



## Economic and Social Council

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### Committee on Economic, Social and Cultural Rights Fiftieth session

#### Summary record of the 2nd meeting

Held at the Palais Wilson, Geneva, on Monday, 29 April 2013, at 3 p.m.

*Chairperson:* Mr. Kedzia

### Contents

Substantive issues arising in the implementation of the International Covenant on  
Economic, Social and Cultural Rights: NGO submissions

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*The meeting was called to order at 3.10 p.m.*

**Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: NGO submissions**

*Islamic Republic of Iran*

1. **Ms. Fahandej** (Baha'i International Community) said that the Baha'i community continued to experience employment discrimination, because members were subject to recruitment procedures that required prospective State officials and employees to belong to one of the four religions recognized by the State. Persons identified as belonging to the Baha'i community were banned from taking up any post in the public sector and 25 specific trades and professions in the private sector. Since 2007, the authorities had shut down hundreds of Baha'i-owned shops, factories, farms and other businesses.
2. Members of the Baha'i community also suffered discrimination and harassment in schools and were not admitted to institutions of higher education because of their beliefs. Belief in Islam or one of the religions specified in the Constitution, to take just one example, was required under national university entrance examination guidelines. While a small number of Baha'i students had been admitted to university since 2006, all the students identified as Baha'i had been denied admission or expelled. While many had appealed decisions to expel them from university, not a single case had been decided in favour of a Baha'i student.
3. **Ms. Sadr** (Justice for Iran) said that transgender persons were often forced to undergo unwanted sex reassignment surgery, sterilization and hormone therapy before their preferred gender was recognized under the law. The surgery carried a risk of loss of sensation and serious medical complications, which was higher than elsewhere given that the State had failed to provide surgeons and other health-care professionals with either the necessary skills or a code of conduct to deal with transgender people appropriately. Persons who transgressed gender boundaries in the Islamic Republic of Iran were liable under the law to detention and fines. Furthermore, same-sex conduct was a criminal offence that carried the death penalty. Thus, members of the lesbian, gay, bisexual and transgender community lived in unsafe conditions that took a heavy toll on their mental health.
4. Women's access to higher education had also been increasingly restricted in recent years. Women were banned from some 14 fields of study, including mining, civil engineering and digital arts. Such discrimination made the considerable gender inequality that prevailed in the labour market even worse.
5. Although many undocumented Afghans had been born and raised in the Islamic Republic of Iran, they were prohibited by law from receiving any form of education or health care, either public or private. Undocumented children included those whose mother was Iranian and father Afghan. Documented Afghan children were required to pay for primary school tuition and private health insurance. Another matter of grave concern involved the Government campaign to make provinces "Afghan-free" by evicting Afghan families from their homes and resettling them in camps in remote areas of the country.
6. The Ahwazi Arab minority in the southern province of Khuzestan had been systematically prevented from using Arabic in schools, which had led all too many Arabic-speaking children to drop out. The community lacked its own independent media outlets and had been denied the right to freedom of expression. For example, Al-Hiwar, a cultural institute that sought to introduce young people to Arabic language and literature, had been shut down, and 15 of its founders, mostly teachers, had been arrested, accused of terrorism and subjected to torture. Five of the persons arrested had been given death sentences, which had been upheld by the Supreme Court in January 2013. Lastly, there was a low level of

participation of Arabs in the public life of the country. The Ahwazi community also lacked access to resources and basic services and suffered disproportionately from poverty.

7. **Mr. Sadi** asked whether identification cards listed religious affiliation. He wondered how the authorities identified a person's faith. He would also appreciate information on the extent to which the Government of the Islamic Republic of Iran had acted on the recommendations of other Committees such as the Committee on the Elimination of Racial Discrimination.

8. **Mr. Schrijver**, noting the examples of discrimination in employment and education that had been cited, would like to know whether there were cases of infringement of the religious rights of members of the Baha'i community in the Islamic Republic of Iran.

9. **Ms. Bras Gomes** requested further details of the campaign against Afghan families, including the departments responsible for conducting it and the way in which it was being carried out.

