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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 8th MEETING

Held at Headquarters, New York,
on Thursday, 19 April 1984, at 3 p.m.

Chairman: Mr. BENDIX (Denmark)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX)
by States parties to the Covenant concerning rights covered by articles 6 to 9
(continued)

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)

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)

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 6 TO 9
(continued)

Report of Venezuela (continued) (E/1984/6/Add.1 and Corr.1)

1. At the invitation of the Chairman, Mrs. de Rodriguez (Venezuela) took a place at the table.
2. Mrs. JIMENEZ BUTRAGUENO (Spain) suggested that some information might be provided about any changes in labour legislation and working conditions that had occurred in the past few years. Clarification would also be useful on several other points. For instance, she had found no reference in the report to provisions with regard to job security. Paragraphs 37 and 39 gave several different figures for the maximum working day and the maximum working week. The extent of the coverage provided by unemployment and sickness benefit schemes was not clear and, there seemed to be no coverage in cases of industrial injury. She welcomed the innovative Government measure of asking private enterprises to increase their staff by as much as 10 per cent and would like more details on the scheme.
3. Mr. JATIVA (Ecuador) said that he would like more information on how the compulsory extension of agreements between workers and employees operated and on the judicial remedies available to workers promoting a trade union who were dismissed summarily.
4. Mr. BEN HAMIDA (Tunisia) asked what was meant by the statement in paragraph 2 that Venezuela's Constitution recognized work as being both the obligation and the right of every individual, and to what extent that right implied that the State itself had a responsibility to create jobs.
5. With regard to technical and vocational training, he wished to know how many schools and colleges offered courses and how widely training was available throughout the country. He would welcome more information on the National Training Institute, the administrative control exercised over it by the Ministry of Education and the extent to which that Ministry was involved in shaping and implementing job-creation policies, as well as on the encouragement of vocational training fellowships through collective agreements.
6. Paragraph 19 mentioned the existence of non-unionized sectors not covered by collective agreements. Was that a reference to the army, the police and the civil service and were any other sectors also not covered by such agreements?
7. Paragraph 26 raised the problem of de facto discrimination against women workers. Was the Government contemplating further measures to eliminate such discrimination and what legal or extra-legal remedies were available to women who were discriminated against?
8. With regard to Venezuela's ratification of certain ILO Conventions, could

(Mr. Ben Hamida, Tunisia)

individuals invoke those Conventions before the courts or, failing that, before an administrative tribunal or similar body? He would also like more information on the functions and powers of the industrial safety committees mentioned in paragraph 34.

9. With regard to article 8 of the Covenant, he would like to know more about the conditions under which trade union rights could be exercised, the kind of sanctions that might be imposed on workers who took part in an illegal strike and the nature of the protection afforded by the 1975 Act prohibiting arbitrary dismissal.

10. Mr. SVIRIDOV (Union of Soviet Socialist Republics) observed that the experience gained by Venezuela in preventing discrimination against national workers by foreign corporations, through the nationalization of basic industries, was instructive and an example to other countries facing similar problems.

11. Although the report indicated that measures had been taken in recent years to eliminate discrimination against women workers, there was no reference to the Convention on the Elimination of All Forms of Discrimination against Women. He would be grateful if the representative of Venezuela could clarify her Government's position with regard to accession to that Convention.

12. Turning to article 9 of the Covenant, paragraph 53 alluded to the difficulties that Venezuela had encountered in establishing a nation-wide social insurance system. He would be interested to know what prospects there were of extending the system to all areas of the country.

13. The CHAIRMAN, speaking as the expert from Denmark, requested more information on the obligation for undertakings to have a percentage of their staff working as apprentices and following training courses. What was that percentage and how many apprentices were undertakings obliged to employ?

14. According to paragraph 26, discrimination against working women was not a problem of law. Since legislation per se was clearly not enough to prevent such discrimination, what other channels of recourse were available and what specific measures had been taken to ensure that legal norms were respected?

15. Paragraph 39 referred to the fact that high percentage increases in pay for authorized overtime tended to discourage overtime work. Exactly how high were those percentages?

16. With regard to article 8 of the Covenant, he wished to know whether members of the judiciary, the police and the civil service had the right to strike.

