



# UNITED NATIONS

Press Release

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## COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONCLUDES THIRTY- SIXTH SESSION

19 May 2006

### **Issues Concluding Observations on Reports of Monaco, Liechtenstein, Canada, Mexico, and Morocco**

The Committee on Economic, Social and Cultural Rights concluded today its three-week spring session by adopting its concluding observations on the reports of Monaco, Liechtenstein, Canada, Mexico, and Morocco, which were considered during the session.

These countries are among the 153 States parties to the International Covenant on Economic, Social and Cultural Rights which are required to submit periodic reports to the Committee on efforts to implement the provisions of the treaty, which entered into force in 1976.

The Committee also held a Day of General Discussion on the right to social security, article 9 of the Covenant, with the aim of formulating a General Comment on that article of the Covenant.

Among the positive developments in the initial report of Monaco, the Committee noted with appreciation the important efforts made by the State party to modernise its legislation, in particular the reforms of the Civil Code abolishing all forms of discrimination amongst children born from legitimate, natural, adulterous or incestuous unions. The Committee took note with concern of the extent of health problems among adolescents, which were in particular due to drug addiction and consumption, and was concerned for the lack of specific legislation with regards to domestic violence against women. Among its recommendations, the Committee urged the State party to increase its efforts to prevent and combat drug addiction, in particular among the young, and adopt specific legislation in this regard, as well as specific legislation on family violence.

Concerning the initial report of Liechtenstein, the Committee welcomed the adoption in 1999 of a Gender Equality Act introducing a shift of the burden of proof to the employer in cases of gender-based discrimination. The Committee expressed its concern about the persistence in the State party of xenophobia and intolerance against persons of different ethnic origin or

religion, particularly against Muslims and persons of Turkish origin. The Committee recommended that the State party consider adopting legislative measures, with a view to extending the application of the constitutional equal protection clause to the human rights of foreigners, in particular their economic, social and cultural rights.

With regard to the fourth and fifth periodic reports of Canada, the Committee welcomed the relatively low level of unemployment in the State party, and the decrease in the proportion of persons living below the Low Income Cut Off. The Committee noted with particular concern that poverty rates remained very high among disadvantaged and marginalized individuals and groups such as Aboriginal peoples, African-Canadians, immigrants, persons with disabilities, youth, low-income women and single mothers. It urged the State party to re-examine its policies and practices towards the inherent rights and titles of Aboriginal peoples, to ensure that policies and practices do not result in extinguishment of those rights and titles.

Concerning the fourth periodic report of Mexico, the Committee welcomed the establishment in 2001 of the National Institute for Women, mandated to create a culture free from violence and discrimination against women and to promote the equal enjoyment of all rights by men and women. It also noted with concern that approximately 40 percent of the active working population are reportedly employed in the informal sector, and was concerned about the low minimum wages in the State party, especially regarding women and indigenous workers. The Committee recommended that the State party gradually regularize the situation of workers employed in the informal sector, and take effective measures to improve the working conditions of indigenous workers.

Having considered the third periodic report of Morocco, the Committee recognised Morocco's efforts with regards to the protection of human rights, and welcomed the legislative reforms aiming at improvising the situation of women, in particular in certain elements of the new Family Code of 2004. The Committee took note with regret that, despite the restrictions which the new Family Code put on polygamy, this practice continued in Morocco. The Committee encouraged the State party to fully harmonise its legislation with the Covenant, by removing all discriminatory provisions and guaranteeing equality of treatment between men and women in the full enjoyment of their economic, social and cultural rights.

The next session of the Committee will take place from 6 to 24 November 2006, at which time the Committee will take up reports from Albania, El Salvador, Tajikistan, the Former Yugoslav Republic of Macedonia, and the Netherlands.

### **Concluding Observations on Monaco**

In concluding observations on the initial report of Monaco, the Committee welcomed with satisfaction the adoption of the Law of 15 July 2005 on public freedom of expression, which in particular prohibits insults on racial, ethnic,

sexual orientation, or religious grounds, either real or supposed. The Committee welcomed the accession by the State party to the Convention on the Elimination of All Forms of Discrimination against Women. It also noted with satisfaction that unemployment was almost nonexistent, as well as the important efforts made by the State party to modernise its legislation, in particular the reforms of the Civil Code abolishing all forms of discrimination amongst children born from legitimate, natural, adulterous or incestuous unions, and that it no longer contains the terms "children" or "descendants".

The Committee was concerned by the existence of interpretative declarations and reservations made by the State party to the Covenant. It was also concerned by certain restrictions which impeded divorced naturalised female citizens from transmitting their nationality to their children. The Committee was also concerned by the retaining of the need for five years residency for non-nationals in order to benefit from the right to housing and social and medical assistance. The Committee expressed concern for the existence of different judicial conditions for men and for women wishing to acquire Monegasque nationality. The Committee took note with concern of the extent of health problems among adolescents, which were in particular due to drug addiction and consumption, and was concerned for the lack of specific legislation with regards to domestic violence against women. It also noted with concern that abortion was illegal in all circumstances in the State party.