10. **Ms. Shin** wished to know more about the historical origins of the suppression of the Baha'i faith and whether Christians other than those officially recognized experienced discrimination similar to that faced by the Baha'i community.

11. **Mr. Dasgupta** asked whether members of other religious communities not covered by the four official religions in the State had also experienced discrimination based on their faith. What happened to students who practised no religion at all?

12. **The Chairperson**, speaking as a member of the Committee, would appreciate more information on any discrimination faced by the Baha'i community in matters relating to the right to health, housing and food.

13. **Ms. Fahandej** (Baha'i International Community) said that national identity cards did not indicate religion. However, the internal affairs authorities made efforts to identify and monitor members of the Baha'i community. She drew attention to the document submitted by Baha'i International Community and posted on the Committee website, which described in detail an official letter dated 9 April 2007 instructing police and intelligence officials in the Province of Tehran to prevent members of the Baha'i faith, among others, from engaging in a number of trades. The instructions also required all persons who applied for business licences to declare their religion. Recently, Baha'i business owners in several cities had been summoned by the authorities after they had closed their shops on a Baha'i holy day. They had been accused of spreading the Baha'i faith, and several businesses had been shut down as a result.

14. **Ms. Dugal** (Baha'i International Community) said that all the human rights treaty bodies had considered the situation of the Islamic Republic of Iran, most recently the Human Rights Committee and the Committee on the Elimination of Racial Discrimination. Every year the General Assembly adopted a resolution urging the Islamic Republic of Iran to fulfil its obligations under human rights treaties and follow up on Committee recommendations. However, those recommendations had been ignored. While a few recommendations made during the universal periodic review had been accepted by the Government, none had been implemented.

15. Members of the Baha'i community who had been civil servants before the revolution were denied pensions. Many were forced to earn a living as street vendors. Members of the Baha'i faith did not enjoy the same rights as members of officially recognized religions. They were not entitled to profess their faith publicly. The Baha'i faith did not have a clergy. Instead, democratically elected institutions worldwide performed many of the functions at the national level that fell to clergy members of other religions, including matters involving births, deaths and marriages. Such national institutions, however, had been banned in the Islamic Republic of Iran. Furthermore, seven members of

the Baha'i faith who had been administering the affairs of the community had been arrested, subjected to intensive interrogation and ill-treatment while in custody, denied a fair trial and sentenced to 20 years' imprisonment.

16. **Ms. Bahreini** (Justice for Iran) said that the Government had been placing residential restrictions on Afghan nationals since 2002. Under a campaign to create so-called Afghan-free zones, 14 provinces were currently off limits to Afghan nationals. Afghans had also been banned from public places, including a recent ban on the entry of Afghan nationals into a national park in Esfahan during the Nowruz celebrations in 2012. Justice for Iran also noted with concern the lack of access to health-care services among Afghans and other ethnic minorities, including the Kurds, Arabs, Turkmen and Baluch.

#### *Azerbaijan*

17. **Mr. Kerimov** (Federal Lezgin National Cultural Autonomy) said that the splitting up of the Lezgian people, and other related peoples such as the Rutuls and Tsakhurs, between the Russian Federation and Azerbaijan was a pressing problem in the Caucasus. A single people and immediate families and relatives were separated by border and customs controls. His organization sought to improve the situation of the Lezgins and others and help them to live together as a unified ethnic group. While the Lezgins had enjoyed friendly relations with the people of Azerbaijan for centuries, their opportunities to develop their culture had been greatly limited by the Azerbaijani authorities. There was a lack of State-sponsored schools, national newspapers, magazines and television shows in the Lezgian language. Lezgins were prevented from speaking their mother tongue, and signs in the Lezgian language in villages predominantly made up of ethnic Lezgins had been removed. Lezgins who practised the Sunni faith were persecuted. The State had closed down Sunni mosques or turned them over to Shia communities. The famous Lezgi Mosque in Baku, a world heritage site of the United Nations Educational, Scientific and Cultural Organization, which had maintained its name even during the communist era, has been renamed. Many defenders of minority rights had been imprisoned. Lezgins and other minorities also made up a disproportionate share of poor people in Azerbaijan. Lastly, the places in which Lezgins and related peoples had been settled had large military presences.