17. Finally, paragraph 58 stated that "thus far" the circumstances did not exist that would require that social insurance coverage be extended to include unemployment. Did that mean that reforms were envisaged to make the system more comprehensive?

18. Mrs. de Rodriguez (Venezuela) withdrew.

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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 Finland (continued) (E/1982/3/Add.28)

19. At the invitation of the Chairman, Ms. Wartioraava (Finland) took a place at the table.

20. Ms. WARTIORAAVA (Finland), replying to questions raised by members of the Working Group, said that the booklet Educational Development in Finland 1978-1981, which was mentioned in the report but had not been made available to the Working Group, was due to be updated shortly. Copies of the updated version would be made available for future consideration.

21. Several experts had asked about the financing of education, science and culture in Finland. Some 16 to 17 per cent of the national budget was allocated to those sectors. The State, the municipalities and certain private sources participated in the financing of education. Comprehensive schools were run by the municipalities and about 70 per cent of their operating expenses were paid from State funds. Upper secondary schools were, with a few exceptions, part of the municipal school system and up to 85 per cent of their costs were met by the State. Of vocational institutions, about half belonged to municipalities, 30 per cent were owned by the State and just over 20 per cent were private.

22. Pre-school education was not compulsory, but parents usually availed themselves of the day-care facilities run under the supervision of the Ministry of Health and Social Welfare and virtually all six-year-old children attended pre-school establishments.

23. Several questions had been asked about primary, secondary and upper secondary education. The law provided for the possibility of obtaining instruction privately but, in practice, little use was made of that provision except where children wished to complete their educational curriculum more quickly than was possible at State-run schools. School attendance in Finland ranged from three or four hours a day for seven-year-olds, to between 35 and 38 lessons per week at the upper secondary level. Concerning specialized instruction, the country had some experimental schools in music, sport, written and oral expression and art.

24. One question had related to the support given from the State budget for the production of textbooks of limited distribution. The National Boards of Education supervised the content of such textbooks but they were produced by private publishers. The State gave considerable support in preparing study materials for blind and deaf people and in producing textbooks for the Saami population.

25. Private schools were regarded as supplementing the public school system. Although private institutions, they could obtain special permission from the State educational authorities to award recognized certificates. A new School Act would be entering into force in 1985 which would codify several existing laws on the public and private schools. More information about the Act would be provided to the Working Group in due course.

(Ms. Wartioraava, Finland)

26. With regard to questions concerning the pension scheme for teachers, the pension age for teachers was the same as the pension age for members of other professions. With reference to the question concerning equality between the sexes in education, 60 per cent of the students enrolled in upper secondary education were girls. The larger percentage of girls was due to the fact that considerable time was devoted to foreign language study in the upper secondary education curriculum and there were more educational alternatives leading to male-dominated occupations.

27. Under the Primary School Act, religious instruction was given according to the denomination of the majority of pupils. Over 90 per cent of the population of Finland belonged to either the Lutheran State Church or the Orthodox State Church. Furthermore, the Primary School Act stipulated that instruction should also be provided to pupils of other denominations if they numbered at least five in a given school. Under the projected educational reform, that number would be reduced to three. Pupils who were exempted from religious instruction in school were usually given instruction by the denominations to which they belonged.

28. The objective of the educational policy with regard to Saami pupils was to make them bilingual. Instruction in the first grade of primary education for Saami children was conducted in their native language. In subsequent grades, instruction gradually became bilingual. The Saami language could also be studied in schools as the first foreign language. The Government planned to begin school radio broadcasts for Saami children in the near future. In northern Finland there were three municipalities where instruction was provided mainly in the Saami language. In all, however, there were fewer than 500 Saami people in Finland.

29. Efforts were being made to reform the secondary education system in order to increase the attractiveness of vocational education and make it easier to enter institutes of higher education from vocational institutes. Under the Act on the development of secondary education, all students who completed studies in the comprehensive schools or in upper secondary schools were given the possibility of entering vocational institutions at varying levels and in different fields. The objective of facilitating the transition from vocational education to higher education was to enhance students' ability to choose their own educational channel. Under the secondary education reform, students who so wished would be able to undertake vocational studies in accordance with their interests and inclinations without losing the possibility of entering higher education subsequently.

