**Disability analysis of Concluding Observations
of the CESCR Committee** [51st session](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=622&Lang=en) (4-29 November 2013)

**This analysis has been made by the International Disability Alliance (IDA)**

**NORWAY**
[E/C.12/NOR/CO/5](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/EGY/E_C-12_EGY_CO_2-4_15900_E.doc)

3. The Committee notes with appreciation:

(c) the ratification on 3 June 2013 of the Convention on the Rights of Persons with Disabilities;

15. The Committee is concerned that the municipal social housing stock is about 4 percent of the nation-wide housing stock, resulting in strict criteria for social housing allocation and long waiting lists. It is concerned that the quality of social housing is generally poor with a large maintenance backlog. The Committee is also concerned about the continuing high number of homeless persons, including an increasing number of children that are homeless with their parents (art.11).

The Committee recommends that the State party take steps to improve the availability and provision of municipal low-cost social housing units to disadvantaged and marginalized groups and individuals. It also recommends that the State party take steps to ensure the collection of data, on an annual basis, on the demand for social housing and the average waiting time, and include such data in its next periodic report. The Committee urges the State party to strengthen measures to address the phenomenon of homelessness, and recommends that it take immediate steps to address the situation of children that are homeless with their parents. The Committee draws the attention of the State party to its General Comment No.4 (1991) on the right to adequate housing.

18. The Committee is concerned about insufficient availability of mental health care services for prisoners with serious mental health problems. It is also concerned that persons with a serious mental illness continue to be imprisoned, in contravention to section 459 of the Criminal Procedure Act (art.12).

The Committee recommends that the State party take measures to ensure that prisoners with mental health problems receive adequate mental health care, including through transferal to an appropriate medical establishment. The Committee also recommends that the State party take steps to increase the number of beds in psychiatric in-patient wards to respond to the needs of prisoners with serious mental health problems.

19. The Committee is concerned about the high frequency of compulsory treatment and confinement in the mental health system of persons with psycho-social disabilities, as well as the inadequate legal framework regulating the application of coercive treatment. (art. 12).

The Committee calls upon the State party to ensure full respect for human rights of persons with psycho-social disabilities in cases of treatment in a psychiatric institution, including through ensuring that treatment is based on the free and informed consent of the individual concerned or his or her legal representative. It recommends that the State party amend the Mental Health Act to introduce stricter procedural requirements to ensure that persons with psycho-social disabilities have adequate legal protection against the use of coercion. It also recommends that the State party incorporate into the law the abolition of the use of restraint and the enforced administration of intrusive and irreversible treatments such as neuroleptic drugs and electroconvulsive therapy (ECT). It further recommends that the State party increase the number of community-based services, including peer support and other alternatives to the medical model, for persons with psycho-social disabilities and allocate the necessary financial and human resources for the effective functioning of these services.

20. The Committee is concerned that children and adolescents living in reception centers do not receive satisfactory treatment from psychiatric services and that the waiting time before receiving such services is long (art.12).

The Committee recommends that the State party take steps to ensure that asylum seeking children receive adequate psychiatric services when needed, and to improve the competence and preparedness of staff at reception centers in relation to the special vulnerability of asylum seeking children.

**DJIBOUTI**[E/C.12/DJI/CO/1-2](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/DJI/E_C-12_DJI_CO_1-2_15893_F.doc)

3. Le Comité se félicite de la ratification récente par l’État partie des instruments relatifs aux droits de l’homme suivants:

c) la Convention relative aux droits des personnes handicapées et son Protocole facultatif, le 18 juin 2012.

6. Le Comité regrette l’absence d’information sur la jurisprudence de l’État partie invoquant les dispositions du Pacte devant les juridictions internes, malgré leur autorité supérieure à celle des lois ordinaires et les activités de sensibilisation des acteurs de la justice et de la société civile aux droits économiques, sociaux et culturels. (art. 2(1))

Le Comité recommande à l’État partie d’intégrer l’enseignement des droits économiques, sociaux et culturels et leur justiciabilité dans les programmes de formation des professions judiciaires et des avocats. Le Comité recommande également à l’État partie de mener des campagnes de sensibilisation de la population aux droits de l’homme, et aux droits économiques, sociaux et culturels, en particulier, dans les langues parlées dans le pays et en utilisant des supports de communication adaptés qui soient disponibles et accessible pour tous. Le Comité appelle l’attention de l’État partie sur son observation générale No. 9 (1998) concernant l’application du Pacte au niveau national.

