



Economic and Social Council

Distr.
GENERAL

E/1986/WG.1/SR.8
23 April 1986

ORIGINAL: ENGLISH

First regular session, 1986

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 Friday, 18 April 1986, at 10.30 a.m.

Chairman: Mr. RUIZ-CABAÑAS (Mexico)

CONTENTS

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 10.40 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)

Second periodic report of Iraq (E/1986/4/Add.3)

1. At the invitation of the Chairman, Mr. Aena (Iraq) took a place at the table.
2. Mr. AENA (Iraq), introducing his country's second periodic report concerning rights covered by articles 10 to 12 of the Covenant, said that Iraq was making every effort to implement the relevant articles of the Covenant and, with respect to article 10, the Iraqi Constitution stated that the family was the nucleus of society and the State guaranteed its protection as well as that of mothers and children. The State guaranteed the right of men and women to marry with their full consent and provided for a divorced woman to live after the dissolution of the marriage without her husband in the house or apartment where she had lived with him. There were laws covering housing allowances and the provision of housing.
3. Iraq had adopted a number of measures providing for maternity protection, pre-natal and post-natal protection and assistance, and special protection for working mothers. There was legislation designed to help working mothers who were self-employed or participating in a family enterprise and to help mothers in the case of their husbands' death or absence.
4. Iraqi legislation, based on the Declaration of the Rights of the Child, protected children against economic and social exploitation. The Labour Code prohibited categorically the employment of young persons under 15 years of age and did not allow them to enter workplaces. Under certain circumstances, young persons under 16 years of age could be employed in certain industries and occupations; however, there were laws prohibiting their being employed for more than four hours per day and protecting them from dangerous occupations.
5. With respect to article 11 of the Covenant, the State had taken a number of measures to improve living conditions in Iraq and to promote the right of everyone to adequate food. There were measures to improve methods of production and to ensure that wholesome food was available. Iraq had taken steps to promote the right to adequate clothing and to improve the methods of production and the distribution of articles of clothing.
6. There were laws covering workers' housing and workers' rental and measures had been taken to solve the special problems of housing, water supply and sanitary conditions in rural areas.
7. With respect to article 12, Iraq had enacted laws for the provision of school health services, maternal and child welfare and family health. Measures had been taken to reduce the infant mortality rate and for the healthy development of children. Efforts were being made to protect the environment and to establish vaccination programmes to control epidemic and occupational diseases.

(Mr. Aena, Iraq)

8. In its report, the Government of Iraq had attempted to include all matters related to the implementation of articles 10 to 12 of the Covenant and he hoped that the questions and remarks of the experts would assist Iraq in improving the welfare of its citizens.

9. Mr. BEN HAMIDA (Tunisia) congratulated the Government of Iraq on its comprehensive report and said that that country, which was the cradle of many Arab and Islamic civilizations, had demonstrated its sincere will to serve Iraqi citizens and foreigners living in the country. It had made remarkable efforts to implement the relevant articles of the Covenant and to comply with its reporting obligations.

10. He was pleased to see that the report had emphasized the right of peoples to self-determination, an issue that was missing from many other reports. Iraq had done much to promote that right at the international level, in particular, to assist the oppressed peoples of southern Africa and the Palestinian people.

11. The Government had taken many measures for the protection of children, such as free and compulsory education, a progressive move showing that the State, unlike many others, was prepared to shoulder that responsibility. He was pleased to note that there had been a substantial increase in income and that successes were being achieved in the national campaigns to eradicate illiteracy and disease.

12. With respect to the equality of men and women referred to in paragraph 21, he wished to have more statistics on the positive contribution of women in the economic and social fields. He would also like more information on divorce in Iraq. For example, what were the grounds for divorce and did it have to be submitted to the judiciary system or could spouses agree on it themselves? He also wished to know whether there was a public trend towards abolishing polygamy and whether, as a practical measure, that could be achieved. He also wished to know how forced marriages, referred to in paragraph 26, affected the legitimacy of children.