18. **Ms. Verzivoli** (International Baby Food Action Network (IBFAN)) said that the first two years of a person's life were critical for shaping his or her health and well-being. Optimal breastfeeding practices — consisting in the initiation of breastfeeding within one hour after birth, exclusive breastfeeding for six months and continued breastfeeding for up to two years or beyond — provided a key building block for child survival, growth and healthy development. Optimal breastfeeding of children under 2 years of age had the potential to prevent 1.4 million deaths of children under 5 in the developing world annually. Some 830,000 deaths alone could be avoided by initiating breastfeeding within one hour after birth. Mothers' breast milk protected babies against diseases such as pneumonia and diarrhoea and strengthened the immune system.

19. She drew attention to the IBFAN *Report on the Situation of Infant and Young Child Feeding in Azerbaijan*, which had been submitted to the Committee at its current session and posted on the Committee website. In Azerbaijan, only 32 per cent of newborns were breastfed within one hour after birth. An infant given breast milk was three times more likely to survive than one breastfed a day later, which was a significant fact given the high infant mortality rate in Azerbaijan of 78 per thousand live births. Moreover, only 12 per cent of babies were breastfed exclusively for the first six months. The fact that around 80 per cent of women gave birth in medical institutions or with the help of skilled birth attendants suggested that the health system and health professionals were failing to provide women with proper support for and correct information on breastfeeding. The Government should therefore be encouraged to strengthen such support through baby-friendly hospitals,

for example. There was also a need to increase the period of statutory maternity leave and better regulate the way in which breast-milk substitutes were marketed, sold and distributed.

#### *Japan*

20. **Ms. Kozawa** (Human Rights Now) expressed grave concern about the human rights situation of the victims of the earthquake, tsunami and nuclear disaster that had struck Japan in March 2011. In its 2001 concluding observations, the Committee had noted with concern the lack of transparency regarding the safety of the nuclear plant and the lack of measures to prevent a nuclear disaster.

21. Despite the serious levels of nuclear contamination, the Government had not taken adequate steps to protect people's right to health and life. Without any support for relocation, many people, including pregnant women and children, had no choice but to stay in contaminated areas. The medical checks provided by the Government were slow and insufficient, despite the reported cases of thyroid cancer among children in Fukushima. There was an urgent need to provide immediate compensation and relocation support for the people living in all contaminated areas. Victims must be provided with comprehensive medical checks and care. The levels of contamination should be closely monitored and disclosed to citizens in a timely manner.

22. More than 110,000 people were still living in substandard temporary shelters. The Government had decided to cut food supplies, transportation and on-site medical services for those people. At least 1,632 evacuees had died because of the difficult conditions and lack of sufficient care, and there were concerns that disaster-related deaths would continue to rise. While free medical care had been provided to persons affected by the disaster up until April 2013, certain municipal authorities currently charged them for medical care. Despite the reconstruction efforts of the Government, little permanent housing had been built. The Government had not established any comprehensive long-term plan for the disaster victims. The people affected must be at the centre of the decision-making process.

23. **Ms. Yamashita** (Women's Network for the East Japan Disaster (Rise Together)/Gay Japan News) said that great challenges remained for the protection and promotion of the rights of women in the areas affected by the great East Japan disaster and the rights of lesbian, gay, bisexual and transgender people. Women in disaster-affected areas, including women from vulnerable groups such as single mothers, women with disabilities, migrant women and lesbian, bisexual and transgender people, continued to face inequality, discrimination and violence. The Committee should urge the Japanese Government to follow up on the recommendation of United Nations human rights mechanisms to take legislative measures to eliminate discrimination, including on the basis of sexual orientation and gender identity.