11. Le Comité regrette l’absence d’une législation définissant les droits des personnes handicapées. Le Comité regrette également l’absence d’information et de données fiables sur leur jouissance des droits économiques, sociaux et culturels. (art. 2(2))

Le Comité recommande à l’État partie d’adopter une législation internalisant la Convention sur les droits des personnes handicapées et prévoyant des recours administratifs et juridiques en cas de violation de leurs droits. Le Comité recommande également à l’État partie de recueillir des informations et de produire des données statistiques sur l’exercice des droits économiques, sociaux et culturels par les personnes handicapées et de développer en conséquence un plan national pour leur inclusion économique et sociale. Par ailleurs, le Comité appelle l’État partie à intensifier les efforts efforts afin de leur rendre les services publics accessibles.

15. Le Comité juge préoccupante l’ampleur du chômage dans l’État partie, notamment parmi les jeunes, les femmes, les personnes handicapées et les personnes âgées. (art. 6)

Le Comité exhorte l’État partie à formuler et mettre en œuvre une politique nationale globale de l’emploi basée sur le droit au travail, l’inclusion en particulier des groupes défavorisés et marginalisés, et des mesures à long-terme de l’emploi dans tous les secteurs prioritaires identifiés dans les plans de développement. Le Comité engage également l’État partie à diversifier et développer en conséquence les programmes de formation professionnelle. Le Comité réfère l’État partie à son observation générale No. 18 (2005) sur le droit au travail.

25. Le Comité regrette que les stratégies de réduction de la pauvreté n’aient permis de diminuer l’incidence de la pauvreté et de l’extrême pauvreté dans l’État partie. (art. 11)

Tout en notant que l’Initiative pour le développement social et les projets sectoriels de filets sociaux de sécurité ciblent les groupes les plus démunis et vulnérables de la population, le Comité demande à l’État partie de veiller à ce que ces filets de sécurité ainsi que les procédures de détermination du statut d’indigent et les prestations s’y rapportant soient accessibles à tous, notamment aux ménages dans les zones rurales et éloignées ou les ménages où les adultes sont analphabètes. Le Comité appelle également l’État partie à intégrer les droits économiques, sociaux et culturels dans les réformes structurels et projets mis en œuvre avec les institutions financières internationales et à développer des réglementations et directives claires relatives à la conduite d’impact social et environnemental des projets de développement d’infrastructure.

33. Le Comité s’inquiète de l’insuffisance de prise en charge des problèmes de santé mentale dans l’État partie en raison de l’absence de réglementation et du manque d’infrastructure et de personnel qualifié. (art. 12)

Le Comité appelle l’État partie à adopter une politique nationale de santé mentale visant la disponibilité et l’accessibilité des services de santé mentale, notamment par la promulgation d’une législation conforme aux normes internationales et la formation de personnels en matière de santé mentale. Le Comité recommande également à l’État partie de développer des services de soins de santé mentale en milieu communautaire.

**EGYPT**
[E/C.12/EGY/CO/2-4](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/EGY/E_C-12_EGY_CO_2-4_15900_E.doc)

3. The Committee welcomes the State party’s ratification of the following instruments since the last dialogue in 2000:

a) The Accession to the International Convention on the Rights of Persons with Disabilities in 2008;

4. The Committee notes with appreciation the State party’s efforts to promote the implementation of economic, social and cultural rights, which have included:

a) The adoption of a National Programme to reduce disabilities in 2009;

b) The adoption of Law No. 71/2009 providing for care of psychiatric patients; and establishment of regional councils for mental health

6. The Committee is concerned that the reduction in the proportion of budgetary resources allocated for health, education and housing, has resulted in retrogression in the effective enjoyment of the rights enshrined in the Covenant, disproportionately impacting disadvantaged and marginalized individuals and groups. The Committee is also concerned at the increasing recourse to regressive indirect taxes without prior assessment of their potentially severe human rights impacts and careful consideration of more equitable revenue collection alternatives (art. 2.1).