13. With regard to the right to housing and the measures taken to assist divorced women, he wished to know whether a divorced wife could remain in the house that she had lived in prior to the dissolution, even if she had been the party at fault. The report seemed to suggest that pre-natal and post-natal care was given to all mothers regardless of marital status. He wished to know whether abortion was legal in Iraq and whether, as in Tunisia, it could be obtained only for medical reasons and only within the first three months of pregnancy. With regard to paragraph 38 (e), it had been proved medically that it was important to space children in order to protect the health of mothers and children. He wished to know whether there was any government programme for family planning in Iraq. He inquired about the status of children born out of wedlock and commended the Government for its efforts to assist disabled children and children without families. He would welcome statistics on the number of centres established for such children.

(Mr. Ben Hamida, Tunisia)

14. The importance attached by Iraq to pollution and its impact on health was gratifying. Iraqi government research with respect to the protection of the environment had been completed and he wondered whether any legislation had subsequently been promulgated concerning industrial pollution and protection of the environment in general.

15. Mr. MRACHKOV (Bulgaria) thanked the Government of Iraq for a comprehensive report which contained very specific information on its implementation of articles 10 to 12 of the Covenant. The Government of Iraq had also taken a clear stand regarding article 1 of the Covenant on the right of peoples to self-determination, a position that it had always sustained. He had also been struck by the fact that the measures to implement the three relevant articles were legally reflected in the Iraqi Constitution and had thus been given the status of government policy. He was also agreeably surprised by the various provisions to protect the health and the environment. With respect to article 10, he wished to have more information on the requirements for marriage. For example, were there prerequisites with respect to health, kinship or age? He also wished to know more about measures to protect pregnant women at the workplace. In other words, were there regulations to protect such women from being laid off and to ensure that they would not be transferred to work that was detrimental to their health?

16. Paragraph 71 of the report stated that the per capita share of the national income for 1980 had been 11 times that for 1970. That was an extraordinary leap forward and he wondered whether it could be said that such an advance had not been followed by an increase in prices. He also wished to have more information on the monthly subsidy guaranteed to families with no income and low-income families, referred to in paragraph 69 (d).

17. It would be interesting to have information on the scope of the private and the socialist sectors in the national economy and on the Agrarian Reform Acts referred to in paragraph 74 of the report. Further details on the application of the Workers' Housing Construction Act mentioned in paragraph 97 would also be welcome. Lastly, the reporting State should be more specific about the extent to which free medical care was provided in Iraq.

18. Mrs. KIMATA (Japan) said that the report of Iraq was balanced and very comprehensive. Referring to the Compulsory Education Act in paragraph 9 of the report, she asked at what age children began school and how many years compulsory education lasted. She would appreciate further information concerning the Iraqi educational system in general. It would be interesting to learn how the Act on the Comprehensive National Campaign for the Compulsory Eradication of Illiteracy was being applied. For example, were evening courses given after work or were classes held in the workplace during working hours? It would be useful to have additional information on the functioning, composition and financing of the General Federation of Iraqi Women referred to in paragraph 42 of the report. The reporting State should indicate who operated the day-care centres for the benefit of nursing mothers and whether working mothers had to pay for that service. General statistical data on the functioning of the day-care centres would also be welcome.

19. Mrs. JIMENEZ BUTRAGUENO (Spain) said that the excellent report submitted by Iraq demonstrated the steps taken by the Government to carry out its obligations under the Covenant. It would be useful to know how much progress had been made in guaranteeing women equality of rights. The reporting State should provide additional information on the practice of divorce in Iraq, specifying when the divorce law had been enacted and what the rates of marriage and divorce were. She inquired whether it was common for unmarried couples to live together in Iraq and, if so, what the legal rights of the children of such couples were. According to paragraph 26 of the report, article 3 of the Personal Status Act stated that a marriage contract concluded by force should be deemed null and void, provided that consummation had not taken place. The reporting State should indicate whether a marriage could be annulled if it was consummated. Paragraph 38 (c) of the report referred to the physical and mental preparation of the wife to assume her future role and responsibilities as a mother. It would be interesting to know whether there was similar preparation for the husband to assume his role as a father. Paragraph 60 referred to children separated from their mothers or deprived of a family. The reporting State should indicate whether that situation resulted from an increase in the number of divorces. Lastly, she requested further information on the ratio of rental housing to private housing in Iraq and the possibility of acquiring a private dwelling.

