



**UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL**



Distr.
GENERAL

E/1980/6/Add.25
13 April 1981

ORIGINAL: ENGLISH

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Reports submitted in accordance with Council resolution
1988 (LX) by States Parties to the Covenant, concerning
rights covered by articles 10-12

Addendum

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*

* The first part of the report of the United Kingdom of Great Britain and Northern Ireland concerning rights covered by articles 10-12 of the Covenant is reproduced in document E/1980/6/Add.16.

The present document constitutes the report of the United Kingdom on its Dependent Territories in respect of articles 10-12 of the Covenant. In its note dated 30 March 1981 transmitting the present report, the Permanent Mission of the United Kingdom to the Office of the United Nations at Geneva informed the Secretariat that the last part of the report concerning the implementation of articles 10-12 of the Covenant in the Channel Islands and the Isle of Man was under preparation and would be submitted shortly.

The reference documents relating to the Dependent Territories mentioned in this report and furnished by the Government of the United Kingdom are available for consultation in the original language in the files of the Secretariat.

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[30 March 1981]

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INTRODUCTION

1. In April 1980, the United Kingdom submitted its report on articles 10-12 of the International Covenant on Economic, Social and Cultural Rights and undertook to submit separately a supplementary report describing the position in the United Kingdom's Dependent Territories, valid until September 1979.
2. The position in relation to each Dependent Territory covered by this report is set out in the annexes. It may help the Council if certain preliminary remarks of a general nature are made and if the United Kingdom offers some further comment on the implementation of article 1 of the Covenant.

GENERAL

3. The various Dependent Territories whose reports are annexed to this report have their own legal systems. Although in many respects those legal systems share certain common features with each other and with the legal system of the United Kingdom, on any particular matter it is necessary to look at the legislation and other rules of law applying in the Dependent Territories concerned. Because each Dependent Territory has a separate and distinct legal system and most are in varying degrees self-governing, it was appropriate for the annexed reports in respect of each Dependent Territory to be prepared by the authorities in that Territory. It is for that reason that the annexes to this report differ in the way in which they comment on the various articles of the Covenant.
4. It should also be borne in mind that the Territories whose reports are annexed vary greatly in history, size, population and economic and political potential. The preparation of the numerous reports required under various United Nations instruments places a great burden on their often limited resources and so, in accordance with article 17, paragraph 3, of the Covenant, reference is often made to replies contained in other reports, especially those submitted under Article 73 e of the Charter of the United Nations.
5. In none of the Dependent Territories covered by the annexes to this report does the International Covenant on Economic, Social and Cultural Rights itself have the force of law. The obligation to give effect to the rights recognized in the Covenant is fulfilled in those Territories by the provision of safeguards of different kinds operating in the various legal systems concerned, independently of the Covenant but in full conformity with it.
6. The annexes to this report contain, in respect of each Territory, short general explanations, article by article, of legal rules concerning the rights recognized in the Covenant, citing, where appropriate, the principal legislative enactments, cases and administrative instructions in which the rules are embodied (the full texts of the laws and regulations referred to have been made available to the Human Rights Committee). 1/ In some respects the authorities in the

1/ Texts of some of the laws and regulations mentioned in this report, made available by the Government of the United Kingdom, may be consulted in the original language upon request to the Secretariat.

Territories have stated that the position in the Territory is as set out in the report submitted by the United Kingdom, to which reference therefore also needs to be made. However, the legal rules concerning human rights and freedoms are not comprehensively embodied in any one legislative instrument or series of such instruments in any of the Dependent Territories, although in some Territories the Constitution contains a group of provisions dealing with human rights and freedoms. In most cases the relevant legal rules derive both from legislation, in many fields, and from case law and, particularly because of the nature of the latter, cannot be comprehensively enumerated. The explanations in the annexes to this report should not, therefore, be regarded as an exhaustive statement of the safeguards provided.

ARTICLE 1

7. It is the policy of United Kingdom Governments to lead the Dependent Territories to a position where they can exercise self-determination, to grant independence to any territory which seeks it, but not to compel them to proceed to independence or to joinder with another country against their wishes, in accordance with the wishes of the inhabitants and the provisions of the Charter of the United Nations.

8. On ratifying the Covenant on Economic, Social and Cultural Rights, the Government of the United Kingdom maintained the declaration in respect of article 1 which had been made on signature, namely, their understanding that by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under article 1 of the Covenant and their obligations under the Charter, their obligations under the Charter will prevail.

9. Since the Government of the United Kingdom ratified the International Covenant on Economic, Social and Cultural Rights on 20 May 1976, Seychelles, Solomon Islands, Tuvalu, Dominica, Saint Lucia, Kiribati, Zimbabwe and Vanuatu have attained independence.

ANNEX I

Belize

Population: 158,000 (1978 estimate)

Area: 22,963 sq km (approx.)

This Territory enjoys internal self-government. In accordance with General Assembly resolution 35/20 of 11 November 1980, the Government of the United Kingdom have announced that a constitutional conference is to be called with a view to the early attainment by Belize of full independence.

See also the report submitted under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex A), the 1979 report submitted under Article 73 e of the Charter of the United Nations and the Working Paper prepared by the Secretariat (A/AC.109/618).

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(1) Section 94 of the Criminal Code (Cap. 21 of the Laws of Belize) imposes a duty on the man to supply his wife and children (legitimate or illegitimate) who are actually under his control with the necessaries of health and life. The phrase "necessaries of health and life" includes proper food, clothing, shelter, warmth, medical or surgical treatment, and any other matters which are reasonably necessary for the preservation of the life and health of a person (subsection 9 of section 94).

Sections 2 and 3 of the Family Maintenance Ordinance (Cap. 188 of the Laws) also gives protection to the family. Section 4 imposes duty on a child (legitimate or illegitimate) to maintain his parents.

When divorce proceedings are before the Court, the law seeks to protect the welfare of the children. Subsection 1 of section 170 of the Supreme Court of Judicature Ordinance (Cap. 5 of the Laws) gives the Court power in any proceedings for divorce to make provision for the custody, maintenance and education of the children.

Paragraph (d) of section 2 of the Married Persons (Protection) Ordinance gives the Court summary jurisdiction to grant to the wife an order whereby the husband "shall pay to the applicant, or to any officer of the Court or other person on her behalf, such weekly sum not exceeding three dollars as the Court, having regard to the means both of the husband and the wife, considers reasonable, for the maintenance of each child until such child attains the age of sixteen years".

(2) The law requires full and free consent of intending spouses. Section 74 of the Marriage Ordinance (Cap. 194) prohibits proceedings in any court which would have the effect of forcing parties to marry by reason of a promise of a marriage contract, seduction or any other cause.

(4) Sections 17 and 18 of the Income Tax Ordinance (Cap. 38) allow deductions from a man's income in respect of his wife and children.

B. Maternity protection

(2) Section 171 of the Labour Ordinance, No. 15 of 1959, offers pre-natal protection and assistance to working mothers engaged in any public or private industrial, commercial or agricultural undertaking.

(3) Section 172 prohibits the employer from serving a notice of dismissal on a woman who remains absent from work for a longer period than provided for by section 171 unless her absence has exceeded such maximum period as the Minister may by regulation prescribe.

C. Protection of children and young persons

(1) Subsection (1) of section 14 of the Juvenile Ordinance (Cap. 26) authorizes any person to bring before a juvenile court persons under the age of 16 who are found begging, wandering or destitute.

(2) The court may then order the child to be taken out of the custody of any person and to be committed to some other fit person or institution whereby such person or institution to whose care a child is committed shall have the like control over the child as the parent and shall be responsible for his maintenance.

(4) Section 54 of the Labour Ordinance prohibits a child from entering into a contract of service. The section also prohibits young persons from entering into a written contract of service unless the employment is approved by a labour officer, as not being injurious to the moral and physical development of non-adults. By virtue of section 2 of the Ordinance "child" means a person who is under the age of 14 years; and "young persons" means a person who has attained the age of 14 years but is under the age of 18 years. Section (112) limits the number of actual working hours to 48 hours per week.

ARTICLE 11: THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. An adequate standard of living has been recognized by the Government of Belize as a basic human right and, accordingly, an appropriate objective of social and economic development. The Price Control law seeks to ensure that essential food-stuffs are available to all at reasonable prices. A new Social Security law passed recently seeks to ensure that no person shall suffer want. The law also encourages Credit Unions and other thrift societies. The Social Services Department has always come to the assistance of needy persons.

B. Right to adequate food

(2) Belize possesses tracts of fertile land. However, modern agricultural technology has been slow in arriving at its shores. In addition there are problems which plague the agricultural sector and which have, as a resultant effect, contributed to a problem of malnutrition in Belize. Among other problems there is the narrowing base of farm production (towards monoculture); another is the land pressure which is building up in some areas; and a third is the heavy dependence of Belize on imported food supplies.

There is therefore a need for an agricultural policy which would embrace the development needs of the country. In this regard certain steps have been made towards instituting the appropriate strategies for the eventual establishment of a sound agricultural base.

The laws have been moving in the right direction. Recently, the Caribbean Agricultural Research and Development Institute Ordinance has been passed. Among others, the objects of the Institute are (a) to provide for the research and development needs of the agriculture of the region; and (b) to provide an appropriate research and development service to the agricultural sector of member States.

Section 4 of the Aliens Landholding Ordinance, No. 31 of 1973, prospectively prohibits an alien holding any legal or equitable estate in land. However, among the exceptions included in the proviso to the section are (1) land acquired by virtue of a licence granted to the alien under section 6 of the ordinance and (2) land acquired which is situated within the boundaries of a city or town and the total area held by any alien does not in the aggregate exceed one-half acre, and if the land is situated outside the boundaries of a city or town, the total area held by an alien must not exceed 10 acres. This law seeks to keep the land available at reasonable prices to nationals.

The Land Tax (Rural Land Utilization) Ordinance imposes a tax on all rural lands which are in excess of 100 acres and under-developed. The purpose of this ordinance is to encourage land development and thwart speculation.

The Registered Land Ordinance was passed to make provision for the registration of land and for dealings in land so registered. This ordinance shall apply to any area declared by the Minister responsible for lands under section (4) to be a compulsory registration area.

(3) Section 3 of the Agricultural Society Ordinance incorporates the Belize Agricultural Society. The objects of the society are the dissemination of agricultural knowledge and the consideration, encouragement and advancement of all branches of agriculture in Belize and of all matters and things incidental or appertaining thereto (section 6).

(8) A National Nutrition Policy has recently been promulgated and a Food and Nutrition Council has been established to advise Government on how best to solve the problems of morbidity, infant mortality and malnutrition.

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ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. The Medical Service and Institutions Ordinance sets out provisions governing medical institutions which include the mental hospital and all public hospitals, dispensaries, hospitals in or attached to prisons and the poor houses.

Section 24 of the Ordinance deals with admission of patients; subsection (2) of section 25 gives the medical officer in charge discretion to admit or refuse to admit patients. Persons who are dissatisfied with the medical officer's exercise of his discretion under subsection (2) can appeal to the Minister in Charge of hospitals.