30. With regard to adult education, the civic colleges and workers' institutes formed a very important part of the Finnish educational system. There were currently 283 adult education institutes, 90 per cent of which were municipal. The age limit for admission into adult education institutes was 16 years. Approximately 600,000 students had been enrolled in those institutes during the previous academic year. One half of teaching hours were devoted to artistic and amateur activities. Classes were conducted in groups of at least seven persons and were based on an approved curriculum. With the exception of a nominal registration fee, courses in the adult education institutes were free of charge. For the past 20 years, 70 to 80 per cent of the operating costs of the institutes had been

(Ms. Wartioraava, Finland)

covered by the State budget. By providing vocational and general education the institutes sought to promote personal development and provide guidance in the meaningful use of free time.

31. With regard to higher education, approximately one half of the students from upper secondary schools continued their education at the university level. The Ministry of Education recommended national quotas for openings in the different fields of higher education. University education was free of charge and students could obtain loans from the State in order to cover their living expenses.

32. She could not at that stage answer the question concerning the implementation of article 15, paragraph 1 (c) of the Covenant because copyright laws in Finland were currently being amended. The Finnish Government would provide information in that regard in its next report to the Working Group. With regard to artists' associations in Finland, there were nine State arts committees in various fields of the arts. All major artists' associations were represented on those committees, which made recommendations concerning the formulation of cultural policy in Finland and the allocation of budgetary funds. Those committees themselves sometimes provided direct grants to various artistic groups.

33. Public libraries were an important resource in Finland, with each municipality having at least one such library. The libraries were supported financially by both the State and the municipalities. The aim of library policy was to promote cultural activities and advance the cause of peace and understanding among peoples. The contribution made by libraries to efforts to promote Finland's national literature and cultural activities in general was considerable. Activities in the field of television and radio were governed by several ministries, primarily the Ministry of Communications. Extensive reforms were planned in that field and additional information would be provided in the next report to the Working Group. In conclusion, she assured members of the Working Group that her Government's next report would take due account of the comments made on the report under consideration.

34. The CHAIRMAN said that the Working Group had concluded its consideration of the report of Finland.

35. Ms. Wartioraava (Finland) withdrew.

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 India (continued) (E/1980/6/Add.34 and Corr.1)

36. At the invitation of the Chairman, Mr. Rathore (India) took a place at the table.

37. Mr. RATHORE (India), replying to questions raised by members of the Working Group, assured the expert from Spain that the macho image did not exist in India, where women were traditionally accorded a high degree of respect. There were also

(Mr. Rathore, India)

areas of India where a matriarchal system still prevailed. Article 15 of the Constitution of India specifically prohibited discrimination on grounds of sex and provided that the State could formulate special provisions for the advancement of women and children. It was a matter of State policy to ensure the equal rights of men and women in employment. A number of laws had been enacted to protect the rights and benefits of working women. The Equal Remuneration Act, 1976 required employers to pay men and women equal pay for equal work and provided for the establishment of two authorities which settled wage claims and advised the Government on ways to promote the employment of women in specific industries. The Ministry of Education and Social Welfare, in co-operation with the ministries for various industries and with state governments, had been taking steps to help women entrepreneurs set up their own small industries.

38. The availability of institutional credit to women engaged in agriculture and related activities had been greatly expanded under the Sixth Five-Year Plan. The Government sought to provide at least 50 per cent of all institutional credit to the weaker sectors of society. Plans were also being made to increase the number of banks in rural areas.

39. The Central Social Welfare Board provided employment opportunities to needy women and gave technical and financial assistance to voluntary organizations and co-operatives in setting up small production units where women were trained and employed. Through the Board and State Social Welfare Advisory Boards, the Government encouraged and assisted voluntary organizations in improving the welfare of women. The Board had already assisted almost 12,000 such organizations.

40. The number of women legislators at the state level had increased from 101 in 1978 to 143 in 1982. There were currently 52 women Members of Parliament. The Supreme Court and the judiciary contributed to the progressive advancement of the status of women through judicial activism. The courts protected the rights of women as spouses and workers and prevented discrimination with regard to employment, wages and maternity benefits.