The Committee recommends that the State party increase the proportion of its budget allocated to sectors directly related to the Covenant rights, particularly health, education, housing and food. In doing so, the State party should ensure a budget formulation process that allows for meaningful inputs of stakeholders, including civil society. The Committee also reiterates its previous recommendation (, para. 28) and urges the State party to ensure that obligations under the Covenant are taken into account in all aspects of its negotiations with international financial institutions, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are not undermined. The Committee also draws the attention of the State party to its general comment No. 3 (1998) on the nature of States parties’ obligations and general comment No. 19 (2007) on the right to social security.

9. The Committee is concerned about the serious and widespread discrimination against women, particularly with regards to their low representation in the workforce, disadvantageous wide wage gap, and prevalence of employment in the informal sector. The Committee is equally concerned that there continue to be laws that discriminate against women in the context of divorce and inheritance. Furthermore, the Committee is concerned about the low number of women in decision-making positions and the withdrawal of reservation of seats for women in parliament (art. 3).

The Committee recommends that the State party take steps to enhance the participation of women in the labour force. The Committee also recommends that the State party ensure adequate legislation to guarantee employment conditions and fair and equal remuneration for women that is in compliance with the Covenant. In doing so, the State party should place particular emphasis on addressing these issues in the informal employment sector. Furthermore, the Committee recommends that the State party consider adopting temporary special measures for promoting the substantive equality of women and men in all areas, in particular, in the areas of employment, and participation in political and public life, including in parliament.

18. The Committee is concerned at the increased rates of food insecurity, particularly in rural areas and among families in vulnerable situations. The Committee is concerned that retrogressive measures, such as the reduction or removal of subsidies, without adequate alternative support measures, disproportionately impact vulnerable and marginalized groups. (art. 11).

The Committee urges the State party to expeditiously assess the human rights impact of the reduction in food subsidies and undertake immediate measures to address the retrogression in the right to adequate food.

21. The Committee is concerned that the health care expenditure as a percentage of the budget of the State party has declined significantly; resulting in a fragmented and increasingly privatised health care system. It is also concerned that this results in a large percentage of the population, particularly those in vulnerable situations, being excluded from health insurance and deprived of access to health facilities, goods and services. Moreover, the Committee is concerned that the highly fragmented structure of the State party’s health care system is exacerbating the resource scarcities that are resulting in poorer health outcomes for the population which, inter alia, include increased maternal mortality rates and decreased rates of vaccination (art. 12).

The Committee recommends that the State party increase public spending on health with a view to providing health insurance for all, non-discriminatory access to health facilities, goods and services, provision of essential medicines, access to reproductive, maternal and child health care and immunisation against major infectious diseases. Furthermore, the Committee recommends that the State party undertake measures to ensure effective inter-sectoral coordination on health programmes and policy, particularly with regard to addressing geographic disparities in the provision of health care.

22. The Committee is concerned that the State party has decreased the budgetary share of its expenditure on education, resulting in the poor quality public education, particularly in rural areas and informal settlements, and exacerbating the problem of unequal access to education for children in vulnerable situations (art. 13 and 14).

The Committee recommends that the State party increase its expenditure in education. In doing so, the Committee recommends that the State party prioritise educational reforms that ensure the equitable provision of free and quality education for children in rural areas and/or situations of socio-economic vulnerability and ensure the regular review of quality of teaching and school conditions.

**BELARUS**
[E/C.12/BLR/4-6](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/BLR/E_C-12_BLR_4-6_15894_E.doc)

9. The Committee notes with concern that the employment rate among persons with disabilities is very low, despite the measures taken by the State party to stimulate and increase employment of persons with disabilities. The Committee is further concerned that there is no legal obligation to provide reasonable accommodation in the workplace unless one’s disability was caused by occupational injury or illness (arts. 2, para. 2 and 6).

The Committee recommends that the State party take effective steps to significantly reduce unemployment and enhance the access to employment for persons with disabilities, including by amending domestic labour legislation to include the obligation for employers to provide reasonable accommodation in the workplace when required. The Committee also calls on the State party to ensure that measures taken in this regard effectively aim at the realization of the right to gain a living by work freely chosen or accepted.