The Government of Belize has entered into agreements with several international and regional agencies, e.g., the Pan American Health Organization, UNICEF, UNESCO and the Caribbean Epidemiological Centre in an effort to foster primary health care.

C. Statistics

- (a) Infant mortality (1976): 36.5 per 1,000;
- (b) Number of doctors per inhabitants: 4.1 per 1,000;
- (c) Number of hospitals: 7 general; 3 specialized (1 mental, 1 sanitorium, 1 infirmary);
- (d) Number of hospital beds: 622; 4 per 1,000.

ANNEX II

Bermuda

Population: 57,000 (1977 estimate)

Area: 53.3 sq km (approx.)

This Territory enjoys a wide measure of internal self-government under an elected legislature and Ministers. The right of self-determination is guaranteed by the policy of successive United Kingdom governments, subject to the wishes of the population of Bermuda.

See also the report submitted under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex B), the 1979 report submitted under Article 73 e of the Charter of the United Nations and the Working Paper prepared by the Secretariat (A/AC.109/595).

ARTICLE 10: THE PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(1) There is a fair amount of legislation pertinent to this heading: e.g., Protection of Children Act 1943; Social Welfare Act 1971; Adoption of Children Act 1963; Employment of Children and Young Persons Act 1963; Foster Homes Act 1960; Obscene Publications Act 1973; and Affiliation Act 1976 (formerly Illegitimate Children's Act).

Essentially, there is legislative provision and services to protect children from abuse and neglect and to assist families where there are indications of neglect or impending neglect; individual, family and marriage counselling services are also provided.

Several years ago, a Single Parents' Association was established and has been active in focusing attention on the problems of single parents. As a result of the efforts of a group of concerned individuals, a counselling, information and referral service will be provided in the near future for victims of physical abuse, including rape.

C. Protection of children and young persons

(1) A Child Development Project is being jointly sponsored by the Department of Health, the Department of Social Services and the Department of Education. The aim of the Project is the promotion of the mental health and intellectual development of Bermuda's children and youth. Its main emphasis is assuring that problems and needs of families are identified and responded to at an early stage. Particular attention is paid to: the quality of parenting and the adequacy of the learning environment in the early years; the ability of parents to learn effective

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parenting skills and teaching techniques; and the provision of continuous and individualized educational experiences in which gains made in the early years are maintained and augmented.

ARTICLE 11: THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. The Parish Assistance Act 1968 guarantees individuals and families the basic necessities of life which have been defined as: food, shelter, clothing, fuel, utilities, household supplies, and personal requirements; care in a home for special care; travel and transportation; funerals and burials; and health care services.

ARTICLE 12: THE RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Major legislation in this area is the Public Health Act 1949 and the Mental Health Act 1968.

B. (1) and (2) Many of the services of the Department of Health are for the family, mother and children; for example: child health clinics, family planning clinics, sexually transmitted diseases clinics, district nursing services, ante- and post-natal clinics, immunization programme, school health service, and mothercraft classes. In-patient and out-patient psychiatric services are provided by St. Brendan's Hospital.

(6) Although medical care is only available through private insurance companies, the Government operates a hospital insurance plan which is available to all Bermudians.

ANNEX III

British Virgin Islands

Population: 12,000 (1978 estimate)

Area: 152.8 sq km (approx.)

The Territory at present enjoys a very large measure of internal self-government. In 1973 a Constitutional Commission was appointed to report on the question of constitutional advancement in the Territory. That report was presented to the Secretary of State for Foreign and Commonwealth Affairs on 20 December 1973 and resulted in a new and more advanced constitution being introduced in 1976.

See also the report submitted under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex C), the 1979 report submitted under Article 73 e of the Charter of the United Nations and the Working Paper prepared by the Secretariat (A/AC.109/593).

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(1) Generally speaking, British Virgin Islanders have enjoyed a sense of well-being and protection so that it has not been necessary to enact many laws in this area.

(2) Men and women can legally marry from age 14. There are no formalities or restrictions, parties can be married upon application for a licence after a space of 15 days and by special licence after a space of 3 days immediately preceding the application, residence in the Territory for one of the parties being 15 and 3 days, respectively, in the cases mentioned. There are no laws restricting the choice of spouse.

(3) Many British Virgin Islanders own their own homes at the time of marriage. Per capita income is fairly substantial; consequently it has not been necessary for government, up to this time, to establish subsidies or provide installation grants, housing and other such benefits.

(4) The Income Tax Ordinance provides for tax exemption for a man in the amount of \$4,000 and \$3,000 for his wife, deductions are also allowed for children over the age of 16 receiving higher education overseas - \$1,000 for each child.

B. Maternity protection

(1) Under the Labour Code (Sect. C 16 (iii)) there is provision for the protection of working women against unfair dismissal because of pregnancy. There

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is no distinction made in the granting of maternity leave to women on the basis of marital status and there are no known cases where these rights have been violated.

(2) A series of clinics have been established within the Public Health Department to provide pre-natal and post-natal needs for mothers, irrespective of race or marital status. Women attending pre-natal care receive iron and folic acid free of charge as a routine measures against anaemia.

(3) Up to September 1979, there was no special protection for working mothers. It was customary, however, for employers to give reasonable time off - some with pay - for maternity requirements.

(4) See (3) above.

(5) In the event that a mother experiences financial difficulty through the loss of the bread-winner, the Government, through its Public Assistance Programme, would assist.

C. Protection of children and young persons

(4) The relevant law in this regard is the Labour Code: Section E 3 (i) states:

"No child shall be employed or shall work in any public or private agricultural or industrial undertaking or in any branch thereof, or any ship other than an undertaking or on a ship on which only members of the same family are employed, and any person who employs any child or permits him to work in contravention of this section shall be guilty of an offence."

(5) There is provision in the Labour Code also restricting the employment of young persons, i.e., between the ages of 14 and 18, unless they are certified medically fit for doing the work required. The type of work and number of hours are also restricted. The employment of young persons by law is subject to medical supervision until he/she is no longer a young person.

The Education Ordinance provides for compulsory education for children aged 5 to 15 years. Free secondary education is provided beyond that age. A special school has also been established for the handicapped.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. Generally speaking, British Virgin Islanders are ambitious people and enjoy a relatively high standard of living. There are no laws governing this aspect - however, there is a statement in the Labour Code Ordinance, 1975 which reads, "The employment conditions of each worker should be those which, at the least, will enable him to provide himself and his family with the amenities of life to which all human beings are entitled" and a final statement which reads, "The increase in production and in purchasing power which will result from the application of the

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above principles will benefit the workers, the employers, the consumers, and finally will advance the over-all socio-economic level of the Virgin Islands."

Recent legislation, such as the Fisheries Ordinance and a Proclamation establishing a Fisheries Zone, provide some protection for British Virgin Islanders and foster some improvement in socio-economic conditions.

B. Right to adequate food

Basically, agriculture is minimal. The Agricultural Department of Government fosters improved methods in agriculture and fishing.

(5) Since the islands are small and easily accessible by frequent motor-launch service between the islands, there is no problem of food distribution.

(6) and (8) Through the medium of the schools and the Public Health Department, knowledge of nutritional levels is disseminated. The nutritional status of the British Virgin Islands is satisfactory. There is no malnutrition.

C. Right to adequate clothing

(1) The climate of these islands permits individuals to be comfortable in less rather than more articles of clothing. With the absence of wide ranges of difference in temperatures, year round, there is no need for legislation in this area.

(2) There are no production centres for clothing in the British Virgin Islands.

D. Right to housing

As stated earlier, because of the relatively high standard of living in the British Virgin Islands, there is no problem with housing. Generally, the people continue to modernize and to obtain improved standards. Most people own their own homes. There are no government housing projects. A building authority set up by government must approve plans for construction and thus ensures that certain standards are maintained. So far it has not been found necessary to enact laws for control of rent.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. There are no specific laws in this area. The Mental Health Programme of the British Virgin Islands has made progress in mental health care in three main aspects: preventive, continuity and rehabilitation.

B. (1) Pre-natal and post-natal clinics have been established within the Public Health Department, thus ensuring the minimum of still births and infant mortality. Statistics for the past five years in this regard are recorded as follows:

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<u>Category</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Live births	225	245	210	202	211
Neo-natal death	1	1	3	4	3
Deaths in children (ages 1-4)	Nil	2	Nil	1	Nil
Maternal deaths	Nil	Nil	Nil	Nil	Nil
Still births	4	5	5	4	4

(2) Attendances at the Child Health Clinic are good. Children are medically examined on entry into primary school, at entry into high school and before leaving high school as measures for ensuring good health.

(3) The Public Health Department of the Government through their Public Health Inspectors are actively engaged in preserving hygienic surroundings and in eliminating adverse effects of the environment as far as is applicable to this area.

(4) The British Virgin Islands are fortunate in having a very low incidence of infectious disease. This can be attributed to the high level of immunization by the public health personnel. There is co-operation with international agencies in specific programmes.

(5) Regular health clinics adequately serve the needs of persons in town as well as the rural areas.

(6) In the main, finance for medical services is provided by the local government. The following figures are relevant:

Government expenditure on public health

<u>Year</u>	<u>Capital expenditure</u>	<u>Recurrent expenditure</u>	<u>Total</u>
1972	68,542	444,894	513,436
1973	40,152	479,765	619,917
1974	56,697	555,631	612,328
1975	108,794	590,813	699,607
1976	Nil	696,974	696,974
1977	33,840	722,077	755,917
1978	314,313	888,457	1,202,770
1979	900,000	901,973	1,801,973

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C. There is one hospital on Tortola which has a complement of 34 beds. An improved facility which will provide 50 beds is well advanced in construction. External aid from the Government of the United Kingdom in the sum of \$1,000,000 has been pledged for the renovations and extension of the hospital. The population of the British Virgin Islands is just under 10,000 persons. There are seven government-employed doctors, including a surgeon, an anaesthetist and a dental officer. In addition, there are four private doctors (including one dentist) in residence on the islands. There is also a privately run hospital specializing in cosmetic and reconstructive surgery.

ANNEX IV

Cayman Islands

Population: 16,677 (1979 estimate)

Area: 260 sq km (approx.)

The Territory enjoys internal self-government. A mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples visited the Cayman Islands in April 1977. The mission's report and the resolution adopted by the Special Committee - which accepted the report - stressed the need to bear in mind the express wishes of the Caymanian people, who had informed the mission that they wished at the present time no constitutional change.

See also the report submitted under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex D), the 1979 report submitted under Article 73 e of the Charter of the United Nations and the Working Paper prepared by the Secretariat (A/AC.109/596).

The International Covenant on Economic, Social and Cultural Rights does not itself have force of law in the Cayman Islands which are a Crown Colony of the United Kingdom. Although there is no recital of Human Rights incorporated in the Cayman Islands (Constitution) Order 1972 they are widely respected and protected.

The Laws of the Cayman Islands are carefully drafted so as to protect the special rights pertaining to the protection of the family, mothers and children. This report contains summarized explanations, under articles 10-12 of the International Covenant on Economic, Social and Cultural Rights, of how the Covenant has been implemented in the Cayman Islands.