41. In India, men and women could choose their spouses freely. The Special Marriage Act, which was applicable to all communities, provided that marriages could be contracted only when both partners were capable of giving valid consent. Under the Marriage Laws (Amendment) Act, 1976, a girl who had been married as a child was considered incapable of giving valid consent and could repudiate the marriage when she reached the age of 18. The difference between the marriage ages for girls and boys in India did not violate the right to equality under the Constitution. The age difference was due primarily to tradition: since boys matured later than girls, it was believed that the husband should be older than the wife. Furthermore, the higher marriage age for boys was in keeping with the need for family planning in India, in view of its immense population.

42. In the past, divorce in India had been frowned upon socially. Earlier divorce law had recognized very few grounds for divorce and had involved a complex and lengthy legal process which caused great distress, particularly to women. Under current divorce law, both husbands and wives had an equal right to divorce and marriages could be dissolved on the basis of mutual consent. Cruelty and desertion were also valid grounds for a divorce.

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(Mr. Rathore, India)

43. With regard to the query concerning paragraph 15 of the report, the adult education programme for women was designed to enhance women's awareness of their rights and enable them to safeguard those rights.

44. The Maternity Benefit Act provided for the granting of a maternity benefit paid at the rate of the average daily wage, for a maximum period of 12 weeks in case of confinement, six weeks in case of miscarriage and one month in case of sickness arising out of pregnancy. The Act also prohibited the dismissal of female workers during maternity leave or sick leave arising out of pregnancy and protected them from being assigned to work of an arduous nature during the one-month period immediately preceding the six weeks before the date of expected delivery. Similar maternity benefits were provided under the Employees' State Insurance Act. In addition to 90 days' paid maternity leave, female government employees could take a further 60 days' leave without producing a medical certificate.

45. The smaller proportion of mothers receiving pre-natal care in rural areas was due to lack of awareness of the need for pre-natal care in those areas and the inavailability of primary health care in many villages. The Government intended to increase the number of primary health centres and increase the rural population's awareness of the need for basic health care. It was planned that there would be one health guide for every village with a population of 1,000 by the end of 1984.

46. The Central Council of Health, which was composed of elected health ministers from all the states of India, advised the Ministry of Health and Family Welfare on health and family welfare programmes. Although health care was primarily the responsibility of the state governments, the central Government supported the major programmes for improving the health of the population.

47. With regard to the question concerning the protection of children, paragraph 20 (x) of the report should be read in conjunction with paragraphs 34 to 45, which cited numerous Acts prohibiting the employment of children of different ages. Those Acts laid down the minimum age for employment and prohibited school-age children from obtaining employment. With increased access to educational facilities, more and more children were being encouraged to continue their education even if they were eligible for gainful employment. The pledging of child labour was a practice whereby, in return for a certain amount of money, a person pledged that his children would work for another person. That practice was prohibited under the Children's (Pledging of Labour) Act, which made both the person who pledged child labour and the employer equally liable to punishment. The National Children's Board had been set up in 1974 to implement the National Policy for Children. Similar boards had been set up in almost all the states of India. The function of the boards was to foster public awareness of the needs of children, co-ordinate the efforts made by governmental and private agencies in implementing programmes, and improve existing services. The Sixth Five-Year Plan accorded high priority to child welfare programmes. The Integrated Child Development Service aimed at providing a package of services consisting of immunization, supplementary nutrition, health check-ups, referral services, nutritional and health education and informal pre-school education.

48. The fair distribution of food was ensured by rationing and by a network of thousands of fair-price shops in both urban and rural areas.

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(Mr. Rathore, India)

49. The Rent Control Act regulated rent control and sought to strike a balance between the interests of the landlords and those of the tenants by setting standard rents, providing protection against both eviction and illegal subletting and levying a municipal tax on landlords based on income. Judicial redress was available, but the procedure was long and expensive and disputes were more often settled privately. The Government was seeking to ease the situation by subsidizing various housing schemes.

50. Regarding the meaning of the term "backward classes", in an under-developed country like India it referred to the scheduled castes and scheduled tribes and any other groups defined as particularly backward, socially and educationally, by the Commission for Backward Classes established under article 340 of the Indian Constitution. In the 1971 census, the scheduled castes and scheduled tribes had comprised 22.5 per cent of the population. Articles 341 and 342 of the Constitution covered the backward classes and placed special responsibility on the States to protect and advance them. Seats were reserved for them in Parliament and the state legislatures on a proportional basis. The successive Five-Year Plans had paid special attention to their welfare and a Special Component Plan instructed states to allocate a certain percentage of their budget for the development of the backward classes. The Government provided direct assistance to the states to meet the basic needs of those classes and give them educational and economic assistance.

