitability of the accommodation offered.

17. In reply to a question from the representative of Ecuador, the local authorities and social security centres financed institutions which provided a variety of special activities for children, such as after-school activities, including games and sports, supervised by qualified people. Similar arrangements were provided by private associations, such as parent and neighbourhood groups. Delinquents came under the special system provided by juvenile courts, minors' supervising systems and so forth.

18. Regarding adoption, questions had been asked by the representatives of Tunisia and Kenya concerning paragraph 88 and by the representative of France concerning paragraph 54. In the case of full adoption the minor acquired the same rights as a natural child, including family name and inheritance, and lost all juridical links with its former background. In the case of simple adoption, the child acquired the right to protection of all kinds and was subject to the parental power of the adopters, but maintained all links with its natural family. The right to inherit was acquired only if there were no ascendants or descendants. As far as figures were concerned, 174 adoptions had been authorized by the courts in 1974, 265 in 1978 and 285 in 1982. The average length of the adoption process depended on the number of cases to be dealt with by the court. For full adoption the law required that adoptive parents and children should live together for a reasonable time before the process was completed, so that the judge could decide whether adoption was advisable. She had no information on the adoption of children from the third world.

19. With regard to a question from the representative of Denmark concerning supplementary tax (para. 56), the establishment of two sets of percentages for deduction had solved most of the problems between spouses, but had not fully solved the problem of discrimination between married and unmarried persons. In order to comply with the principles of fiscal equality, the Government had set up a commission to review the supplementary tax.

20. The representative of Spain had asked whether the two half-hour breaks per day for lactating mothers referred to in paragraph 67 were adequate. That was a minimum provided by law for a period of one year after the birth of a child, and any increase was a matter for negotiation with the employer. Those breaks, however, were a subsidiary entitlement to be used after the 90-day maternity leave; and women could also add on their annual 30-day leave, making a total of four months. A further benefit was the provision under article 14 of Act No. 484 that mothers and/or fathers could take six months' to two years' unpaid leave, with all other rights, including seniority, maintained. The 90 days' leave allowed to a working father whose wife died during maternity leave was paid, but the 30 days off from work referred to in paragraph 71 were unpaid.

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21. The representative of the German Democratic Republic, referring to paragraph 69, had asked whether there was any difference between medical and health care for pregnant working women who were paid employees and those who were self-employed. As indicated in paragraph 77, medical care and medicines were also provided during and after pregnancy to self-employed mothers. In fact, free health care was given to pregnant women throughout the country.

22. In reply to a question from the representative of Spain concerning paragraph 78, there was no discrimination in the matter of pensions. Survivors' pensions were given to widowers over 65 or disabled and to widows over 35, or under 35 if caring for children. A widow who was in neither category would receive a pension for five years.

23. In connection with paragraphs 95 and 96, the representative of Denmark had asked whether juvenile courts were concerned with punishment or re-education. If paragraphs 94 and 95 were taken together, it was clear that the juvenile courts had powers in both respects. Detailed explanations were contained in paragraphs 119 and succeeding paragraphs.

24. In reply to the representative of France concerning paragraph 97, she confirmed that families with problems that they could not solve themselves or that had legal aspects had to take them to the Family Court.

25. In response to a question from the representative of Spain regarding paragraph 105 (g), she had nothing to add to the information contained in paragraphs 94, 95, 106, 119-137 and 145. Regarding a question from the representative of Denmark concerning paragraph 124, article 104 of the law on minors provided that minors in re-education establishments could attend school. No statistics were available on the proportion of public and private establishments, but the number of pupils in public institutions far exceeded the number in private ones.

26. The representatives of France and Ecuador had asked if the provisions for the treatment of young offenders (paras. 143 to 148) were considered to have been successful. The judicial authorities considered the results so far to be very positive, and a State committee had been set up in the Ministry of Justice to evaluate them. It was hoped that a report on the subject would soon be available.

27. The representative of Ecuador had also asked about the reference (para. 156) to treatment for drug addicts without the involvement of the police. The police were of course responsible for controlling drug abuse, but the treatment in question was simply intended to help addicts who wanted to be cured, and was therefore voluntary and anonymous. More details would be included in the next periodic report.