The Committee recommended that the State party withdraw its interpretative declarations and reservations to the Covenant, and that it adopt legislation giving equal rights to men and women with regards to the transmission of citizenship. It also recommended that the State party reduce the need for five years residency for non-nationals in order to benefit from housing and social and medical assistance rights. The acquisition of Monegasque nationality should be the same for men and women. The State party should increase its efforts to prevent and combat drug addiction, in particular among the young, and adopt specific legislation in this regard. The Committee recommended the State party adopt specific legislation on family violence, making it a penal crime, and that it put in place a judicial mechanism aiming to protect women victims of domestic violence. The State party should also review its legislation on abortion, and consider allowing exceptions. The Committee also encouraged the State party to create a national independent institution on human rights, in conformity with the Paris Principles, with the mandate of promoting and protecting the entirety of human rights, including economic, social and cultural rights.

### **Concluding Observations on Liechtenstein**

In concluding observations on the initial report of Liechtenstein, the Committee noted that the State party had elaborated a national action plan for the implementation of the Programme of Action adopted at the Durban World Conference against Racism, Racial Discrimination and Related Xenophobia and Intolerance (2001), as well as annual plans to give effect to the Platform for Action adopted at the Beijing World Conference on Women (1995). The Committee welcomed the recent establishment of an Office of

Equal Opportunity with a broad mandate to combat discrimination based on gender, religion, disability, national origin and sexual orientation, and also welcomed the adoption in 1999 of a Gender Equality Act introducing a shift of the burden of proof to the employer in cases of gender-based discrimination.

The Committee expressed its concern about the persistence in the State party of xenophobia and intolerance against persons of different ethnic origin or religion, particularly against Muslims and persons of Turkish origin, and also noted with concern that the equal protection clause in article 31 of the Liechtenstein Constitution only applied to citizens, while the equal enjoyment of economic, social and cultural rights of "foreigners" was only indirectly protected by reference to international treaties. The Committee was concerned that women were reportedly over-represented in low-paid employment in the State party, and noted with concern that the prohibition of discrimination on the basis of race, colour, descent, nationality or ethnic origin in the Employment Contracts Act only applied to the termination of a contractual employment, without covering the areas of recruitment, remuneration and promotion.

The Committee recommended that the State party consider the establishment of an independent national human rights institution, in accordance with the Paris Principles, and called on the State party to continue and intensify its efforts to promote ethnic and religious tolerance. The Committee recommended that the State party consider adopting legislative measures, with a view to extending the application of the constitutional equal protection clause to the human rights of foreigners, in particular their economic, social and cultural rights. The Committee urged the State party to implement the principle of equal treatment of men and women in access to employment and promotion, to intensify its efforts in the field of qualification programmes for women working in low-paid employment and unemployed women, and to enforce the principle of equal remuneration for work of equal value. The Committee recommended that the State party consider amending the Employment Contracts Act, with a view to ensuring that the prohibition of racial and ethnic discrimination applied to all aspects of employment, including recruitment and promotion.

### **Concluding Observations on Canada**

In concluding observations on the fourth and fifth periodic reports of Canada, the Committee welcomed the relatively low level of unemployment in the State party, and the decrease in the proportion of persons living below the Low Income Cut Off from 13.7 percent in 1998 to 11.2 percent in 2004. It also noted with appreciation the reduction in disparities between Aboriginal people and the rest of the population in the State party with regard to infant mortality and secondary education, and welcomed the measures taken by the State party in the area of equal pay for equal work, in particular the payment of retroactive adjustments to women who had suffered discrimination. The Committee also welcomed the extension of maternity and parental benefits from 6 months to one year. The Committee noted with satisfaction the numerous health programmes conducted by the State party.

The Committee noted with concern the cuts in financial support to civil legal aid services with regard to economic, social and cultural rights in a number of jurisdictions of the State party. The Committee was concerned that, despite Canada's economic prosperity and the reduction of the number of people living below the Low Income Cut Off, 11.2 percent of its population still lived in poverty in 2004, and that significant differences in levels of poverty persist between Provinces and Territories. The Committee also noted with particular concern that poverty rates remained very high among disadvantaged and marginalized individuals and groups such as Aboriginal peoples, African-Canadians, immigrants, persons with disabilities, youth, low-income women and single mothers. The Committee noted with concern that the long-standing issues of discrimination against First Nations women and their children, in matters relating to Indian status, Band membership, and matrimonial real property on reserve lands had still not been resolved, and that such discrimination had a negative impact on the enjoyment of economic, social and cultural rights of some First Nations women and their children under the Covenant.