20. Mr. TEXIER (France) said that the report indicated that Iraq was doing much to ensure the implementation of the rights covered by articles 10 to 12 of the Covenant. He would welcome additional information on the General Federation of Iraqi Women mentioned in paragraph 42 of the report, particularly its composition and the number of members. Referring to paragraphs 49 and 50, he said that it was unclear whether women on maternity leave received full salaries or were given compensation at a rate lower than their salaries. The reporting State should explain the role and functioning of the Child Welfare Board referred to in paragraph 57 of the report. The legislative measures outlined in paragraph 63 permitting physically handicapped pupils to attend school were very positive.

21. According to paragraph 67 of the report, juvenile delinquents aged 9 to 15 were cared for through the Boys' Rehabilitation School. He felt that consideration should be given to the suitability of placing juvenile delinquents in rehabilitation schools at such a young age. The reporting State should provide further information on the detention of minors in Iraq, particularly the age at which they could be detained and limitations imposed on the detention of juvenile delinquents. The Social Welfare Act referred to in paragraph 69 (d) of the report was very progressive. He inquired how the measures provided for were financed and whether the monthly subsidies took account of inflation. The reporting State should provide information on its taxation rates. It would be interesting, for example, to know whether there was a progressive income tax in Iraq. The Committee would appreciate information on the number of migrant workers in Iraq and the countries from which they came. Referring to paragraph 95 of the report, he asked how the specialized commercial courts functioned, what their composition and jurisdiction were and what type of sanctions they could impose. It would be useful to have further information on the State Housing Organization referred to in paragraph 103 and the measures taken to solve the housing crisis.

(Mr. Texier, France)

22. It was clear that Iraq was doing much to ensure the implementation of article 12 of the Covenant. He would like additional information on the areas of the country where there were endemic diseases, the percentage of the population affected by them, and progress made in eradicating such diseases. Lastly, the reporting State should indicate whether the war with Iran had an impact on the implementation of the economic, social, cultural and other rights of Iraqi citizens.

23. Mr. POERSCHKE (German Democratic Republic) said that the report of Iraq demonstrated the impressive results achieved by the Iraqi Government in implementing articles 10 to 12 of the Covenant. The national legislation in that regard was particularly progressive. Referring to paragraph 17 of that report, he inquired whether the Government thought that the establishment of a new international economic order would ensure favourable conditions for the implementation of the Covenant. The reporting State should clarify what it meant by the phrase "a civilized society free from physiological ills" in paragraph 18 of the report. Referring to paragraph 69 (d) he requested further information on the specific criteria for providing allowances to persons who were unable to work and subsidies to families with no income and low-income families. It would be useful to have statistics on the number of persons receiving subsistence allowances and monthly subsidies.

24. The specific measures taken to establish and manage day-care centres were impressive and could be of interest to many developing countries. The reporting State should provide statistical information on the number of day-care centres and indicate whether such centres were located both in urban and rural areas and whether there were plans to increase the number of them. What qualifications were required of employees in the centres? Lastly, he inquired whether children in day-care centres were given periodic medical examinations and whether their parents were able to participate in the management of the centres or in educational programmes conducted by them.

25. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the Iraqi report convincingly described the legal provisions and efforts made to implement provisions of the Covenant.

26. Paragraph 21 indicated that 32 women had been elected to the National Assembly and he would appreciate further information on the representation of workers and rural populations.

27. Paragraph 69 illustrated how a Government in a developing country could control and utilize resources to promote basic social and economic rights. The nationalization of the oil industry, for instance, had led to positive results financially, improving the lives of rural populations. It would be useful to know the urban and rural percentages of the population.

28. A Ministry of Agriculture and Agrarian Reform had been established. Further information would be appreciated on what part of the population, or how many families, were included in that reform. Landless farmers were given subsidies, and

(Mr. Yakovlev, USSR)

favourable terms for occupying land. He would welcome further information on the average size of the plots provided and whether the recipient of a larger than usual plot was under any obligation to rent out the extra land.

29. Agrarian reform was basic to the implementation of the rights of the Covenant. He would appreciate a comparison of the amounts of major agricultural resources owned by the State and by individuals.