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(1) Relevant Laws:

Age of Majority Law
Estates Proceedings Law
Maintenance Law
Married Women's Property Law
Marriage Law and Matrimonial Causes Law and Rules
Sex Disqualification (Removal) Law
Succession Law
Wills Law

(2) The Marriage Law guarantees these rights.

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(3) There are no subsidies or grants available, as such, for housing but there is a government-sponsored scheme under which long-term mortgages at low interest rates are available from funds originally made available by the Caribbean Development Bank.

(4) The Cayman Islands has no social security benefit scheme, but welfare assistance for needy families is available from government funds. Bonaventure House, a caring home for boys, built by the Rotary Club and operated and staffed from central government funds caters for 16 boys in need of care and protection. A fund to provide a similar facility for girls has been launched.

B. Maternity protection

(1) There are no specific laws governing maternity protection.

(2) Under the Health Services (fees) Regulations 1975 all anti-natal services including clinics, blood-testing and drugs necessitated by pregnancy are free.

(3) The General Orders applicable to the Civil Service contain provision for the grant of paid maternity leave to women employees in the Civil Service after they have completed 12 months' service, with the proviso that such leave is granted not more than once in three years. Except for casual workers, women employees in the private sector are granted similar benefits.

(4) No such measures are provided. There is however no direct taxation in the Cayman Islands.

(5) No such measures are provided.

C. Protection of children and young persons

(1) Relevant laws:

The Adoption of Children Law Guardianship
and Custody of Children Law

The Education Law and Regulations

The Juveniles Law and Regulations

Joint Trial and Adults Legitimation Law

(2) Children in need of care and protection and delinquents are provided for in the Juveniles Law and Regulations. A school for the handicapped has been in operation since 1975 and, under the Genetics Programme supported by WHO/PAHO, plans are in hand to cater for all physically, mentally and socially handicapped children.

(3) These measures are covered by the Juveniles Law 1975.

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(4) and (5) Restrictions on the employment of children are to be found in the Juveniles Law (sects. 24-30 inclusive are referred to in particular). The school leaving age is 15 years.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. There is generally a full employment situation in the islands which means that almost anybody willing to work can find employment. There is no specific legislation covering this article regarding the standard of living. The Health Services Law ensures adequate sanitary conditions.

B. Right to adequate food

(2), (3) and (4) The Government of the Cayman Islands, through its Department of Agriculture, encourages all types of agricultural activities. This is done through incentives, the most important being that agricultural plant, machinery, fertilizers, insecticides and other requirements imported into the Cayman Islands are duty free.

Measures taken to improve production methods are handled through the extension services of the Department of Agriculture. This involves radio broadcasts, newspaper and magazine articles, field days and seminars held in various districts of the islands. At these meetings the farmers are informed on the best varieties to use, and to use the most efficient cultural practices.

Animal husbandry is encouraged as the islands have natural grasslands. The Cayman Islanders are good livestock men and take to it naturally. New pasture grasses have been introduced by Government and have increased the carrying capacity of pastures significantly. Artificial insemination has been introduced and a programme to upgrade the local livestock population is well advanced. This is done through co-operation between the Department of Agriculture and the private sector.

The Department also maintains an experimental station on which research is constantly being undertaken. Vegetables, pasture grasses and legumes have been the main areas of study over the past five years.

Livestock diseases are studied by the Livestock and Animal Health branch of the Department, the main areas of interest being internal and external parasites and poisonous plants.

(5), (6) and (7) No special measures taken.

(8) Nutrition is included in the Home Economics syllabus of the Cayman Islands High School. Advice is also given by Public Health Nurses at clinics and home visits. Films are shown from time to time. October 1980 was designated Nutrition Month as part of the programme for the International Year of the Child. Special programmes and activities were planned to disseminate knowledge of the principles of nutrition during the month.

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(9) None.

(10) None available.

C. Right to adequate clothing

(1) No laws.

(2) No clothing is produced in the Cayman Islands except on a private basis. Practically all items of wearing apparel are imported. There are no families who do not have clothing, the needy being provided for by Government's Probation and Welfare Office or the National Council of Social Service and Service Clubs.

D. Right to housing

(1) No laws.

(2) See A (3) under article 10 above.

(4) The standard of housing generally is adequate, most families living in lumber or concrete block houses. There are a few areas where rehousing is desirable and some where sanitation could be improved and steps are being taken to deal with these problems both by the Government and by the National Council of Social Service which is, as its name suggests, a national body. The National Council of Social Service, which began operation in 1975, is supported by staff seconded to it by the Government. It has a membership of 37 organizations, covering service clubs, youth organizations, sports organizations, churches and cultural organizations plus a number of private members. The Council has also assisted many needy families, commenced a programme for school drop-outs and been instrumental in the formation of the National Youth Theatre, the Amateur Athletic Association and the Amateur Boxing Association. The Council and its members contribute substantially to the improvement of social conditions in the islands and are currently ready to commence construction of a home for the aged.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Health Services Law. Mental Health Law.

B. (1) See B (2) under article 10 above.

(2) Generally conditions in the Cayman Islands are favourable to the healthy development of children from before birth to adolescence. Child care services provided free by the Government Medical Service are of a high standard and immunization programmes are available in all districts. Education is free from 4 years 9 months to 15 years and up to 18 years for those able to continue to GCE 'A' level standard. The National Council of Social Service (see D (4) under article 11 above) has opened a school for the handicapped and four pre-school day care centres for children aged 6 weeks to 4 years 9 months.

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(3) The proposed Public Health Regulations make provision for the following:

Food hygiene

Registration of food-handling establishments;

General requirements regarding hygiene and construction of premises;

Medical examination of food-handling;

Storage and temperature control of food;

Infectious disease;

Inspection of all imported food-stuffs at the point of entry into the islands;

Condemnation, seizure and disposal of all food-stuffs found to be unfit for human consumption;

Provision of a suitable abattoir where ante- and post-mortem inspection of animals and carcasses can be carried out.

ANNEX V

Falkland Islands

The Falkland Islands enjoy internal self-government. Following constitutional changes in 1977, the Legislative Council now has an elected majority. There is at present no demand for independence. The Territory is small and sparsely populated.

The Falkland Islands are small and remote; they lie in the South Atlantic, approximately 480 miles north-east of Cape Horn between longitudes 61° and 57° west and latitudes 51° and 53° south. There are about 200 islands with a total land area of some 12,173 sq km.

The population is dwindling and numbers some 1,350, nearly all of British descent with about 80 per cent born in the Falkland Islands. Stanley, the capital, (population 1,050) is the only town and in the Camp (i.e., the countryside outside Stanley) the largest settlement is Goose Green (population 140).

See also the report submitted under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex E), the 1979 report submitted under Article 73 e of the Charter of the United Nations and the Working Paper prepared by the Secretariat (A/AC.109/615).

Introduction

As in the United Kingdom of Great Britain and Northern Ireland, the International Covenant on Economic, Social and Cultural Rights does not itself have the force of law in the Colony. However, measures exist within the framework of the legal and administrative system to safeguard many of the rights recognized by the Covenant.

The provisions relating to human rights and freedoms are not incorporated in any one legislative instrument or enactment. They are partly in the form of the common law derived by the Colony from England and partly in the form of enactments and statutory orders, some of them derived from the United Kingdom, others enacted in the Colony to meet local conditions and circumstances.

Reservations have been made in respect of the Covenant by the Government of the United Kingdom and some of these reservations affect the Colony.

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

There is a reservation to this Article: the Government of the United Kingdom has reserved the right to postpone the application of paragraph 2 of this Article in so far as it concerns paid maternity leave in the Colony because of the strain that would be imposed on the Colony's finances.

A. Protection of the family

(1) The importance of the family unit is recognized. Reference should be made to the report submitted by the Colony under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex E) in respect of articles 23 and 24 of that Covenant.

(2) As in the United Kingdom the marriage must be entered into with the free consent of the intending spouses.

(3) Government loans are made available to assist persons wishing to purchase homes or to carry out improvements to their homes.

(4) There are tax concessions for working married women and tax allowances for children maintained by the taxpayer: Income Tax Ordinance (Cap 32). Moreover, there are family allowances paid to families with more than one child: Family Allowances Ordinance 9 of 1960.

B. Maternity protection

(1) There is no legislation dealing with maternity protection. (See also the reply to article 12 B (6).)

C. Protection of children and young workers

(1) As to the protection of children generally in the Colony reference should be made to the reports under article 24 of the above-mentioned report (CCPR/C/1/Add.37, annex E).

(2) Under the Guardianship of Minors Ordinance (8 of 1979) the welfare of the minor in any court proceedings relating to the custody, upbringing or property of the minor is made the first and paramount consideration. The Matrimonial Causes Ordinance (14 of 1979) contains provisions to safeguard the position of the children on breakdown of marriage; the judge is required to express his satisfaction that the arrangements for the children of the family are the best that can be devised in the circumstances.

(4) and (5) The minimum age for the employment of child labour is set by law under the Employment of Children Ordinance (1 of 1966) at 13 years and then only for two hours per day until the child reaches the age of 15 years. No child (being under 15 years) shall be employed in any industrial undertaking or in any ship under the Employment of Women, Young Persons and Children Ordinance (1 of 1967) nor shall any young person (being under 18 years) be employed at night in any industrial undertaking except as permitted by the Convention concerning the Night Work of Young Persons employed in Industry (*ibid.*). No female young person shall be employed in a mine (*ibid.*). The Ordinance, which contains other measures, particularly to protect young persons employed on ships, does not apply to an industrial undertaking or ship in which only members of the same family are

employed. Ordinance 1 of 1966 has been amended to prohibit the employment of children to lift, carry or move anything so heavy as to be likely to cause injury to him: Ordinance 13 of 1968.

(6) There is no data available of children or young persons working in the Colony.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. The Government of the Colony is constantly striving to improve the living conditions of the small population. Many of the steps taken in this direction take the form not of formal legislation, but of policy-making and administrative action through the Executive Council and the various government departments. For instance, a road has been commenced linking Stanley, the only town, with Darwin, the most populated settlement, and a land-plane has been acquired by the government-operated air service to supplement two float planes and thereby improve communications.

B. Right to adequate food

(1) The population is generally healthy and well-nourished and legislation in this field is not at present deemed desirable or necessary.

(2) A scheme has been launched as part of the Government's policy to increase the number of farmers owning their own farms and to this end a large farm acquired by the Government has been subdivided into units that have been offered to residents for them to purchase with the assistance of government loans. Experts from the United Kingdom and other agencies are invited to visit the Colony and advise on methods of improving the economy in general and agriculture in particular.

(3) and (4) The Government maintains a permanent unit concerned solely with improving grasslands and levels of agricultural production and efficiency. All information gained through this unit or from the reports of visiting experts is made available to farmers and other persons interested.

C. Right to adequate clothing

There are no laws dealing specifically with clothing. Clothing is readily purchased at the retail outlets in the Colony and both prices and quality are believed to be acceptable.