28. Questions had been asked about the contradiction between the legal provisions on the employment of minors (para. 164) and the facts about the employment of children under 14 reflected in tables 1 to 4. Many children below the legal age

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limit did in fact work, because enforcement of the law was difficult. The statement that only minors over 14 years of age possessing the required skills could be employed, which the representative of the German Democratic Republic had questioned, referred to those who had completed compulsory education. The Government was aware that a problem existed and was considering extending compulsory education to the age of 15 instead of 12.

29. The representative of the German Democratic Republic had also asked about the night work performed by workers under the age of 16 (para. 168), but no further information was readily available.

30. The fact that table 3 showed a complete absence of illiteracy was due to the age group concerned being between the ages of 10 and 14. There was, of course, a high level of adult illiteracy still.

31. In reply to the question from the representative of Ecuador on paragraph 210 (b), the Government set guaranteed producer prices once a year, during or after the harvest, and intervened in the market by subsidizing staple foodstuffs. The answer to the question from the representative of France about subparagraph (g) was that organized consumer protection was based on article 110 of the Constitution and on Act 29/81, which had established a national institute for the purpose. There were several very active consumer associations which had ample access to all the media and were affiliated to international consumer protection organizations.

32. The representative of Tunisia had asked about the impact of Portugal's nutrition programmes, and the representative of Denmark about the apparent discrepancy between paragraph 216 of the report and the WHO programme. The answer to the former was that nutrition programmes had been reactivated and expanded through the system of health centres which had been co-ordinated in 1984. No evaluation of the results was yet available, but the situation was obviously changing. As for the latter, meat should have been included in paragraph 216 (b) among the products whose consumption was supposed to be reduced. The authorities were trying in particular to reduce the intake of animal fats, which had been well above the recommended level in 1980.

33. The representative of the Soviet Union had asked many questions about housing, where there were problems with rents, rising building costs and the growing population. The Government regarded housing as one of its priorities, and some 7 per cent of the budget was allocated to providing subsidies and incentives of various kinds. The public sector was building accommodation for low-income groups at token prices. Rents had been frozen in Lisbon since 1940 and in the rest of the country since 1974. Only new accommodation was exempt from the freeze, and about 90 per cent of rents were extremely low. It had been asked if the regulation of rents in the free market mentioned in paragraph 223 (g) was already in force or not. The draft law, which was sought to address the problems of lessors and lessees alike, expected to be approved soon.

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34. Finally, in reply to the representative of Denmark, she had no special information on dental care for school children, but believed that the health centres responsible for school health services sent children in need of attention to dentists.

35. The CHAIRMAN said that the Working Group had concluded its consideration of the report of Portugal.

36. Miss Franco (Portugal) withdrew.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 13 TO 15
(continued)

Report of Iraq (continued) (E/1982/3/Add.26)

37. At the invitation of the Chairman, Mr. Yonis (Iraq) took a place at the table.

38. Mr. YONIS (Iraq) said that he would answer questions raised by members of the Working Group paragraph by paragraph. The representative of Senegal had asked about the significance of the monthly professional allowance of 20 dinars to all members of the teaching profession (para. 14 of the report). The allowance was equivalent to \$US 60 a month and was a relatively substantial addition to the salaries of those who received it.

39. The representatives of Denmark and France had questioned whether the abolition of private education (para. 13) was in accordance with various articles of the Covenant. The abolition of private education had followed the Government's decision in 1974 to provide free education at all levels and was complementary to it. However, the existing private schools, which depended on income from students and their families, had not been abolished: the Government took over responsibility for supporting them, their teachers remained the same and parents retained the right to enrol their children in schools of their choice. Some of the best schools in Iraq were the Christian Jesuit schools. His Government's policy of financing the old private schools was one which other countries might well follow. Their syllabuses were now supervised by the Ministry of Education, but otherwise they remained much as in the past.

40. The representative of Japan had asked for the full text of Act No. 92 of 1978 on the eradication of illiteracy (para. 20); copies would be supplied to anyone interested as soon as it had been translated. The representative of Tunisia had inquired about the relationship between the Higher Council for the Campaign against Illiteracy which the Act had established and the public school system. The Council was chaired by the President of Iraq, and supervised centres established to enable people between the ages of 15 and 40 who had never been able to read or write to attain a certain minimum level from which they could go on into the public school system.