20. The Committee is concerned that a large number of children from socially vulnerable families are deprived of their family environment after parents have had their parental rights removed due to the inability to comply with their child-rearing responsibilities. It is further concerned that these parents are subjected to compulsory labour and that 70 per cent of their wages is retained to compensate for the child-rearing expenses incurred by the State (arts. 6 and 10).

The Committee urges the State party to abolish compulsory labour as a punitive measure for parents who have had their parental rights removed and amend the existing regulations to bring them into conformity with the Covenant. The Committee requests that the State party:

(a) take effective family-support measures to reduce and prevent termination of parental responsibility and ensure that children from socially vulnerable families can be raised with their parents, inter alia by providing all the necessary support services to parents in order to enable them to carry out their child-rearing responsibilities and monitoring such services to ensure that they effectively address the needs of the children;

(b) ensure that termination of parental responsibility is a measure of last resort and that the best interests of the child, as well as their views, are adequately taken into consideration in this process;

(c) ensure that children deprived of their family environment as a result of an impartial and independent decision are placed in family-type alternative care settings and, to this end, develop a network of foster care families with a view to reducing to the minimum the need for institutional care for children;

(d) ensure that children can return to their families whenever possible.

23. The Committee notes with concern the lack of adequate access to subsidized/social housing by disadvantaged groups, in particular young families, families with many children, older persons, persons with disabilities and refugees, and the long waiting list for social housing which deprives many people of their right to adequate housing (art. 11, para. 1).

The Committee recommends that the State party adopt all adequate measures to address the problem of the long waiting lists in respect of social housing and ensure access to adequate housing for disadvantaged groups, including by ensuring that sufficient resources are allocated to increase the supply of social housing units and by providing appropriate forms of financial support, such as rental subsidies, taking into account its general comment no. 4 (1991) on the right to adequate housing.

24. The Committee expresses concern at the spread of HIV/AIDS beyond the original risk groups and the rising prevalence of HIV/AIDS in rural areas and the persistent social stigmatization of, and discrimination against persons living with HIV/AIDS, in particular in access to health care and employment, despite the efforts made by the State party to combat HIV/AIDS and the establishment of facilities across the country providing free of charge testing services. The Committee is also concerned that the definition of HIV as a socially dangerous disease and the provisions in the law for compulsory testing of persons believed to be HIV infected may further exacerbate stigma and discrimination against persons living with HIV/AIDS (arts. 2, para. 2 and 12).

The Committee recommends that the State party:

(a) take targeted measures to prevent the spread of HIV/AIDS, including among new risk groups and in rural areas;

(b) ensure effective prohibition of discrimination against persons living with HIV/AIDS;

(c) take all necessary measures to ensure the access of persons living with HIV/AIDS to health care and employment on an equal basis with others;

(d) increase its awareness-raising activities aimed at promoting understanding of the modes of transmission of HIV and tolerance towards persons living with HIV/AIDS among medical staff, employers and population at large and measure their impact;

(e) repeal or amend laws and policies that perpetuate the stigmatization and rejection of persons living with HIV/AIDS and adversely impact on any progress made in combating HIV.

32. The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It also encourages the State party to consider signing and ratifying the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of all Persons from Enforced Disappearance, as well as accepting the individual complaint mechanisms under various core human rights treaties which the State party has not accepted with a view to further strengthening the protection of human rights by providing right holders with additional opportunities to claim their rights at the international level when domestic remedies have been exhausted.

**BELGIUM**
[E/C.12/BEL/CO](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/BEL/E_C-12_BEL_CO_4_15901_F.doc)/4

4. Le Comité accueille avec satisfaction la ratification par l’État partie des instruments internationaux relatifs aux droits de l’homme suivants: (...)

b) La Convention relative aux droits des personnes handicapées et son protocole facultatif, le 2 juillet 2009.