D. Right to housing

(1) There is no legislation governing the right to housing.

(2) The Government is undertaking a programme of housebuilding to cope with the present housing shortage in Stanley, the only town. Outside Stanley there is

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no shortage of houses. Government loans are generally available to assist house purchasers.

(4) Standards of sanitation in buildings are to some extent safeguarded by the Public Health Ordinance (Cap. 54). A Board of Health was constituted by that Ordinance with power to declare a building unfit for human habitation and the Court may prohibit use of such a building for human habitation until remedial works are carried out satisfactorily.

(5) There is no rent control. Landlord and tenant legislation consist of the legislation in that field in force in England before 1900. No obvious need for newer legislation has made itself apparent.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. As already stated, the population is generally healthy and well-nourished. The only local legislation relating to health is the Public Health Ordinance already referred to which constituted the Board of Health. This Ordinance includes provisions directed particularly to preserving the cleanliness of premises and utensils used in connexion with the sale of food, prohibiting the sale of food unfit for human consumption, abating nuisances injurious to health and imposing quarantine regulations.

B. (1) Stillbirths and infant deaths are negligible in the Colony. There have only been three registered infant deaths since 1 January 1973. There have been no recorded stillbirths in the past five years.

(2) With rare exceptions, all children are born in the Government hospital. All children are vaccinated. The climate is healthy and there are few insects to carry disease. Serious health problems are infrequent. The Government recognizes its obligation in this field and operates a hospital in Stanley staffed by sufficient doctors and nurses to cope with the needs of the community.

(3) Pollution is not a problem in the Colony. There is no industrialization and the environment is essentially rural. There is legislation to protect wildlife and create animal and bird sanctuaries.

(6) Medical attention is, generally speaking, provided to residents free of charge subject to a contribution from earned income (at present 1 per cent) fixed under the Medical Levy Services Ordinance (13 of 1979). The Senior Medical Officer may authorize special treatment abroad for residents, for instance, in Argentina, in appropriate cases, in which event the cost of travel and the hospital expenses will generally be met by Government: Medical Fees Regulations (5 of 1979).

There are at present three qualified doctors and one hospital of 27 beds serving a population of about 1,900. Visits are made by the medical staff on a regular basis to other parts of the Colony.

In the context of articles 10-12 there is freedom of choice in so far as practicable in a small isolated community and no policy of discrimination as to race, colour, sex, language, opinion, origin, property, birth or other status. Non-conformist, Protestant and Catholic marriages are all performed and recognized in the Colony. There is no coloured population and the majority of the population is of English or Scottish descent. The few aliens resident in the Colony enjoy most of the rights of the indigenous population, subject to a few restrictions, for example, a limitation on the right to own land under the Aliens Ordinance (Cap. 4). However, aliens, or non-nationals are generally able to enjoy and exercise the rights set forth in articles 10-12 to the same degree as persons born and resident in the Colony.

ANNEX VI

Gibraltar

Population: 29,760 (1979 Estimate)

Area: 5.8 sq km (approx.)

This Territory enjoys internal self-government with an elected legislature. The present Constitution effects a balance between the maximum degree of autonomy in local affairs and the retention in the Governor's hands of the powers required to enable the British Government to fulfil its responsibilities.

See also the report submitted under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex F), the report for 1979 submitted under Article 73 e of the Charter of the United Nations and the Working Paper prepared by the Secretariat (A/AC.109/603).

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(1) The family is a very strong, innate and cherished component of Gibraltar society and there has been no need to enact laws etc. to promote its protection. Enactments such as the Infants Ordinance, Cap 78 (to provide for the custody and guardianship of infants) and the Adoption of Children Ordinance Cap 3, have long been in existence.

(2) There are no impediments (other than consanguinity, affinity, minority) to men and women marrying with their full and free consent and to establishing a family.

(3) Families may apply for government-owned housing, which is allocated on a points system in accordance with size of family etc. There is a statutory Rent Relief scheme whereby families with low incomes - whether living in government-owned or privately owned premises - may have their rent paid in whole or part by Government.

(4) Family allowances are paid for all children (other than the first child in each family), irrespective of means. There is also a tax-free allowance for income tax purposes in respect of the first child of the family.

B. Maternity protection

(2) Irrespective of marital status pre-natal and post-natal medical and health care is provided by the Medical and Public Health Department. Under the Social Insurance scheme a maternity grant is paid to a woman for every child born to her, subject to either she or her husband meeting the necessary contribution conditions therefor.

(5) The Social Insurance Ordinance provides for payment of widowed mothers' allowance (with increases for each child) for so long as a widow has dependent children living with her. A woman abandoned by her husband, and who cannot afford to maintain her children, may apply for financial assistance from Government's Supplementary Benefits Scheme. This is paid for so long as she is taking the necessary steps to obtain maintenance from the husband or if such steps have proved ineffectual. There is also an Industrial Death Benefit scheme in operation.

C. Protection of children and young persons

(1) Education is compulsory up to age 15 and is provided free for all children without distinction or discrimination whatsoever. They are likewise covered by a system of free health care. A special school caters for physically and/or mentally handicapped children.

(2) There are two well-equipped government-run homes for children whose parents or guardians are unable, or have been found by the courts to be unfit to look after them. They may also admit delinquent minors sent by the courts, but the need for this has not arisen for many years. There is also a school and an occupational therapy centre for physically and mentally handicapped children.

(3)-(6) The Employment of Women, Young Persons and Children Ordinance (Cap 50) prohibits the employment of a child (i.e., under 15) in industrial employment except in an undertaking in which only members of the employer's family are employed and only if the nature of the employment is not dangerous to life, health, or morals of persons employed therein. At no time has this exception ever been invoked in Gibraltar. The Ordinance also limits the extent to which young persons may be employed on night work in industrial undertakings.

With regard to employment other than of an industrial nature, the Education Ordinance 1974 prohibits the employment of any child or young person (under the age of 18) without the consent of the Director of Education who is empowered to fix such minimum rate of remuneration as he considers fair and reasonable for the work in question and the age of the child or young person concerned.

During the past 5 years only three children have been employed - all being a few months short of school-leaving age. Two were employed as shop assistants and one as a laundry assistant.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. Living conditions in Gibraltar are generally good. It is a natural aim of the Government to improve conditions where possible.

B and C. Right to adequate food and clothing.

People in Gibraltar have adequate supplies of food and clothing and there is therefore no need to legislate in this respect.

D. Right to housing

(1) Gibraltar has a civilian population of 29,760 (1979 statistics figure) and the Government has built 3,548 dwellings since 1945 in an attempt to cater for their needs. Prior to 1940, the Government only had 1,501 flats (1979 statistics).

In Gibraltar around 65 per cent of the housing stock is rented by the Government. Approximately 30 per cent is privately rented and around 4 per cent is owner-occupied. There are 7,386 dwellings (1976 statistics).

The eligibility and qualification of persons for government housing, the method of awarding points etc., are contained in the Housing Allocation Scheme.

Government dwellings are allocated on a strict pointage system and the ability to afford the rent is no consideration. A Rent Relief Scheme operates for persons with low income.

(2) In such a confined space as Gibraltar, land to build on is at a premium but the Ministry of Defence have been ceding more and more for Gibraltar's Development Programmes - housing is a "Defined Domestic Matter" under the Gibraltar Constitution of 1969. Land for building purposes has also been reclaimed from the sea.

Government is also undertaking a Modernization Programme of all pre-war flats and is in the process of launching a Home Ownership Scheme to allow more persons to become owner-occupiers.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Principal laws, administrative regulations etc.

(a) The Medical and Health Ordinance (No. 5 of 1973) and subsequent amendments;

(b) The Group Practice Medical Scheme Ordinance (No. 14 of 1973) and amendments;

(c) The Group Practice Medical Scheme Regulations and amendments;

(d) The Hospitals (Fees and Charges) Rules 1974 and subsequent amendments.

B. Maternity service

(1) The Maternity Department consists of two wards with a total of 14 beds, two private rooms, a two-bedded labour ward, nursery, admission room and ante-natal clinic.

On an average there are 30 deliveries a month. Mothers stay in hospital 5-6 days for a normal delivery, 8-10 for forceps deliveries and 10-13 for Caesarian sections.

Ante-natal patients are admitted for rest and treatment staying from a few days to several weeks.

Relaxation classes held by the physiotherapist are extremely well attended and a lecture and film show for expectant mothers and fathers given every two months by the obstetrician are also very well attended.

There are no post-natal classes but a leaflet on post natal exercises is given to every mother on discharge.

Summary of work in the Department

			<u>1977</u>		<u>1976</u>
Total live births	Males	194		186	
	Females	173	367	174	360
Stillbirths	Males	3		4	
	Females	2	5	3	7
Neo-natal deaths			4		3
Premature births			17		21
Twins			4 pairs		5 pairs
Caesarian sections			52		39
Toxaemias			4		12

Child Welfare Service

(2) Child Welfare Clinics are held at the Health Centre under the supervision of the paediatrician. Most of the babies seen at these Clinics are new babies having a routine general check.

Additional clinics are supervised by the Health Visitor. The children are weighed and their general development progress and appearance are carefully observed. Mothers are advised on feeding and on the general management of their children. Children's milestones are also noted and any abnormality, mental or physical is referred to the doctor for further checking.

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Close liaison is maintained with the Family Care Unit, with the Maternity and Children's Wards, the Eye Department, the Speech Therapy Department and the School Medical Service. A strong link has now been established with the Headmaster of St. Martin's School and information regarding the welfare and needs of the young handicapped child is exchanged.

Paediatrician's clinics

	<u>1977</u>	<u>1976</u>
Number of children registered	336	336
Total number of attendances	418	384
Number of clinics held	42	47

Health Visitor's clinic

	<u>1977</u>	<u>1976</u>
Number of children registered	1,131	1,027
Total number of attendances	10,765	9,822

School Health Service

The services are catered for at the Health Centre by a designated Group Practice Medical Scheme doctor. Clinics are held twice weekly, most of which are held at the various schools. Twice a month a clinic is held at the Health Centre, one for special cases requiring follow-up or further assessment; the other is held in order to plan out policies and ensure the smooth running of the service.

Meetings are held at intervals with the School Counsellor and other teachers. These meetings are essential to smooth out differences and misunderstandings and to discuss matters of policy. The liaison that now exists will be a significant foundation for further improvements in the present service.

Children suffering from acute illnesses are referred to their own private doctors but if the consent of the parent or guardian is obtained treatment is prescribed by the School Medical Officer.

A number of children are referred to hospital for consultant advice.

As part of the general medical check-up all school children are screened for colour-blindness.

The dental health of the school children is on the whole an improvement on previous years.

The number of children examined under the School Health Services was 694 and the general condition of the health of these children showed an improvement on previous years.

School Dental Service (Health Centre)

	<u>1977</u>	<u>1976</u>
Number of patients now registered at the clinic	2,872	2,500
Number of patients seen during the year	3,009	2,655

Treatment has consisted of:

Extractions and minor surgical procedures under local and/or general anaesthesia;

Conservation under local anaesthesia and/or intravenous sedation;

Conservation and endodontic treatment under local anaesthesia;

Periodontal treatment and surgery;

Prosthetic treatment;

Orthodontic treatment.