The Committee called upon the State party to address the specific subjects of concern that date back to the second and third periodic reports and strongly reiterated that the State party consider implementing the Committee's suggestions and recommendations in this regard. The Committee urged the State party to re-examine its policies and practices towards the inherent rights and titles of Aboriginal peoples, to ensure that policies and practices do not result in extinguishment of those rights and titles. The Committee recommended that federal, provincial and territorial legislation be brought in line with the State party's obligations under the Covenant, and that such legislation should protect poor people in all jurisdictions from discrimination because of social or economic status. The Committee also recommended that the State party take into consideration the right to work of women and the need of parents to balance work and family life, by supporting their care choices through adequate child care services. The Committee urges the State party to adopt all necessary measures to ensure that minimum wages were increased throughout Canada to a level enabling workers and their families to enjoy a decent standard of living.

### **Concluding Observations on Mexico**

In concluding observations on the fourth periodic report of Mexico, the Committee appreciated the State party's support for the elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and noted with appreciation the State party's cooperation with the country office of the Office of the High Commissioner for Human Rights. The Committee welcomed the establishment in 2001 of the National Institute for Women, mandated to create a culture free from violence and discrimination against women and to promote the equal enjoyment of all rights by men and women, and also welcomed the establishment of a Technical Committee for the Measurement of Poverty in Mexico which has

defined thresholds for measuring trends in the proportion of the population below certain poverty levels. The Committee also noted with appreciation that since 2003, anti-retroviral medicines are accessible free of charge for all HIV/AIDS patients in the State party.

The Committee regretted the absence of a federal Gender Equality Act and of laws on sexual harassment in 14 of the 32 federated States of the State party, and expressed its concern about discriminatory provisions in the civil codes of a number of States, such as provisions requiring the consent of the husband for a woman to work or authorizing the husband to decide about his wife's abode. It also noted with concern that approximately 40 percent of the active working population are reportedly employed in the informal sector, and was concerned about the low minimum wages in the State party, especially regarding women and indigenous workers, which last were frequently underpaid or not paid at all, received no social security benefits or paid vacations, and often worked on daily contracts or as unpaid family members. The Committee expressed its concern about the severe restrictions in the Federal Labour Law and in the Federal Law for State Workers on the right to form and join trade unions.

The Committee encouraged the State party to consider adopting legislation on gender equality at the federal and State levels, and to ensure that all federated States adopt and effectively implement laws on sexual harassment. The Committee recommended that the State party gradually regularize the situation of workers employed in the informal sector, and take effective measures to improve the working conditions of indigenous workers. The Committee urged the State party to amend the Federal Labour Act or other legislation, with a view to prohibiting the practice of requiring non-pregnancy certificates from women as a condition of employment and to sanction employers who fail to comply with these provisions. The Committee recommended that the State party review its labour legislation with a view to removing any restrictions on trade union rights other than those necessary in a democratic society in the interest of national security or public order or for the protection of the rights and freedoms of others.

### **Concluding Observations on Morocco**

In concluding observations on the third periodic report of Morocco, the Committee recognised Morocco's efforts with regards to the protection of human rights, and welcomed the legislative reforms aiming at improvising the situation of women, in particular in certain elements of the new Family Code of 2004. The Committee took note with satisfaction that the age of consent to marriage was now the same for boys and girls at 18, and took note that the State party had developed a Plan of Action on childhood for the period 2005-2015. It also took note with satisfaction of the new Code on Work adopted in 2003. The Committee welcomed that human rights training was given to students at all levels of education, and that training in this field was also given to judges and public servants, including the forces of the law.

The Committee noted with regret that important issues raised in its

concluding observations from 1994 and 2000 had not been taken into account, and that the State party had not treated effectively the principal subjects of concern that had been raised during the examination of the initial and second reports. The Committee was concerned by the absence of the facility for judicial appeal in the case of violations of the rights contained within the Covenant. The Committee also took note with regret that, despite the restrictions which the new Family Code put on polygamy, this practice continued in Morocco. The Committee was concerned that domestic and agricultural workers were not protected by the Code on Work of 2003, and were therefore vulnerable to exploitation, and was also concerned that the coverage given by social security remained inadequate and unequally distributed between rural and urban areas, as well as between regions.

The Committee recommended to the State party that it respond to the specific issues of concern raised during the initial and second reports, and encouraged the State party to implement the suggestions and recommendations made at that time. The Committee repeated its recommendation to the State party to take legislative measures to give effect to all elements of the Covenant. The Committee encouraged the State party to intensify its efforts to respect and protect the rights of women, and recommended that polygamy be definitively abolished. The Committee also encouraged the State party to fully harmonise its legislation with the Covenant, by removing all discriminatory provisions and guaranteeing equality of treatment between men and women in the full enjoyment of their economic, social and cultural rights.

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