24. **Mr. Yuji** (NGO Committee for Reporting on the International Covenant on Economic, Social and Cultural Rights) said that it was necessary to ensure that foreigners fully enjoyed the rights under the Covenant in a wide range of fields, as outlined in the report prepared by his organization, which had been posted on the Committee website. It was also necessary to adopt a human-rights-based approach to policies and anti-discrimination legislation. Now that it had withdrawn its reservation to article 13 of the Covenant, the Government should take measures to provide for free secondary and higher-level education. Measures should also be taken to establish educational policies and conditions in line with article 13, for example by reviewing education policies that put a heavy emphasis on competition or putting an end to excessive and nationalistic interference in the school curricula.

25. **Ms. Teranishi** (Association for the Bereaved Families of Karoshi) said that *karoshi*, which meant death from overwork and work-induced suicide, continued to affect workers throughout Japan. As companies placed unreasonable demands on workers, many of them were at risk of *karoshi*. However, it was not easy for workers themselves to demand that companies improve working conditions, and, amid fierce competition, it was difficult for individual firms to make such improvements. The Committee should thus urge the State party to adopt comprehensive legislation for the prevention of *karoshi*.

26. **Ms. Saito** (International Covenant on Economic, Social and Cultural Rights Gender Report Project, Japan) said that, despite the efforts of women's movements and numerous recommendations from international human rights treaty bodies, direct and indirect gender discrimination was still pervasive in Japan. Women occupied only about 8 per cent of seats in the lower house of parliament and managerial positions in companies, and earned only 70 per cent as much as men.

27. The discriminatory provisions in the Civil Code, on marriage and inheritance, in the Criminal Code, on abortion, and in the Anti-Prostitution Act had not been amended. The voices of minority women were still not heard in the political arena, and gender equality was not yet widely accepted as a policy objective by the central and local authorities. Negative gender stereotypes persisted in society, companies, schools and individual families. She called on the Committee to focus on gender issues in its concluding observations.

28. **Mr. Sekimoto** (Japan Fellowship of Reconciliation) drew attention to an advertisement taken out in a major United States newspaper in November 2012 by a Japanese group that had denied the sexual enslavement of Korean women by the Japanese army in the Second World War. The advertisement, which referred to a video clip that characterized the ruling dynasty in Korea at that time as running a huge brothel, had been endorsed by some 40 members of the Diet, the Prime Minister and the Minister of Education and Science. The Committee should raise the issue of calling into question the historical record with the State party. He also drew the Committee's attention to the discrimination against foreign children in the area of education by the local authorities.

29. **Ms. Okada** (Working Women's Network) said that there were no laws specifically prohibiting sexual harassment, and the only remedies available to victims were compensation procedures for damages under the Civil Code. Sexual harassment should be defined as a form of gender discrimination under the Equal Employment Opportunity Act and prohibited along with other forms of employment discrimination, including indirect discrimination.

30. The Labour Contract Act had been amended in August 2012 to prevent the abuse of fixed-term contracts, but there was still a need for an overhaul of the laws to limit the use of such contracts. Although the Government had received repeated recommendations from international bodies on the need to incorporate the principle of equal pay for work of equal value in its legislation, it insisted that the principle was already included in article 4 of the Labour Standards Act.

31. **Ms. Ishiga** (JAL Unfair Dismissal Withdrawal Plaintiffs), speaking as one of the plaintiffs in a legal battle against Japan Airlines International (JAL), said that the company had dismissed employees in 2010 on the grounds of age and sick-leave records, in violation of the Covenant. No action of any kind, including entering into negotiations, had been taken by JAL to remedy the situation of the 84 flight attendants who had been unfairly dismissed. Furthermore, many new attendants had since been hired. She called on the Committee to make recommendations to the company and the Government for a prompt settlement of the dispute.

32. **Mr. Takemura** (Japan Federation of Bar Associations), noting that the Japanese Government had announced that it would lower social welfare benefits, said that many poor people did not claim such benefits for fear of being stigmatized. Spending on education was becoming a burden for Japanese households. As scholarships were provided in the form of interest-bearing loans, many students had large debts when they graduated. An increasing number of people could not pay the national health insurance fee and, as a result, were not entitled to receive medical treatment. The annual number of suicides in Japan was approximately 30,000, making it the eighth highest rate in the world.