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41. On a related issue, the representatives of Senegal, Japan and Denmark, among others, had asked for more information about adult education and the eradication of illiteracy (paras. 36 to 42). The number of centres for the eradication of illiteracy had in fact dropped from 27,403 in 1980/1981 to 10,024. The Government was not establishing new ones, but those which still existed would remain as long as they were needed. The Government was still encouraging those who were wholly or partly illiterate to attend the centres, which covered the whole country, and Iraq had been awarded a further prize by UNESCO in 1982 for its achievements. No figure was to hand for those who remained illiterate, but it was very low, and would be provided in his country's next periodic report.

42. In reply to a question by the representative of Tunisia with reference to paragraph 25, vocational training constituted an alternative to secondary education after the conclusion of nine years of primary and preparatory schooling. At the age of 15, a student had a choice between academic secondary education or two years of vocational training in agriculture, industry or other sectors of the economy.

43. Many questions had been asked about the review of education (paras. 30 to 62). The progress registered between 1969 and 1981 was the result of government efforts to achieve an explosive development of education through increased financing, especially after 1973. The amount of \$US 213 million allocated to education in 1972/1973 had more than doubled, to \$US 500 million in 1981. Huge sums had been spent to implement the Government's policy of raising an educated generation equipped to develop the country both economically and socially.

44. Children were educated from the earliest age, in the family, at kindergartens or at fee-paying centres. At the age of six they began six years of primary education, followed by three years at the preparatory stage, after which they chose between secondary and vocational training schools. A student completing secondary school at the age of 18 could go on to four years or more of university education, after which there was the possibility of post-graduate studies.

45. While he did not have sufficient time to provide a detailed description of higher education programmes and syllabuses, they had been developed in accordance with the moral and religious systems which existed in Iraq. However, textbooks and curricula had been modernized so that Iraqi education could maintain the same standards observed in other parts of the world. Iraqi universities had concluded agreements with a number of foreign universities to promote co-operation in the field of education by means of such measures as study tours by Iraqi educators.

46. Detailed statistics on the relative increases in the number of students and teachers, and on kindergarten enrolment would be provided in his Government's next report. United Nations statistics confirmed that the number of women in Iraq who were students, teachers and university graduates was increasing. For example, during the 10-year period from the 1972/73 school year to the 1981/82 school year, women's enrolment as a proportion of the total student population had increased from 30 per cent to 35 per cent. The increase in the number of girls enrolled in

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kindergarten was even more striking: whereas 7,000 girls had been enrolled in 1972/73, some 40,000 had been enrolled in 1981/82. The number of women enrolled in higher education had also increased significantly, particularly but not exclusively in engineering, agriculture and medicine. That increase was due not only to the enactment of legislation to promote equality between the sexes but also to the fact that many fields which had traditionally been considered suitable only for men had become open to women.

47. The representative of Tunisia had asked about the relationship between Iraqi universities and the labour market. All graduates of secondary schools and institutes of higher learning were given employment in accordance with specific schemes devised by the Ministry of Planning to ensure that jobs were filled throughout the country as needed. Subject to authorization from the Ministry of Planning, graduates in the field of engineering were free to find other jobs if they so chose.

48. The representative of the Soviet Union had asked how students chose their profession. Students were free to enter any field of specialization, so long as they possessed the necessary qualifications; for example, students who wished to become doctors were required to complete the science phase of secondary education and receive grades above 90 per cent in all subjects.

49. State meal programmes in kindergartens and primary schools fully met the nutritional standards set by the Ministry of Health as well as by WHO and UNESCO.