30. Measures had been taken to increase the educational level of the population, for instance through the campaign to eradicate illiteracy. He would like to know what role the Government played in promoting medium-level and higher education, for instance, by assistance to students in secondary and higher educational institutions. Also, statistics would be useful on the number of students coming from poor families.

31. The State was using its powers for social reform, as indicated by its policy of distributing free food to workers and school children and the government construction of low-cost housing.

32. Paragraph 102 dealt with the provision of low-cost and interest-free credit facilities. Statistics on credit provided would be appreciated, as well as an indication as to whether such credit was subject to time-limits. Did home building for instance have to be finished within a given period of time?

33. Mr. BENDIX (Denmark) said that the report provided an excellent description of the results achieved in implementing the provisions of the Covenant, but that it required additional statistics on, for instance, population distribution, national income, development in price structures, etc. Such figures would increase the value of the report and give the Group a chance to see where problems might occur and perhaps to provide suggestions on how to solve them. Demographic statistics on the numbers of men and women, and rural and urban dwellers, for instance, would be particularly helpful. The description of economic, social and cultural developments provided in the first five pages of the report was commendable.

34. He joined the previous speaker in requesting further details on the composition of the National Assembly and the sections of the population represented there. It would also be interesting to obtain government figures on the percentage of women in decision-making positions.

35. Paragraph 24 indicated that the Public Prosecutor could be represented before courts to protect the rights of families and children. Would that mean that the Public Prosecutor had the power to prevent a divorce from taking place?

36. Paragraph 26 dealt with coercion in marriage and it would appear that a marriage could no longer be declared null and void once consummation had taken place. That appeared to provide double punishment in the sense of adding violation to a forced marriage. It would be interesting to know whether the Public Prosecutor could release a woman from an unwanted marriage contract.

(Mr. Bendix, Denmark)

37. Paragraph 50 indicated that insured working women received free check-ups and other care. It would be useful to know what was done for non-insured women, and to have statistics about the sections of the population covered by the insurance system.

38. Paragraph 45 dealt with nutritional assistance and he wondered whether dental care was also provided and whether prophylactic care was given or envisaged.

39. Paragraph 60 dealt with children separated from their mothers or deprived of a family. Further clarification was required on the meaning of the term "separated", for instance, whether it covered children whose mothers were absent through reasons of work. Statistical information would also be welcome in that regard.

40. Paragraph 64 provided information on regulations concerning the employment of young people, and paragraph 67 dealt with juvenile delinquents aged 9 to 15. He agreed with previous speakers that the age of nine seemed very young for juvenile delinquents. He would appreciate further information on measures taken to prevent recidivism which elsewhere had been known to be very high.

41. He would also appreciate statistical information on unemployment, especially youth unemployment. During discussions on articles 6 to 9 of the Covenant, it had been said that there was no unemployment in Iraq due to the conflict with Iran. Was that still true?

42. With regard to matters falling under article 11 of the Covenant, the experience gained by the Government of Iraq might be useful to other countries in a similar situation, especially with regard to water supplies. The report provided a good description of the situation in Iraq but he would appreciate further statistical information.

43. The CHAIRMAN, speaking as a member of the Working Group, said that the representative of Iraq had remarked some months ago that his country had more than 4,000 years of history and cultural heritage. In his own country, Mexico, the non-Western heritage also was thousands of years old. Most experts had mentioned the effect of such cultural traditions on the implementation of the Covenant.

44. Increasing the will of the people to implement social change was one of the important tasks of Government.

45. In another parallel, both countries had nationalized the oil industry and had similar economic problems. He would appreciate more information on the effects of the recent fall in oil prices and the prices of other raw materials on the living standard of the people. He reiterated the question put by the representative of France on the possible negative effect of the war situation on the living standard of the population. What resources were diverted to the war effort, and what effect did that have?

46. Important changes had taken place in Iraq since 1968 and he would be interested to know what impact international legislation had had on national human rights legislation.

47. Mr. AENA (Iraq) said that, despite the exceptional circumstances of the moment, Iraq continued to be committed to the implementation of the Covenant. He would present further data in answer to the requests of the members of the Working Group the following Monday afternoon.

48. The CHAIRMAN said that, if he heard no objection, he would take it that the Working Group acceded to the request of the representative of Iraq to return the following Monday.