51. Questions had been asked about the 20-Point Plan. Its aim was to give greater impetus to the economic and social programmes in the sixth Five-Year Plan, which were designed to provide better living conditions for the poorer sections of the community and also to improve productivity generally.

52. Regarding family planning, it had been an official government policy since 1952. Its goals were at first modest, with emphasis on research; then the policy had been extended to include contraceptive services, and soon it had become target-oriented, and integrated with maternal and child health care and was given very high priority. Family planning programmes now offered mass education, services and supplies, training for extension workers, and programme research and evaluation, and thus enlisted the help of voluntary organizations and of institutions representing women industrial workers and their employers. There were media campaigns to desensitize the issue of family planning and the subject was being taught in the schools and universities. The mass mailing unit of the Department of Family Welfare was helping to disseminate information. The task was not easy, for millions of couples, many of them illiterate and backward, must be both persuaded and given the means to plan their families.

53. The data requested regarding the Water Plan and the amount of grain lost since 1970 were not available but would be provided in the next report, as would the information requested on crèches and on the reasons why the amount allocated to them had temporarily declined.

54. Mr. Rathore (India) withdrew.

55. The CHAIRMAN said that the Working Group had concluded its consideration of the report of India.

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Report of the Netherlands (continued) (E/1980/6/Add.33)

56. At the invitation of the Chairman, Ms. Dieters Kwiers and Mr. Hamer (Netherlands) took a place at the table.

57. Ms. DIETERS KWIERS (Netherlands), addressing the questions that had been raised regarding the Netherlands Antilles, discussed in Part Two of the report of the Netherlands, observed that it must always be borne in mind that the Netherlands and the Netherlands Antilles were not the same country. The Netherlands Antilles was an autonomous entity which directed its own internal affairs, and the Netherlands provided only for its defence and the conduct of its foreign affairs. Conditions in the two countries could therefore not automatically be equated.

58. Regarding the lack of a general health insurance scheme in the Netherlands Antilles, that was a matter of major concern to the Government. It had undertaken a feasibility study, through the Department of Public Health and other agencies, to determine the kind of scheme to be established.

59. A question had been asked regarding the criteria for public assistance. The Government provided assistance to families that had been deemed unable to meet their basic needs by the Bureau of Social Welfare. The two basic criteria were unemployment and family earnings below the minimum wage of \$85 per month.

60. As for the reasons why education was not compulsory in the Netherlands, and what the Government was doing about the 10 per cent who did not attend school, the Government was giving close attention to the problem, which would not be solved simply by making education compulsory. The social and economic conditions of poor families were largely responsible, and it would be necessary to re-educate the parents whose children were not at school. The Department of Education would be making a study of the whole broad problem.

61. An expert had remarked that the fact that married men in the Netherlands Antilles earned more than unmarried men violated the provisions of article 13 of the Covenant and the principle of equal pay for equal work. That was true, and various Government departments were studying ways of eliminating that discrimination, which was compounded by the fact that married men also earned more than married women.

62. It had been asked whether the 40 per cent of the population in the island communities receiving free medical care, as discussed in paragraph 183 of the report, were the poorest members of the community. They were, in that they earned just below the minimum wage.

63. The broad question had been raised as to why a legal situation existed in which the population of the Netherlands Antilles had fewer legal rights than that of the Netherlands. Again, the two countries could not be compared, for they were at different stages of development and had different economies and populations. Many solutions could not be applied in the Netherlands Antilles for lack of money, but some were not applicable or even necessary. As to the question of whether there was any legal protection of the inheritance rights of children of common-law unions when the couple separated, there was unfortunately no legal régime covering that part of the population.

64. Mr. HAMER (Netherlands), replying to the questions that had been asked about Part One of the report of the Netherlands, said that the Netherlands would change the format of future reports, as suggested by the experts.