33. **Ms. Moriguchi** (Japan Pensioners' Union) said that, in Japan, people were finding it increasingly difficult to live decently in their old age. As many as 1 million older people were ineligible for a pension, while others received only a very small pension. Although they could apply for social welfare benefits, they must first have spent all their savings and sold all their assets.

34. Another serious problem concerning the pension system in Japan was that the gender gap in benefits was so large that older women often fell into severe poverty. On average, women's pension benefits amounted to only 47 per cent of men's. She drew the Committee's attention to a survey conducted by the Japan Pensioners' Union, which had been circulated in the meeting room. The Japanese Government should establish a minimum pension in the public pension system to help to bridge the gender gap and reverse the cuts in benefits.

35. **Ms. Song** (Mothers' Network of Korean Schools in Japan/Human Rights Association for Korean Residents in Japan) said that Korean schools had been excluded from a free tuition programme introduced by law in April 2010 to alleviate the financial burden on students in private and foreign schools on the grounds that there were no diplomatic relations between Japan and the Democratic People's Republic of Korea. It was difficult to understand the Japanese Government's discriminatory treatment of the children concerned, who had been born and raised in Japan and were Japanese citizens. Her organization called on the Committee to urge the Japanese Government to apply the programme to Korean schools as soon as possible.

36. **Mr. Sadi** said that the statements made seemed to suggest that the Japanese Government was indifferent or insensitive to the plight of the people affected by the disaster of March 2011. He invited the NGO representatives to comment on the possible reasons for such indifference. What accounted for the continued reliance on nuclear energy despite the country's vulnerability to earthquakes?

37. **Mr. Ribeiro Leão** asked the NGO representatives whether there had been any comparative studies on the response to the nuclear disaster.

38. **Ms. Bras Gomes** would appreciate hearing the comments of NGO representatives on the extent to which the Government was taking a human-rights-based approach to relief efforts and targeting persons most in need of assistance. What steps had been taken to help persons without pensions to cope in the light of cuts in social welfare benefits?

39. **Ms. Kozawa** (Human Rights Now) said that the Government had not disclosed adequate information on the spread of radiation in the immediate aftermath of the Fukushima accident. Unfortunately, many local authorities had delayed evacuation on the basis of a report by a health adviser that the levels of radiation were not sufficient to have adverse health effects, even though they were much higher than what was acceptable under international standards. The Government was now allocating a considerable proportion of the budget to decontamination efforts, but there was no space to store the radioactive substances. The Government must learn from the lessons of Chernobyl. The Government continued nevertheless to promote nuclear energy and insist that it was safe.

40. **Ms. Moriguchi** (Japan Pensioners' Union) said that the Government was trying to cut total social security benefits, including pensions and medical care. Given the ageing population in Japan, the number of people receiving social assistance was steadily increasing.

41. **Mr. Jousan** (Japanese Association for the Right of Freedom of Speech) said that the Government regarded the victims of the disaster as a burden. Those affected by the disaster believed that, had it occurred in Tokyo, reconstruction would already be completed. Any social or psychological support being provided to victims was organized by voluntary groups and not by the Government.

42. **Ms. Shin** asked whether the Korean schools in Japan were established exclusively by groups from the Democratic People's Republic of Korea. Did any citizens of the Republic of Korea attend them?

43. **Mr. Abdel-Moneim** asked the NGO representatives to comment on reports that the Government had reversed the cuts in social services amounting to 220 billion yen annually with the adoption of the 2010 budget.

44. **Ms. Song** (Mothers' Network of Korean Schools in Japan/Human Rights Association for Korean Residents in Japan) said that the Korean schools had been founded by the Korean residents in Japan who had been forced to settle in Japan under Japanese colonial rule of Korea. There were also schools supported by the Government of the Republic of Korea and attended by children from families that had come from the country in the wake of the Second World War or more recently.

45. **Ms. Moriguchi** (Japan Pensioners' Union) said that the cuts in social security expenditures had not been reversed.

46. **The Chairperson** thanked the NGO representatives for the enlightening information that they had provided.

*The discussion covered in the summary record ended at 4.50 p.m.*