The number of patients who have received dental appliances (prosthodontic and orthodontic) has risen to 112, compared with 107 in 1976. Twenty-two patients received prosthodontic appliances and 90 courses of orthodontic treatment were completed this year.

One half-day session weekly is devoted to tackling minor oral-surgical procedures under general anaesthesia in the theatre at St. Bernard's Hospital and/or treating the handicapped children of St. Bernadette's and St. Martin's Schools.

Environmental monitoring

(3) There are four environmental monitoring programmes currently being undertaken. These act as general pointers and safeguards as to the quality of the environment.

The monitoring programmes deal with:

- (i) Air quality (smoke, sulphur dioxide and lead);
- (ii) Water supplies;
- (iii) Sea water;
- (iv) Noise.

(i) Air quality

Because of general lack of heavy industry in Gibraltar, the only significant source of air pollution of the environment is the Generating Station.

Since October 1975, four monitoring stations have been strategically installed in different points round the Generating Station so that a true representative picture of the amount of pollution emitted can be obtained under all weather conditions. These monitoring stations take daily samples of air which are subsequently analysed and the amount of sulphur dioxide and smoke in the atmosphere are determined.

At present, the levels of sulphur dioxide are above those recommended as long-term objectives by the World Health Organization. Conversely, the levels of smoke are much lower. Detailed study of all data so far obtained shows that the combined effects from both these pollutants at their present levels are not such as to be prejudicial to the health of exposed persons.

Monitoring is to continue in order to obtain as complete a picture as possible thus ensuring that levels remain within accepted safety limits. Since October 1977, facilities at two of the monitoring stations have been increased so that it is now possible to measure the amount of lead (mainly coming from car exhausts) in the atmosphere. Weekly samples are taken and analysed in connexion with this pollutant but it is too early to be able to establish any sort of relationship between the results so far obtained.

(ii) Water supplies

Samples of water are taken regularly on a routine basis from different points in the distribution network as well as when supplies may become suspect or are the cause of complaint.

During 1977, 91 routine samples were taken for bacteriological analysis and a further 15 samples were taken in connexion with the chemical composition of the water.

Generally, the results for Gibraltar compare very favourably with international and British standards set out by the World Health Organization and the Department of Health and Social Security, respectively.

Water samples are also taken from underground tanks to determine the fitness of the water for dietetic use. Thirty such samples were taken during the year.

In the cases where the water was found unfit for such use and depending on the degree of contamination, it was either treated (involving chlorination and subsequent detasting with sodium thiosulphate), or arrangements were made for the emptying and cleaning of the underground tank.

(iii) Sea-water

During the year 370 sea-water samples have been taken and analysed from eight pre-determined points round the Rock.

The purpose of these samples is to ensure adequate standards of safety at bathing areas, as well as to gather and compare information in connexion with the Co-ordination Mediterranean Pollution Monitoring and Research Programme of the United Nations Environment Programme.

(iv) Noise

Complaints of excessive noise are investigated as and when they occur but are not the subject of a monitoring programme, as is the case with other matters previously mentioned.

Immunization campaigns

(4) Because of the virtual disappearance of smallpox from the world, an amendment to the Public Health Ordinance was passed making vaccination against this disease voluntary instead of compulsory as hitherto.

Subsequently, a Vaccination Campaign was organized in order to inform the public of the services offered at the Immunization Clinic, which continues to be organized by the Public Health Department.

Vaccination against the following diseases are offered free to all children at the Immunization Clinic:

Tetanus
Diphtheria
Pertussis (whooping cough)
Poliomyelitis
Smallpox
Rubella (German measles)

Vaccination against influenza was also offered to selected population groups for the first time this year.

Additionally, other vaccines are available for persons with special travel requirements.

ANNEX VII

Hong Kong

Population: 5,147,900 (1980 estimate)

Area: 1,044 sq. km (approx.)

Hong Kong is a Colony of the United Kingdom of Great Britain and Northern Ireland, administered by a Governor, aided by an Executive Council and a Legislative Council.

See also the report submitted under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex H).

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(1), (3) and (4) A family welfare programme which aims at helping individuals and families to achieve an adequate standard of living and assisting them to deal with their problems is well established in Hong Kong. Services provided include counselling, arrangements for schooling, training, employment, housing, financial assistance, home help service, free legal advice, medical attention and placements in institutions for certain vulnerable groups, such as children, unmarried mothers, the aged and the disabled. A network of casework units and family services centres is now operating on a regional basis to bring the services closer to those who need them. To preserve and strengthen the family as a unit, it is also planned to provide a comprehensive programme of family life education by 1982.

(2) The right of men and women to enter into marriage with their full and free consent is guaranteed under the Marriage Ordinance, Section 14(2) of which provides that both parties must enter into marriage voluntarily. With the enactment of the Marriage Reform Ordinance which provides that marriages entered into in Hong Kong on or after 7 October 1971 may be contracted only in accordance with the Marriage Ordinance, "Kim Tiu" marriages (i.e., bigamy for the purpose of propagation of the future generations of two branches of the same family) and the custom of "sampotsai" (i.e., betrothal of a child bride without her consent) have been rendered illegal.

B. Maternity protection

(3) Under the Employment Ordinance, a pregnant female employee is entitled, subject to the fulfilment of certain qualifications of service, to unpaid maternity leave which normally covers a period of four weeks before and six weeks after the date of confinement. Fully or partially paid maternity leave as a condition of employment is relatively rare except in public service. However, working mothers

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who suffer a loss of earning power during a reasonable period before and after childbirth are entitled to Public Assistance if their total family income drops below the level set by the criteria of the Public Assistance Scheme.

(2) Proper ante-natal and post-natal care for a pregnant female prisoner is provided by the Prison Medical Service. The new-born child is allowed to stay in a prison institution with the mother during the normal period of lactation. The child may remain in the institution until the age of three or when the mother has completed her sentence, whichever is the earlier. Appropriate welfare service will be provided if the child needs further care.

C. Protection of children and young persons

(3) All children and young persons are protected from moral and physical danger under the Protection of Women and Juveniles Ordinance without discrimination for reasons of parentage or other conditions.

(2) The Child Care Centres Ordinance and Regulations enacted in 1975 ensure that children are adequately cared for and supervised in child care centres. Special forms of assistance are provided for children who have particular needs. For the more severely handicapped children there are at present 54 special schools including 2 for the blind, 1 for the mentally handicapped blind, 4 for the deaf, 8 for the physically handicapped, 12 hospital schools, 7 schools for the mildly mentally handicapped, 12 for the moderately mentally handicapped and 8 for the maladjusted and socially deprived. For the less handicapped there are at present 373 special classes in ordinary schools, including 7 for the partially sighted, 32 for the partially deaf, 60 for the maladjusted, 274 for the slow learning. In addition there are also 165 resource classes in ordinary schools for children with learning difficulties in certain basic subjects.

(4) and (5) The minimum age of employment in Hong Kong is 14. Employment of children under that age is generally prohibited under the Employment Ordinance, the Factories and Industrial Undertakings Ordinance and Regulations, and the Employment of Children Regulations 1979 except where specific conditions are laid down in the regulations. Briefly these conditions provide for the part-time employment of children aged 13 or over in non-industrial establishments, but their hours of work per day are limited to a maximum of two hours during school days, four hours on other days during school terms, and eight hours during the summer holidays. Children who have not completed Form III are also required to produce a school attendance certificate to show that they are attending school full-time when taking up part-time employment. No children can be employed in any prohibited occupations listed in the Schedule to the Employment of Children Regulations 1979. Contravention of the regulations prohibiting the employment of children carries a fine up to a maximum of \$10,000. The aim of these regulations is to prohibit employment which would interfere with a child's schooling or would endanger their moral and physical health, and, at the same time, maintain flexibility to allow for part-time employment.

In implementation of the policy of compulsory junior secondary education up to the age of 15, the Employment (Miscellaneous Provisions) Ordinance 1979 was enacted in September 1979. It provides, *inter alia*, that the minimum age of employment in Hong Kong will be raised to 15 by 1 September 1980, and already the Employment of Young Persons and Children at Sea Ordinance has been amended to the effect that as from 1 September 1979 no child under 15 years of age shall be employed to work as a crew member on any vessel except where only members of the same family are employed.

As regards young persons aged between 14 and 17 employed in industrial undertakings, their hours of work and rest are regulated under the Factories and Insutrial Undertakings Regulations. They are permitted to work 8 hours a day and 48 hours a week. Those aged 14 and 15 must have at least one hour for meals and rest after a continuous spell of work of not more than five hours whereas the corresponding rest period for those aged 16 and 17 is at least half an hour.

The same regulations prohibit all young persons from night work - for those under 16, between 7 p.m. and 6 a.m. and for those over 16, between 8 p.m. and 6 a.m. At present, young persons aged 14 and 15 are not allowed to work any overtime but those aged 16 and 17 may work up to a maximum of 50 hours of overtime a year, not exceeding two hours a day. However, by January 1980, all young persons will be prohibited from any overtime work.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. Continuous improvement of living condition

To improve the conditions of living in Hong Kong, the Government has launched the New Town Development Programmes and the Public Housing Programme. At the same time, the Government also seeks to promote Hong Kong's external trade relations in order that these programmes can be sustained by continued economic growth. However, because of Hong Kong's susceptibility to external pressures such as large immigration movements, trade restrictions and import quotas which are beyond its control, it is not possible to guarantee a "continuous improvement" of living conditions.

B. Right to adequate food

(1)-(6) The Government recognizes the right of everyone to be free from hunger. Through a combination of imported food and primary production in Hong Kong, an adequate supply of food is always available for the whole community. The limited area of land available for agricultural use has led to continuous research to ensure the most economical and productive utilization of such land.

As regards the measures that have been adopted in Hong Kong and the progress made in achieving the observance of the rights recognized, a Development Plan on Food Supply Programme has been prepared and implemented since 1975. The over-all objective is to facilitate the supply of food to the population of Hong Kong. The specific objectives are:

- (a) To provide for efficient wholesale marketing of food products;
- (b) To apply to imported staple food-stuffs the minimum effective controls necessary to maintain supplies;
- (c) To assist the development of such agriculture and fisheries as is economically viable and contributes to Hong Kong's food supply;
- (d) To ensure that the proportion of Hong Kong's food supply is maintained at a reasonable level;
- (e) To devise and administer such legislation on animal and plant diseases as may be necessary; and
- (f) In times of shortages, to assist in the search for alternative sources of supply.

The standards of provision are:

- (a) Orderly and hygienic wholesale marketing;
- (b) The limitation of the number of registered rice importers to 45;
- (c) The maintenance of the current share of the market for other staple food-stuffs held by local producers, which is approximately 16-17 per cent of live pigs, 40-41 per cent of fresh vegetables, 64-66 per cent of live poultry, 91-94 per cent of fresh marine fish and 14-16 per cent of fresh water fish; and
- (d) The complete control and prevention of all types of plant and livestock pests and diseases.