65. The expert from Bulgaria had raised the question of the implementation in practice of social and economic rights in the Netherlands and of the part played by the Government and by non-governmental organizations. The Netherlands was a parliamentary democracy and social and economic rights were embodied in its Constitution and in acts of Parliament. It also applied the principle of popular participation in decision-making. Parliament invited interested individuals to give their views at public hearings, and the law often mandated such public hearings. The practice had proved very useful for social and economic planning. Decision-making powers often devolved to the level of the people: non-governmental organizations were given public funds to develop alternative proposals to those of the Government.

66. Regarding the legal status of treaties, the Constitution provided that treaties must take precedence over any incompatible domestic legislation.

67. With reference to the ombudsman, his office was independent of the Government and he was empowered to make a public report regarding complaints received to the government department or official involved.

68. As for the role of non-governmental organizations, there were several that critically reviewed government policy, such as the Netherlands Jurists' Committee for Human Rights, which had expertise in the application of international human rights instruments.

69. Several experts had asked what was meant in paragraph 8 of the report by "... discriminate in vesting rights in people except on reasonable and objective grounds". A more appropriate term would have been "distinguish ... except on reasonable and objective grounds". Such grounds might include affirmative action to give preferential treatment to vulnerable groups.

70. The structure of the welfare society in the Netherlands was being reappraised and there was a movement away from major financing by the Government. The experts could rest assured, however, that the principle of guaranteeing rights was not at stake; the issue, instead, was how rights could be effectively guaranteed in times of pressure. The basic principles of the Government remained the protection of the weakest groups and of those who would constitute the next generation, the upholding of the principle of tolerance, and the maintenance of health care and social security at the same high quality through a rationalization of the services offered. The next report would give fuller information on the changes in the Government's welfare policy.

71. The report of the Netherlands on articles 6 to 9 of the Covenant would deal with the issue of employment, and would cover the questions asked regarding youth and minority unemployment. A 1982 plan had been devised to deal with youth unemployment both by providing vocational training and by helping to find jobs.

72. The expert from the Soviet Union had mentioned discrimination against

(Mr. Hamer, Netherlands)

minorities. His Government was not attempting to conceal the difficulties facing contemporary Netherlands society in dealing with its minorities. The 1983 White Paper on Minorities was discussed in depth in his country's sixth periodic report to the Committee on the Elimination of Racial Discrimination, in which his Government stated that legislation alone could not eliminate discrimination, and that concerted efforts must be made to enforce such legislation and penalize cases of discrimination and also to fund public awareness campaigns to help remove discrimination in such areas as housing. The sixth periodic report also contained case law details of court action taken to combat discrimination in his country. If all local remedies failed, individuals could also seek international redress under the Convention on the Elimination of All Forms of Racial Discrimination. His Government had made the declaration provided for in article 14 of that Convention and had publicized it in the Netherlands.

73. With regard to the integration and welfare of minorities, the recent White Paper was designed to ensure that minorities enjoyed the same opportunities for individual and collective advancement as other citizens of the Netherlands and, more specifically, that all sectors of the population showed a spirit of tolerance and accommodation with regard to the differences between them, that minorities were made aware of their own worth, that their economic and social disadvantages were reduced, that discrimination against them was eliminated and that their legal position was improved.

74. With regard to Netherlands family law and the reference in his introduction to the fact that the Netherlands Supreme Court had ruled that the absolute right of veto requiring parental consent for marriage in the case of a minor was contrary to article 12 of the European Convention on Human Rights, he wished to confirm that the Netherlands Civil Code was to be amended shortly to bring it into line with that Convention. With regard to the residence status of non-Dutch wives of Dutch nationals who subsequently divorced, such women could remain in the Netherlands if they had resided there for at least five years, obtained a work permit or acquired Dutch nationality through their husbands. In any other cases, the authorities were extremely lenient in allowing such women to remain in the country.

75. With regard to the situation of children born to unmarried couples who had been living together for some time, such children were treated in the same way as any other illegitimate children and enjoyed the same rights.

76. He could not provide the expert from Bulgaria with specific information on plans to increase day-care facilities. He was aware that there was a considerable shortage of such facilities in the Netherlands and that an extra 10,000 places were required each year. The necessary financing was simply not available, however, and the Government was envisaging tax deductions in respect of child-care costs as an alternative measure. With regard to paragraph 21 of the report, the experimental day nurseries had been successful but detailed information on them would be provided in his country's next report.