49. It was so decided.

50. Mr. Aena (Iraq) withdrew.

Second periodic report of Finland (E/1986/4/Add.4)

51. At the invitation of the Chairman, Mr. Mikkola (Finland) took a place at the table.

52. Mr. MIKKOLA (Finland), introducing Finland's second periodic report, said that he had distributed an informal paper which contained some diagrams and additional information on the latest amendments to Finnish social legislation. Commenting briefly on the figures contained in the paper, he pointed out that the number of employed persons was larger than ever before, having risen from 2.3 million at the beginning of the decade to almost 2.5 million. The unemployment rate (6 per cent) was high, but still lower than the average of the member countries of the Organization for Economic Co-operation and Development (OECD).

53. There was a basic pension system (national pension) to which those who had not been employed in the labour market were also entitled, amounting to approximately one third of the average income. The occupational pension was earnings-related.

54. Regardless of the relatively abundant new investments in social welfare and health care, the share of social expenditure in the gross national product had hardly grown during the 1980s. New investments had mainly been covered by economic growth. The major part of social expenditure was used, in addition to social insurance, for the care of the elderly, health care and child care, and for the prevention of unemployment. Finland had been outstandingly successful during recent decades in lowering the infant mortality rate. Although before and after the Second World War the infant mortality rate had been approximately the same as it was currently in some Latin American countries, by 1981 it had been reduced to a lower level than in any other State Member of the United Nations. However, average life expectancy of Finnish men was lower than in many other European countries.

55. The Constitution of Finland contained regulations concerning the basic right to work and right to free elementary education. Although the Constitution did not include other provisions concerning basic social rights, parliamentary legislation included numerous provisions relating to occupational hazard insurance, pensions and sickness and unemployment insurance. Such legislation was legally binding, implying that benefits were granted to persons who fulfilled certain criteria mentioned in the legislation. On the other hand, it also meant that those rights could not be curtailed without a legislative amendment by Parliament.

/...

(Mr. Mikkola, Finland)

56. Until recently, legal regulations had been implemented by obligating the local authorities (municipalities) to improve public services. Municipalities had increased services and improved their quality by means of annual budgets and five-year plans. The State had also participated through its own budget and five-year plans in financing such services. State subsidies for social welfare and health care were classified into 10 levels. The poorest municipalities were granted two thirds of their expenses as a State subsidy, the richest municipalities only one third and the rest in proportion to their prosperity. The Government had been able to regulate the actions of the municipalities so as to make the availability of social services approximately equal. Many central reforms of the 1970s, such as the introduction of the comprehensive school and primary health care systems, had been implemented first in the poorest parts of the country.

57. Towards the end of the 1980s, Finland had reached a situation in which certain needs were met in such a way as to make new forms of regulating social services possible. For example, parents of under-three-year-old children would be entitled, under an amendment taking effect in 1990, to choose between municipal day care or home care for their children. In the latter case, they were entitled to a home care allowance of a minimum of \$US 200 and maximum of \$US 360 per month. Regulations concerning individual rights might subsequently be extended to cover basic services for severely disabled persons.

58. The priority area concerning social rights was also changing. Regulations were focusing on social welfare legislation concerning construction, land use, product security, consumer protection, video recordings and smoking. The aim of such legislation was to have a preventive effect on social and environmental problems, not to restrict the free development of culture. Another important factor affecting social welfare was the adjustment of working hours according to family needs.

59. The three diagrams contained in the informal paper described the general benefit and service schemes concerning children and young persons in Finland in 1986. Many measures promoting family policy had recently focused on the improvement of the care of small children; such measures included special benefit schemes concerning maternity and children under three years of age. Maternity and child health care centres formed the core of public services; other services included free hot meals, dental care and mental health care for children.

60. Several reforms had been implemented after the date of the Finnish report (15 January 1986). Payment of child allowances had been extended from age 16 to age 17. The duration of daily maternity and parental allowances had been changed, so that the father might stay at home to take care of a small child for as long as 158 days. New legislation concerning the welfare of intoxicant abusers had been enacted, as well as a new, flexible pension system, both of which were described in greater detail in the paper.

61. The CHAIRMAN said that the Finnish report would be discussed that afternoon.

The meeting rose at 1.05 p.m.