(2) To implement the programmes in respect of agricultural industries, Government undertakes applied and adaptive research as necessary, provides diagnostic and ancillary services, gives technical, managerial and financial advice and assistance, and assumes development responsibilities - especially in the form of irrigation projects. Producer associations and the orderly marketing of local farm produce are actively promoted and regulated. New concepts, techniques and material inputs to the industry are evaluated and actively promoted when it is advantageous to do so. Controls are enforced to prevent the introduction and spread of plant and livestock pests and diseases and to ensure economic and efficient production levels as well as production to acceptable standards of quality and hygiene. Vocational and technical training is provided for those directly and indirectly engaged in the industries.

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(2) Due to the demands of an ever-increasing population, Hong Kong continues to lose agricultural land to urban type development. This tends to decrease agricultural production but is compensated to some degree by the adoption of more intensive farming practices.

(3) In implementing the programme in respect of the fishing industry, the Government undertakes exploratory fishing, applied and adaptive research as necessary, introduces and designs new craft gear and equipment, gives technical, managerial and financial advice and assumes specific development responsibilities. The industry is encouraged to modernize and otherwise improve on traditional designs and techniques. Notable success has been achieved in a relatively brief period. Producer associations are strongly encouraged and the orderly marketing of local fishery products is actively promoted and regulated. Vocational and technical training is provided for the industry, e.g., navigation and engineering courses for fishermen and marketing and managerial courses for those in ancillary sectors.

C. Right to adequate clothing

All articles of clothing are readily available and within the purchasing power of the general public in Hong Kong. There has never been any problem of inadequate clothing.

D. Right to housing

(1) The Government's major task in the improvement of living conditions lies in the development of public housing.

(2) Although over 1.9 million people (42 per cent of the population) are living in permanent public housing, the rents of which are heavily subsidized by the Government, there is still insufficient adequate housing mainly for two reasons: (a) the population has doubled since 1953, due to natural growth and immigration; (b) Hong Kong families want continuously better quality housing at a price which they can afford. With land so very scarce and rents and prices of flats in the private sector among the highest in the world, the aspirations of the majority for a better living environment must be met largely and directly by the Government.

(6) In April 1979, the Hong Kong population was housed as follows:

	<u>Population</u>	<u>Percentage</u>	<u>Households</u>	<u>Percentage</u>	<u>Living quarters</u>	<u>Percentage</u>
Public	1,980,000	42	361,000	32	413,000	39
Private	2,257,000	47	608,000	53	489,000	46
Temporary	537,000	11	171,000	15	165,000	15
TOTAL	4,774,000		1,140,000		1,067,000	

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The Public Housing Programme, announced in October 1972, aimed to build on such a scale that there would be permanent, self-contained accommodation, in a reasonable environment, for virtually everyone in Hong Kong. When this target is accomplished (which was reckoned to take 10-15 years), it will mean the disappearance of squatter areas and the elimination of overcrowding in both private and public sectors. The programme will provide in 1979/80 some 35,000 flats for rent (29,000) and sale (6,000), housing about 200,000 people. The programme will continue at this rate until 1985/86 and probably thereafter.

The implementation of the Public Housing Programme is undertaken by the Hong Kong Housing Authority which was constituted in 1973 under the Housing Ordinance. It is the responsibility of the Authority to build and manage public housing, to control and rehouse squatters and to advise the Governor on housing matters. Land for public housing is provided to the Housing Authority free of charge and building loans free of interest. Rents therefore have only to cover building repayment over 40 years, together with management and maintenance costs.

To increase home ownership, the Government has launched a Home Ownership programme for constructing about 5,000 flats a year which will be sold at cost, that is below market prices to low income households. Mortgage loans will be repayable over 15 years with interest below market rates.

For other households, the commercial banks and the Hong Kong Building and Loan Agency provide mortgage loans for 12-15 years at market rates of interest. The Government will continue to provide serviced building land for sale to developers by public auction for the construction of small flats. In 1979/80, the private sector is producing 30,000 flats and a continuing high rate of production is forecast.

(3) Modern techniques are used in the construction of multi-storey housing in Hong Kong, which meets international standards as regards safety measures, particularly necessary because of the severe typhoons in Hong Kong and the possibility of earthquakes.

Since 1953, there has been a continuous improvement in the design and planning of public housing estates and their amenities. Recently built estates have been planned as self-contained towns complete with their own ancillary facilities, such as shops, market stalls, restaurants, schools, clinics, welfare centres, kindergartens, community rooms and play areas; facilities for the elderly and the handicapped and other special groups are, where possible, also provided.

The New Territories Development Department is carrying out major infrastructure works in the rural areas, including flood control, and the provision of roads, drainage and water supplies. The New Territories Administration has a programme of local public works for improving village sanitation and amenities.

(5). About half of private housing is owner-occupied. The bulk of the remaining private rented housing is subject to rent controls under the Landlord and Tenant (Consolidation) Ordinance. This provides security of tenure and limits rent increases of flats built before 1973; these are permitted to rise slowly towards market levels at a maximum of a 21 per cent increase every two years. In order to encourage private production, new housing built since 1973 is exempt from rent control for five years.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

B. (1) The Family Health Service of the Medical and Health Department operates a total of 38 maternal and child health centres and 41 family planning centres. These centres provide a comprehensive health care programme for women of child-bearing age and children from birth to five years.

(2) In 1977, the first child assessment clinic was opened to provide comprehensive assessment of handicapped children from birth to 12 years of age. In 1978, a comprehensive observation scheme was initiated by the Family Health Service. This provides routine observation for all infants from birth to five years, and special observation for those with a higher than average risk of developing disability conditions. The main objective is to ensure that all congenital and acquired defects are discovered and remedial action taken as early as possible.

In order that disabling conditions in children can be identified as early as possible and appropriate treatment and rehabilitation services can be promptly provided so as to prevent a minor impairment from deteriorating into a serious and permanent one, large-scale vision screening, audiometric screening, speech screening and group testing programmes are conducted annually among primary school children. For those children who are below school age, developmental screening is provided in maternal and child health centres (see reply to art. 12 B above).

There are also two special education services centres, in which more professional assessment or diagnosis is given individually to children suspected of having learning or behaviour problems. A full range of remedial treatment, follow-up and peripatetic services is also provided in the two centres. Assessment and follow-up services are provided free of charge.

(1) The infant mortality rate has fallen from 21.8 in 1969 to 11.8 per 1,000 live births in 1978. The perinatal mortality rate has also fallen from 19.6 to 12.2 per 1,000 total births over the same period. With improvement in the midwifery services, the stillbirth rate has continued to fall from 9.5 in 1969 to 5.4 per 1,000 total births in 1978. The maternal mortality rate remains very low at 0.06 per 1,000 total births. The above statistics are lower than many European and American countries.

(3) To protect the public from air pollution, an Air Pollution Control Unit was established in 1969 to administer and enforce the Clean Air Ordinance and

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Regulations. By 1974, all of Hong Kong was declared a smoke control area under the ordinance with the gradual effect of lower readings being obtained from monitoring stations. Vehicle emissions are covered by the Road Traffic Ordinance and checks are implemented by the Transport Department and the Royal Hong Kong Police Force through the use of mobile smoke-meters and vehicle inspections.

Noise nuisance from various sources including air-conditioning and ventilating systems, construction sites, inside factories and neighbourhood disturbances are currently covered by provisions in different ordinances, namely, Road Traffic Ordinance, Summary Offences Ordinance, Factories and Industrial Undertakings Ordinance, and Public Health and Urban Services Ordinance. Water pollution is currently dealt with under the Summary Offences Ordinance, the Public Health and Urban Services Ordinance and the Shipping and Port Control Ordinance, with particular attention being given to guarding against pollution by oil or toxic materials. The collection and disposal of solid waste is regulated to ensure complete safety in this aspect of pollution control. Following consultants' recommendations in 1976, a new Environmental Protection Unit was established to formulate and co-ordinate research policy and legislation on environmental control measures. The consultants also proposed that work should commence on environmental legislation in the areas of air, water noise and solid waste pollution, and environmental impact statements on major development projects. At present, the Waste Disposal Bill should be enacted by the end of 1979, and the Water Pollution Control Bill by spring, 1980. Ordinances in respect of air and noise pollution and environmental impact statements are still at the consultative stage, but these should also become law by the end of 1980. The legislation will be implemented by control units, such as the Noise and Vibration Control Unit, which will enable the Authority controlling air-conditioning and ventilation system noises to exercise control over these nuisances and to assist other enforcement departments in the control of construction and stationary noise; and the Liquid Effluent and Solid Waste Pollution Division, which will monitor the effect of dumping of waste and discharge of effluents.

As regards environmental and industrial hygiene, the Industrial Health Division of the Labour Department was expanded in October 1976 to include an Industrial Hygiene Unit whose specific task is to conduct surveys on working environments and to make recommendations on measures to abate industrial health hazards and to promote a healthy working environment. Following a recent review, the Division is now being reorganized and strengthened with additional specialist and medical staff to operate a comprehensive Occupational Health Service including the prevention of occupational diseases and injuries, the medical assessment and rehabilitation of injured workers, the clinical surveillance of workers in hazardous trades, the promotion of education in occupational health and the elimination of industrial health hazards.

(4) The prevention, treatment and control of epidemic, endemic, occupational and other diseases present no difficulties.

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(4) Immunizations against diphtheria, tetanus, pertussis, measles and poliomyelitis are available at all maternal and child health centres. BCG and rubella vaccinations are offered to children of the appropriate age groups. The major communicable diseases are under control and no epidemic has been reported.

(5) Planning for medical and health services including rehabilitation is done through a medical development programme. Currently a 10-year development programme up to 1988 has been prepared. Projects within the development programme include three major government hospitals of over 1,000 beds each by 1984/85 while recommendations are being made for another three in the 10-year Medical Development Plan. A second medical school and a dental school are being established. The school dental care service will commence in 1979.

(6) Medical care is delivered at two levels: primary health care at out-patient clinics and health centres and in-patient care at hospitals. At the end of 1978 there were 3,029 medical doctors and 20,135 hospital beds. A comprehensive, almost free medical service functions in Hong Kong whereby anyone in need is assured of medical care and attention in the event of sickness.

Legislation

Marriage Ordinance (chap. 181);

Marriage Reform Ordinance (chap. 178);

Employment Ordinance (chap. 57);

Protection of Women and Juveniles Ordinance (chap. 213);

Child Care Centres Ordinance and Regulations (chap. 243);

Factories and Industrial Undertakings Ordinance and Regulations (chap. 59);

Employment of Children Regulations (L.N. 195 of 1979);

Employment (Miscellaneous Provisions) Ordinance (L.N. 55 of 1979);

Employment of Young Persons and Children at Sea Ordinance (chap. 58);

Housing Ordinance (chap. 283);

Landlord and Tenant (Consolidation) Ordinance (chap. 7);

Clean Air Ordinance and Regulations (chap. 311);

Summary Offences Ordinance (Cap 228);

Public Health and Urban Services Ordinance (chap. 132);

Shipping and Port Control Ordinance (chap. 313).