77. The expert from France had asked about the integration of disabled children into Netherlands society. While his Government's general policy was one of ensuring the greatest possible integration of such children, the specific

(Mr. Hamer, Netherlands)

provisions adopted to permit such integration were described in the document referred to in paragraph 8 of the annex to the report. Detailed information on the toy libraries described in paragraphs 28 and 29 of the report would be provided in his country's next report.

78. The expert from Spain had asked what was meant by the term "light work" in the final line of paragraph 46. That term referred to work done by children on their parents' farm or in their parents' shop or appearances on radio and television.

79. The expert from the German Democratic Republic had asked about maternity care in the Netherlands. Women were entitled to six weeks pre-natal and six weeks post-natal maternity leave, during which time they could not be dismissed from their employment. Additional post-natal leave of up to two years was regarded as sick leave so that dismissal was also illegal during that period. Mothers who were dismissed during that time could invoke specific procedures. With regard to paragraph 36 of the report, if no agreement could be reached with an employer regarding a contract of employment which provided for dismissal on account of marriage, pregnancy or maternity, the employer must apply for a dismissal permit which the employee could none the less contest before the courts.

80. There were no statistics available on financial assistance to self-employed mothers, but social assistance was available to all parents who were unable to support their families. In such cases, a basic allowance of f. 1,447 was payable to couples, f. 1,302 one-parent families and f. 1,012 to single parents. A holiday allowance, health insurance contributions and a rent rebate were also available to such parents until they reach the age of 65, when they qualified for a pension.

81. Since the Commission on Human Rights had set up a working group on the right to development, a subject in which his country had long been interested, he did not wish to prejudge the outcome of that Group's work by elaborating on his Government's position in that regard at the present time.

82. With regard to the right to popular participation as a specific human right, his Government had welcomed the Secretary-General's preliminary report to the Commission on Human Rights which addressed such questions as whether the right to popular participation already existed, whether it was well-founded conceptually and what its content and place were among existing human rights. Those questions had a direct bearing on articles 10 to 12 of the Covenant. Without wishing to prejudge the Secretary-General's final report on the subject, he wished to state that his Government perceived popular participation as all self-chosen activities by which a member of society could influence public affairs. By that it did not mean the recruitment of individuals or groups at grass-roots level to implement Government policy, but rather the ability of such groups and individuals to contest Government policy. The rights set forth in the Human Rights Covenants provided the basis for such participation. Governments had an important part to play in promoting popular participation and could not take decisions on behalf of their citizens in the absence of such participation.

83. The expert from the Soviet Union had asked whether the 1983 Constitution specifically enunciated the right to housing. Article 22 (2) of the Constitution,

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(Mr. Hamer, Netherlands)

which was based on the provisions of the Covenant, did indeed enunciate that right. The expert from Bulgaria had requested statistics on the income of those who were urgently seeking housing. At present, 108,000 people were urgently seeking housing in the Netherlands. Of those, 30,000 had an income of less than f. 14,000, 14,000 had an income of f. 14,000 to f. 18,000, 39,000 had an income of f. 18,000 to f. 25,000, 15,000 had an income of f. 25,000 to f. 37,000 and 10,000 had an income of f. 37,000 or more. Roughly 75 per cent of those seeking housing were aged 18 to 24 years, reflecting the trend for young people to leave home earlier.

84. The 5 per cent of all new dwellings allocated to members of minority groups, (para. 67) referred only to subsidized dwellings. The Statistics Office was generally responsible for registering unoccupied dwellings. At present, 117,585 dwellings were unoccupied, representing a national average of 2.3 per cent of all dwellings, the average for urban areas being somewhat higher. That percentage represented a desirable rate of unoccupancy, however, since a certain proportion of dwellings must remain unoccupied to permit the migration and movement of citizens. Rents for unoccupied dwellings had also been reduced in cases where there were financial impediments to their occupancy.

85. The expert from the Soviet Union had asked why the Government encouraged home ownership, when it appeared from paragraph 81 that home-owners who left their homes unoccupied for over five months might be expected to surrender them. He wished to emphasize that paragraph 81 did not refer to owner-occupied dwellings but to dwellings acquired for the purpose of rental to third parties.