50. A number of questions had been asked about the freedom of the press in Iraq and the protection afforded by copyrights, patents and publishing rights. Iraqi legislation contained a number of provisions guaranteeing citizens freedom of participation in the cultural life of the country. Many of those laws applied to copyrights and patents, and would be dealt with in Iraq's next report. The right to participate in the cultural life of the country was not confined to members of unions or cultural organizations. While members of such associations enjoyed certain privileges by virtue of their membership, those privileges were not discriminatory, since citizens were free under the Constitution to join or not join such groups as they saw fit. Citizens had full freedom of cultural expression so long as that expression was in accordance with the traditions and customs of the community and divine revelations. Freedom of cultural expression was extended to such non-Arab minority populations as the Kurds; such groups enjoyed the right to use minority languages in the publication of newspapers, the production of radio and television programmes and in theatre performances. Minorities were not subject to any discrimination, since they were all considered to be citizens of Iraq, nor was religious discrimination practised in Iraq.

51. The representative of Senegal had asked whether Iraqi technical assistance in the field of education (paras. 66-67 of the report) was provided under bilateral cultural-assistance agreements or took the form of grants. Books, equipment and fellowships for foreign students to study in Iraq were issued as direct grants. In addition, the many Iraqi teachers who taught abroad did so at Iraqi Government

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expense. However, some assistance was provided under bilateral agreements: the schools built in Yemen (para. 70) had been financed by interest-free loans under an agreement intended to help develop education in that country. The faculty of arts at Tunis (para. 70) had been similarly financed by Iraq.

52. Some members of the Working Group had asked about the scholarships awarded to Iraqi students to enable them to continue their studies abroad. The decision of the Iraqi Government to award such scholarships had been based on the feeling that Arab students should have the same advantages as foreign students and should thus be able to complete their studies, if necessary, outside Iraq. With regard to the Government's decision to admit one student from an Arab country to an Iraqi university for every 10 Iraqis enrolled, the Government had been concerned that lifting restrictions on the number of non-Iraqi Arab students might limit the number of Iraqi students who could attend. Many foreign students came to Iraq to pursue courses of study in subjects, such as the Arabic language, which were not available elsewhere. Those students enjoyed rights which were guaranteed and protected under special agreements between Iraq and their home countries. All foreigners resident in Iraq, regardless of their status, could send their children to schools such as the ECWA international school at Baghdad, which offered courses in English and French under United Nations supervision. That school was outside the jurisdiction of the Iraqi Government. In addition, a number of schools existed to serve special communities in Iraq, such as the Indian, Yugoslav and Greek communities.

53. The vocational training centres referred to in paragraph 92 came under the supervision of the Public Authority for Labour and Vocational Training; no national data were available regarding the distribution of trainees or the participation of women in that field. However, United Nations statistics indicated that the participation of women in vocational training was higher than in other fields of education. During the 1981/82 school year, some 33,000 women, accounting for roughly 20 per cent of the total enrolment, had attended higher technical institutes. The representative of Spain had asked whether women were active in the institutes of the Scientific Research Authority (para. 60). The research centres had excellent female personnel, with more women than men participating in certain sectors and fields.

54. The representative of Senegal had requested information concerning disabled children and youth. The Iraqi Government was concerned about the problems of the disabled; it distinguished between the congenitally disabled and those who had been maimed by war. Those in the former category received government assistance through a number of facilities which sought to guarantee their participation in the social life of the country. Iraq had also participated in the International Year of Disabled Persons.

55. The war had had a positive, rather than negative, effect on education in Iraq. The State had been compelled to find ways of bringing about increased student productivity. University students who failed their final year were no longer permitted to repeat that year, but were required to register for military

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service. The imposition of strict criteria for university enrolment had led students to earn higher grades. The war had not affected the employment situation in Iraq; there was in fact considerable immigration to the country for purposes of employment, and unemployment had been non-existent since 1973.

56. Mr. BENDIX (Denmark) said that the information the representative of Iraq had presented concerning the establishment of schools for foreigners in Iraq was very important; however, it did not entirely address his question about the abolition of private education. He therefore wished to rephrase his question by asking whether there existed in Iraq the freedom to establish private educational institutions.

57. Mr. YONIS (Iraq) replied that, according to the prevailing philosophy of education in Iraq, it was not possible to establish any private educational institution there.

58. The CHAIRMAN announced that the Working Group had concluded its consideration of the report of Iraq.

59. Mr. Yonis (Iraq) withdrew.

The meeting rose at 1.10 p.m.