ANNEX VIII

Monserrat

Population: 11,252 (1978 estimate)

Area: 103 sq km (approx.)

This Territory enjoys internal self-government. It was visited in 1975 by a mission from the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

See also the report for 1979 submitted under Article 73 e of the Charter of the United Nations, the Working Paper prepared by the Secretariat (A/AC.109/597) and the report submitted under article 40 of International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex I).

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(2) Provided the parties are of the legal age to enter into marriage contracts no restraints are placed on persons who wish to enter into these agreements, but where they are not of age, consent of the parent(s) or legal guardian is required.

(3) Where financial assistance with housing is necessary and upon the proper application and the passing of the means test provided, such benefits are granted.

(4) Certain benefits in the form of family allowances and tax-exemption are allowed to families upon the proper application. Day-care centres are provided at a nominal fee.

B. Maternity protection

(2) Every expectant mother regardless of marital status is entitled to receive free ante-natal care and the vast majority of deliveries are performed in hospital.

(3) Special protection is given to working mothers in leave entitlement for these purposes under the local labour standards and practices, soon to be backed up by the introduction of an employment ordinance (two months' minimum, with the possibility of extension where appropriate).

(4) No special protection is provided for in regard to self-employed working mothers but where extreme hardship is encountered, the needs will be met on an ad hoc basis.

(5) Where the husband's death is caused by industrial accidents his dependants will benefit under the Workmen Compensation Act (Cap. 323) of the Revised Laws of Montserrat; in other cases, however, protection would be provided on an ad hoc basis.

C. Protection of children and young persons

(1) Protection is given by the Education Act (Cap. 132) of the Revised Laws of Montserrat with particular attention being paid to Sections 14 and 15; Employment of Children Prohibition Act (Cap. 269) of the Revised Laws of Montserrat, Section 3; and the Employment of Women, Young Persons and Children Act (Cap. 270) of the Revised Laws of Montserrat with special emphasis on sections 4, 5 and 7. There is no discrimination on account of birth, parentage, social origin or other conditions inherent in the protection of such rights.

(2) Administrative measures are taken to provide the necessary protection for deprived and handicapped children.

(3), (4) and (5) See reply to article 10 C (1) above.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. The Government has concentrated its efforts on a number of measures to improve the standard of living among all sectors of the population. Among other things, it assist lower-income groups by:

- (i) Financing a school feeding programme;
- (ii) Providing free medical attention to diabetics;
- (iii) Providing funds for self-help housing programmes at Trants Village.

In its efforts to create full employment, the Government is in the process of establishing a number of labour-intensive industries, including magnetic tapes and cassettes and garments. A number of industries has already been established such as cotton spinning, pepper crushing and leather tanning. These would have an added effect of increasing the income distribution of the Island.

B. Right to adequate food

(1) No specific legislation provides for the right to adequate food but in general this right is protected by custom and practice.

(2) The Government of Montserrat is acquiring arable lands for distribution to farmers for cultivation; in addition ploughing and fertilizers are provided at moderate cost.

(3) Farmers are being educated in the use of equipment available to obtain the maximum yield at minimum costs; and efforts are made to discourage people from allowing arable and fertile land to remain idle for too long.

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(5) Adequate transport facilities are available for food distribution.

(6) There is a National Nutrition Council actively engaged in measures to improve food consumption levels and nutrition (see also reply to article 11 B (8) below).

(7) The Consumers' Association keeps a watchful eye on the quality and safety of food supplies.

(8) The National Nutrition Council disseminates knowledge on the principles of nutrition through lectures and practical demonstrations throughout the country.

(10) No statistics are available. However, since the general health of the community is good, it may be concluded that the right to adequate food is in the main realized in the Territory.

C. Right to adequate clothing

(1) There are no specific laws governing the right to adequate clothing but the right is protected in practice.

(2) Some local manufacturing is done to supplement the bulk of clothing which is imported. Items are usually within the reach of consumers whatever their station in life.

D. Right to housing

(1) There is no general or specific law making provision for the right to housing but in general the right is promoted in practice.

(2) Import duty on materials for building construction purposes is very low, the aim being to keep down building costs so that most, if not all, categories of the population may have a good chance to build. In very needy cases funds are made available for self-help housing programmes.

(3) Most of the qualified builders on the Island have been exposed to the best training that there is abroad at institutions recognized world-wide. Besides, plans for building have to be vetted by the appropriate government departments before approval is given. Any inherent defects therefore would most likely be regularized before the final building permission would be granted.

(4) The electricity services and the water authority, both statutory bodies, work in conjunction with each other to ensure that the necessary facilities are provided. The sanitation department takes care of the sanitary conditions in all areas, including rural areas.

(5) There is no specific legislation providing for tenant protection but protection is given under the general law of the land.

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(6) No statistics are available but a general look at the situation as exists would leave no one in doubt that the right to housing is realized in this Territory.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

B. (1) Every expectant mother is entitled to receive free ante-natal care and the vast majority of deliveries are performed in hospital.

(2) Infant welfare clinics are held regularly, milk powder is supplied to needy young children and a low-cost school feeding programme is in operation.

(3) Industrialization is so minimal as to present no hazard in the near future. A garbage collection programme with sanitary landfill as the final step is in operation.

(4) A comprehensive immunization programme is run, offering protection against tuberculosis, diphtheria and whooping cough. Immunization against tetanus, poliomyelitis, measles and smallpox has been offered in recent years. The sanitation division operates an Aides Egypti control programme.

(5) Small clinics are situated at strategic points over the Island and each is manned by the resident district nurse. There is a weekly visit by the district doctor. Hospital care is provided free to all who wish to be warded in the public area.

(6) There are five government-employed doctors who provide medical care - free to all children and the elderly, and on a paying basis to others seen at their private clinics.

C. The Montserrat Report on Vital Statistics for the Year 1978 prepared by the Statistic Department contains most of the statistical information required.

Pitcairn

Population: 65 (1978 estimate)

Area: 4.5 sq km (approx.)

Introduction

The small, volcanic island of Pitcairn is the only permanently inhabited island in a group of islands in the South Pacific forming the Pitcairn Islands Group. The outer Islands are Henderson, Oeno and Ducie. The first two are visited regularly by the Pitcairn Islanders.

The Group is a British settlement under the British Settlements Act 1887. A Parliamentary form of Government was adopted in 1893. Responsibility for administration has varied over the years, and is now regulated by the Pitcairn Order 1970. This provides for the islands to be administered by a Governor, who is the British High Commissioner in New Zealand. The Group is administered through the Commissioner in the Auckland Office of the British High Commission. Local affairs are run by an Island Council consisting of the Island Magistrate and nine members. The Island Council has stated that it does not wish to introduce any changes which would affect the nature of the relationship between the people of Pitcairn and the Government of the United Kingdom of Great Britain and Northern Ireland.

The Council has authority to enact rules of the nature of by-laws which must be notified to the Governor who has the power of revocation and alteration. In practice, the Council rarely exercises its legislative function without prior consultation with the Governor and alterations are usually no more than technical in nature.

In view of the size of Pitcairn's population, their report under Articles 10-12 of the International Covenant is brief. Most of the information required is contained in reports already submitted to the United Nations under various international instruments, such as the International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex J) and the Charter of the United Nations (Article 73 e). See also the Working Paper prepared by the Secretariat (A/AC.109/594).

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

Part VII of the Justice Ordinance (Cap. 3) provides for the maintenance, care and custody of children, sick and aged persons and persons of unsound mind. The Adoption of Infants Ordinance (Cap. 8) generally supports the rights adumbrated in this paragraph. Provision is made in the Marriage Ordinance (Cap. 10) ensuring the free consent of intending spouses.

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B. Maternity protection

Local employment rules make allowance for paid leave before and after childbirth.

C. Protection of children and young persons

Part VIII of the Justice Ordinance (Cap. 3) safeguards the rights of children and young persons outlined in this paragraph.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. The rights covered by this article are fully recognized.

B. Right to adequate food

There is no hunger on Pitcairn. Agricultural advice and technical assistance relating to food production is freely available. Food-stuffs are imported from New Zealand by means of passing supply ships.

C. Right to adequate clothing and housing

The circumstances of Pitcairn are such that housing and clothing for all are adequate and that there is no need to enshrine these rights in legislation.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Part II of the Local Government Regulations made under the Local Government Ordinance (Cap. 4) makes provision for the maintenance of health and of environmental hygiene and the prevention and control of disease. Any medical services not available on the Island are sought from off-Island sources. There is a resident nurse on Pitcairn.

ANNEX X

St. Helena

Population: 5,147 (1976 estimate)

Area: 121 sq km (approx.)

This Territory enjoys internal self-government. St. Helena is not an economically viable unit and is entirely dependent on grants in aid by the United Kingdom Government. St. Helena has not expressed a wish for further constitutional change.

See also report for 1979 under Article 73 (e) of the Charter of the United Nations and the Working Paper prepared by the Secretariat (A/AC.109/598) and report under Article 40 of International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex K)

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(2) Children 21 and over have the right to marry freely. If under 21 they need consent of a parent or guardian - Marriage Ordinance (Cap. 69).

(3) Housing is now one of the most pressing social problems. Low-cost housing, upon which many young married couples depend, has had to be curtailed because of delays in authorization of aid funds from EC. The Savings Bank finances housing loans for those able to pay economic interest rates.

(4) As at March 1979, 451 persons were in receipt of cash relief payments varying from £1 to £16 per week. Included in this number were 88 persons in receipt of free supplies of groceries weekly. Income tax exemptions include £750 personal allowance, £300 for wife, £50 for first dependent child, £75 for second, £100 for third, £100 for fourth and £30 for any others - Income Tax Ordinance 1953.

B. Maternity protection

(2) Pre- and post-natal care are the responsibility of Public Health Department. Virtually all expectant mothers regularly attend clinics. Post-natal care is available to all mothers. All services are free.

(3) Working mothers are given confinement leave of three months which may be taken at any time immediately before or after the birth of the child. Their employment is left open for them to return to at the expiration of the confinement leave.

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(4) Children of working mothers are invariably looked after by their grandparents when the mother is working. This practice works well and gives few problems.

(5) Widows and dependants may be entitled to a pension or gratuity under the Widows and Children's Pensions Ordinance 1967. They may also be entitled to relief payments of from £1 to £16 per week.

C. Protection of children and young persons

(2) Children separated from families are looked after in the Children's Home or by a suitable person authorized by the Magistrates' Court. In both cases they are under the supervision of the Children's Officer. The Home accommodates 13 children. It is comfortable with all modern conveniences. The St. Helena Handicapped Persons Aid Trust gives help to handicapped minors in special cases and the Public Health Department are responsible for the general care of handicapped persons. Delinquent minors are dealt with under the Children and Young Persons Ordinance 1965. The Magistrates' Court has power to send them to the Children's Home, to commit them to the care of a suitable person or to place them under the supervision of the Children's Officer.