86. With regard to the situation of squatters in the Netherlands, the percentage of buildings occupied by squatters was in fact very small. Such buildings included not only residential buildings but also, for instance, factories. A number of evictions had been carried out to make way for urban renewal projects, but squatters had rarely been prosecuted and had generally found alternative accommodation.

87. The expert from France had asked about specific minority housing projects. The municipal authorities were primarily responsible for the distribution of dwellings and a Housing Distribution Ordinance had recently been drawn up to give municipalities the power to distribute dwellings as efficiently and equitably as possible to all groups, including minorities. There was no Government policy of concentrating minorities in specific housing areas or dispersing them throughout the community. The regulations governing housing for large families encouraged municipalities to provide large dwellings for large families. The municipalities had been granted f. 4 million in 1982 and f. 1.5 million in both 1983 and 1984 to help them do so. That policy would benefit minorities since they tended to have larger families. Many minorities found housing in urban renewal areas, as there were special allowances for them and construction guidelines enabled them to make known their specific housing needs. With regard to housing costs, minorities tended not to make full use of the rental subsidies available to them and an information campaign in the various minority languages had been organized in 1982 to make minorities aware of their entitlement to those subsidies.

(Mr. Hamer, Netherlands)

88. Finally, caravan-dwellers were not regarded as homeless. Under the 1968 Caravan Act, a caravan was a mobile home and its occupants could register with the municipality in which they settled temporarily in order to qualify for the same education, health and welfare rights and opportunities as the permanent population.

89. The expert from Spain had asked about spouses' social security entitlements. Under Netherlands law, both spouses were equally entitled to health insurance under their partner's social security coverage. The expert from Bulgaria had mentioned that \$US 1.4 billion were to be cut from the Netherlands social security and health budgets. While it was true that agreement had been reached on such cuts, they had yet to be implemented.

90. With regard to drug abuse, the main aim of Government policy was to prevent and eliminate the consequences of narcotic drug abuse. The severity of enforcement measures varied according to the assessed risk of using specific drugs. As a result, a distinction was made between dangerous drugs and soft drugs such as cannabis. A ban on all drug trafficking was strictly enforced and there was a medically-supervised methadone programme for heroin addicts.

91. Any questions which he had failed to answer would be answered in writing or in his Government's next report. Copies of the summary records of the Working Group's consideration of the present report would also be forwarded to all Government departments and to the competent parliamentary committees.

92. Mr. SVIRIDOV (Union of Soviet Socialist Republics) said that he was grateful for the answers received to some of his questions and would not press for replies to his remaining questions since the Netherlands representative had indicated that further information would be provided in his country's next report.

93. Mr. MITREV (Bulgaria) expressed appreciation for the answers given to some of his questions, for instance the income statistics given on those urgently seeking housing and the confirmation of the planned cuts in the social security and health budgets. He hoped that such statistics would be included in future reports, together with information in response to his remaining questions, for instance his request for an explanation of paragraph 21 and his question whether the mass evictions under a new provision of the Code of Civil Procedure, referred to in paragraph 86, took account of squatters' financial and other situation. He would also welcome more information on specific recourse procedures available against violations of individual economic, cultural and social rights, for instance the right to work and the right to housing, and indeed civil and political rights, and a statistical comparison between the Netherlands and the Netherlands Antilles.

94. Mr. TEXIER (France) commended the representative of the Netherlands on his replies with which, unlike the experts from the Soviet Union and Bulgaria, he was fully satisfied. He wished to reassure the representative of the Netherlands that the Working Group did not view his country as a serious violator of human rights. Far from it: the Netherlands was well ahead of certain other countries in some areas such as the treatment of its minorities.

95. The CHAIRMAN, speaking as the expert from Denmark, said that he too was fully satisfied with the answers received to his questions. The statement on popular participation had been especially thought-provoking.

96. Mr. HAMER (Netherlands) said that he was encouraged by the Working Group's generally positive evaluation of his country's report and would relay any criticisms to his Government. His Government had not sought to avoid criticism: it believed in the need for a dialogue with Governments and was prepared to discuss its problems openly. He again assured members of the Working Group that, if some of their questions had gone unanswered, answers would be forthcoming in writing at a later stage or in his Government's next report.

97. The CHAIRMAN said that the Working Group had concluded its consideration of the report of the Netherlands.

The meeting rose at 6.10 p.m.