(3) The Children (Amendment) Ordinance 1978 provides that children under 15 shall not be employed on certain vessels and the Health and Safety Ordinance 1977 gives protection to employees, including children, in that a safe and healthy system of work must be provided for them. The Factories Ordinance, Cap. 35, provides for all factories to be properly ventilated, machinery to be fenced where necessary and dangers to be remedied.

(4), (5) and (6) St. Helena complies with the relevant provisions of Conventions Nos. 5, 7, 10, 15, 16, 58, 59, 77, 81, 90 and 124 of the International Labour Organisation, which relate to conditions of employment of young persons. No statistics are available of children employed.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. General and specific measures for improving standard of living

Development projects carried out in 1978/79 include pasture improvement, flax clearance and afforestation. The projects are intended to increase agricultural and timber production for ultimate local use. A survey of fisheries potential was submitted to the Government in 1979 and during the course of the survey a Cold Store capable of blast freezing and storing up to 20 tons of fish was completed and a marketing system introduced for the sale of fish throughout the island. The intention was to increase the protein intake of islanders by encouraging them to eat fish which would be available throughout the year. Development of water intakes has continued. New water storage tanks have been constructed. Treatment of water supplies is in progress with treatment plants due to be completed this year in the three main areas of population. Renewal and extension of the water distribution system continues. Routine testing of all

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water sources is now carried out. Extension of electricity supplies to country areas is continuing. The campaign to control rats with warfarin is being maintained.

B. Right to adequate food

(2) and (3) Improvements in agricultural production methods. See A above as to 1978/79 development projects.

(3) and (4) See A above concerning Cold Store storage facilities for fish. These facilities are also available for local traders to store perishable foods.

(5) Food distribution is done by the Government, the Agricultural Development Authority and local suppliers. In addition, the St. Helena Growers Co-operative has 37 members and markets produce supplied by its members and also imported stockfeed, seed, tools and other requisites.

(6) There are continuing efforts by nursing, medical and dental staff to encourage people to consume fewer carbohydrates and have a more balanced diet. Obvious nutritional deficiencies are very rarely seen and dietary conditions remain satisfactory (see the reply to art. 10 B (4) above as to persons in receipt of free supplies of groceries).

(7) Regular inspections are made by Public Health Inspectors of food stores and food shops. Persons employed in bakeries and butcheries are required to have regular examinations. All meat killed for sale to the public is inspected. New food hygiene regulations were introduced in 1977. The legislation relating to the quality and safety of foods is generally the same as that in the United Kingdom. Regretfully, we do not have the expertise to deal with the dissemination of knowledge about the principles of nutrition. We must rely on the general medical knowledge of our three medical officers.

C. Right to adequate clothing

No problems arise in practice. Home Industries run a small tailoring section which makes clothes for sale to the public. The local shops keep in stock sufficient quantities of clothing for local needs. In view of the small population of St. Helena (5,147 at 1976 census) it is not thought necessary to have more sophisticated scientific and technical methods to achieve adequate supply or to participate in international agreements.

D. Right to adequate housing

See the reply to article 10 A (3) above on housing generally.

(2) The Public Works Department constructs houses for government tenants under the supervision of the civil engineer. A local company constructs houses for those able to afford them. The Savings Bank provides finance.

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(3) Houses constructed are fairly simple in design and the Government often assists in providing the expertise to prepare the site and lay foundations for those who wish to build houses for themselves. A new design has recently been produced of a low-cost house and two such houses are in course of construction.

(3) and (4) The Royal Engineers provide advice from time to time on technical and scientific development and improvement of housing construction.

(5) Tenants can only be evicted by Court order. They must also be given an appropriate notice to quit before Court proceedings are commenced.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

B. (1) Public Health generally is the responsibility of the Public Health Department supervised by the Senior Medical Officer. He is assisted by two other medical officers. The general state of health is good. The main causes of infant mortality are congenital abnormalities and prematurity. All deliveries are planned to take place in hospital and all deliveries are supervised by fully trained midwives. A district nurse is also available to visit those who cannot attend hospital. Infant mortality is approximately 31 per 1,000 live births.

(2) There is one General Hospital in Jamestown and five rural Health Centres at strategic sites on the island. The Centres are regularly visited by doctors, a midwife and the district nurse. The general state of health of the islanders is good and the nutritional condition of them is generally satisfactory. Obvious nutritional deficiencies are very rarely seen. Dietary conditions remain satisfactory. The only endemic disease is chicken pox.

(3) There are no pollution problems on St. Helena. Industrial hygiene is dealt with by the Factories Ordinance which controls the design and construction of factories and the Health and Safety Ordinance 1977 which covers health, safety and welfare of all islanders against risks arising out of industrial activities and also provides controls on the keeping and use of dangerous substances.

(4) The Factories Ordinance provides for ventilation of factories, fencing of dangerous machinery, safe premises in which to work and procedures to monitor accidents. The Health and Safety Ordinance contains provisions securing the health, safety and welfare of persons at work. These provisions impose on every employer the obligation to ensure that, as far as is reasonably practicable, safe plant and systems of work are used, safe systems for handling, storage and transportation of goods are operated and that the places of work are safe and free of health risks.

(5) and (6) St. Helena has a General Hospital staffed by the Senior Medical Officer, two other Medical Officers, a Matron, three Nursing Sisters,

ANNEX XI

Turks and Caicos Islands

Population: 6,000 (1970 estimate)

Area: 500 sq km (approx.)

This Territory enjoys internal self-government and has not expressed a wish for further constitutional change. Under the provisions of the more advanced Constitution which came into force in September 1976, the Territory now enjoys an elected ministerial form of government with legislative and executive councils. Whilst executive authority is vested in the Governor, he normally acts in accordance with the advice of the Executive Council.

See also the report submitted under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.37, annex L), the 1979 report submitted under Article 73 e of the Charter of the United Nations and the Working Paper prepared by the Secretariat (A/AC.109/636).

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(1) The Fatal Accidents Ordinance 1970 is designed to compensate the families of persons killed by accidents.

The Bills of Health Ordinance is designed to protect the health of the family by enacting that reports of any epidemic or contagious disease are to be reported to the Chief Medical Officer who is expected to take the necessary preventive action.

The Married Women's Property Ordinance is designed to break the outdated discrimination against women by making a married woman capable of holding property and of contracting as a feme sole.

The Registration (Births, Deaths and Marriages) Ordinance is designed to streamline family life by providing for the registration of births, deaths and marriages.

The Intestates Estates and Property Charges Ordinance provides for the distribution of estates and charges on property of deceased persons.

The Inheritance (Family Provisions) Ordinance contains important provisions for the disposition of estates of deceased persons.

(2) The Marriage Ordinance guarantees the right of men and women to enter into marriage with their full and free consent.

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(3) The Pensions Ordinance provides for allowances to be paid to government employees.

The Payment of Deceased Persons' Salaries and Pensions Ordinance provides for sums not exceeding £200 sterling due for pensions, salaries or gratuities to be paid to deceased family without letters of administration or letters testamentary.

It is to be observed that no income tax is payable in these Islands.

B. Maternity protection

(1) General Orders provides maternity leave with pay for persons employed by Government.

(2) The medical service of the Islands provides for medical, health and maternity care. Emergency cases in outlying islands are evacuated by air to the central hospital, Grand Turk, and if they cannot be treated there, they are flown to Jamaica, the Bahamas or the United States of America.

(3) General Orders provide for special assistance before and after birth to female government employees including leave with and without pay and guarantees against dismissal during the period of pregnancy.

(4) The Pensions Ordinance makes provisions for dependents in the event of a government employee's death as a result of injuries received or disease contracted in the discharge of his duties.

C. Protection of children and young persons

(1) The Inheritance (Family Provisions) Ordinance as amended by the Law Reform (Illegitimacy) Ordinance 1978 provides for the inheritance of property by persons whether legitimate or illegitimate regardless of race or colour.

The Juveniles Ordinance makes provisions for care and protection of juveniles and for juvenile offenders.

The Juvenile Courts Ordinance provides for a Juvenile Court to hear cases involving juveniles. Unfortunately, this Ordinance is yet to be brought into operation.

(2) There are no special measures adopted in these Islands for the care and education of children separated from their mothers or deprived of a family, physically, mentally or socially handicapped children and delinquent minors. But the strong ties of the extended family provide good protection for all members of the family whether legitimate or otherwise.

(3) The Juveniles Ordinance provides a measure of protection against cruelty to and the protection of juveniles.

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ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. The provisions dealing with an adequate standard of living are contained in the Minimum Wages Order 1980 which sets out minimum hourly payments to be paid to persons employed in the Islands.

B. Right to adequate food

(7) A Public Health Ordinance exists to prevent food and adulteration and contamination in shops and wholesale stores. The Medical Officer of Health has powers to enforce adequate hygiene and quality in all shops selling food to the public.

(3) There is a Fisheries Protection Ordinance dealing with marine life, the principal natural resource of these Islands.

(3) An Agricultural Officer is employed by the Government to offer advice on agriculture, forestry and animal husbandry and the best use of land.

(8) Health clinics are provided on the Islands, staffed by qualified nurses, who are able to give advice on nutrition and health protective measures.

C. Right to adequate clothing

A number of shops exist to provide an adequate supply of clothing. The equable climate makes it unnecessary for a high proportion of income to be allocated to clothes. The general standard of dress is high. A small number of dressmakers and tailors exist but most items of clothing are imported ready-made from the United States of America.

D. Right to housing

(1) House building is done by private effort or by contractors but planning permission has to be obtained from the Government.

(2) Executive Council has reduced the price of Crown Land and extended the terms of conditional lease agreements in order to assist members of the local population.

(3) Private building contractors in the Islands have usually gained experience in the Bahamas and the United States of America and achieve a high standard of housing construction.

(4) An extensive programme for improving water supplies and sanitary conditions in the Islands is being undertaken with funds provided by the British Development Division for the Caribbean.

(5) The Registered Land Ordinance contains provisions for legal protection of tenants.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Mental patients are sent to the mental hospital in Nassau, the Bahamas, since the small number of people in the Islands do not warrant provision of a local mental health institution.

B. (1) Regular clinics are conducted for pregnant mothers and a new maternity unit has recently been completed at the Government Hospital in Grand Turk. A well equipped private clinic with maternity facilities was opened in Providenciales in March 1980 which offers one day a week for government-sponsored patients.

(4) Vaccination programmes exist to prevent, treat and control epidemics, endemic and other diseases in urban and rural areas.

(6) In cases of serious illness, which cannot be treated by the local health services, patients are sent at government expense to Nassau, Jamaica or the United States of America.

(6) The hospital at Grand Turk and the clinics provide medical care on payment of small sums to assist in financing the cost involved.

C. There are three fully qualified doctors employed by the Government for an estimated population of 7,500, i.e., 2,500 inhabitants per doctor. In addition there are several fully qualified doctors employed by the private clinic in Providenciales. Infant mortality is low since most mothers give birth in hospital in the Islands, in Nassau, the Bahamas, or in Miami, Florida.