5. Le Comité note avec satisfaction l’adoption de lois renforçant la protection des droits économiques, sociaux et culturels, notamment:

a) l’arrêté royal du 6 décembre 2012 modifiant l’arrêté royal du 6 octobre 2005 et visant à promouvoir et à accroître le recrutement et l’engagement des personnes handicapées;

10. Le Comité observe avec préoccupation que certaines personnes handicapées et d’origine étrangère continuent d’être victimes de discrimination dans la jouissance de certains droits économiques, sociaux et culturels malgré les initiatives législatives prises par l’Etat partie. Le Comité regrette également que le Centre pour l’égalité des chances ne soit pas compétent pour introduire des actions en justice sur la base des dispositions légales régionales ou communautaires. (art. 2)

Le Comité recommande à l’État partie à veiller à ce que les personnes handicapées et les personnes d’origine étrangère puissent jouir pleinement de leurs droits économiques, sociaux et culturels. Le Comité encourage l’Etat partie à adopter un cadre juridique exhaustif anti-discrimination au niveau national qui permette de couvrir tous les domaines susceptibles de discrimination conformément à l’article 2 du Pacte et de renforcer les compétences du Centre pour l’égalité des chances afin qu’il puisse introduire des actions en justice sur la base des législations régionales et communautaires. Le Comité recommande également à l’Etat partie de poursuivre et de renforcer les campagnes de sensibilisation contre la discrimination auprès de la population et dans différents secteurs de la vie sociale ainsi que de promotion des mesures prises en faveur des personnes handicapées tant au plan fédéral que régional et communautaire.

12. Le Comité note avec préoccupation que le chômage des jeunes de 15 à 24 ans reste très élevé en particulier en Région wallonne (soit 25% en 2011) et à Bruxelles-capitale (45% en 2011) ainsi que celui de certaines catégories telles que les personnes entre 55 à 64 ans, les femmes et les personnes handicapées. Le Comité recommande à l’État partie de: a) renforcer et poursuivre les mesures visant à lutter efficacement contre le chômage des jeunes notamment pour les moins qualifiés et en particulier dans les régions de Wallonie et de Bruxelles-Capitale ainsi que pour les personnes de 55-64 ans, les femmes et les personnes handicapées; b) renforcer l’impact de ses plans et politiques spécifiques visant à réduire le taux de chômage des migrants provenant hors de l’Union européenne. Le Comité demande à l’Etat partie de lui fournir dans son prochain rapport des informations statistiques détaillées sur l’impact des mesures prises sur la réduction du chômage et de procéder a leur évaluation régulière. Le Comité attire l’attention de l’État partie sur son observation générale no 18 (2005) sur le droit au travail.

16. Tout en notant un renforcement en 2012 de la législation visant à lutter contre la violence domestique, le Comité exprime son inquiétude face à sa persistance, en particulier, la violence à l’égard des femmes. Il est particulièrement préoccupé par le fait que des femmes et des filles handicapées soient victimes de violence domestique et s’interroge sur l’adéquation des moyens mis à disposition par l’Etat partie pour les protéger et les assister. Le Comité reste préoccupé par le fait que l’Etat partie n’ait pas adopté une législation spécifique sur la violence domestique. (art. 10)

Le Comité recommande à l’État partie d’adopter une législation spécifique sur la violence domestique, en particulier de la violence à l’égard des femmes. Le Comité attire particulièrement l’attention de l’Etat partie sur la violence domestique subie par les femmes et les filles handicapées et recommande à l’Etat partie de veiller à leur protection et à leur assistance; de faciliter le dépôt de plaintes par les victimes; de leur assurer une protection et une assistance adéquates. En ce sens, le Comité recommande à l’Etat partie de tenir compte de la situation de handicap de certaines victimes. Le Comité recommande enfin à l’Etat partie de poursuivre la mise en œuvre de son Plan d’action national 2010-2014 et de redoubler ses campagnes de sensibilisation contre la violence domestique.

23. Le Comité observe avec préoccupation qu’un grand nombre d’enfants handicapés dans l’Etat partie est encore scolarisé dans les écoles spéciales et n’est pas inclu dans le système scolaire ordinaire. (art. 13 et 14)

Le Comité recommande à l’État partie d’accroître ses efforts afin de fournir une éducation inclusive aux enfants handicapés dans le système scolaire ordinaire, en adaptant les installations existantes et en prenant toutes les mesures nécessaires pour s’assurer que les enfants handicapés jouissent pleinement de leur droit à l’éducation sur un pied d’égalité avec les autres. Le Comité attire l’attention de l’État partie sur son observation générale no 13 (1999) sur le droit à l’éducation.

**BOSNIA AND HERZEGOVINA**
[E/C.12/BIH/CO/2](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/BIH/E_C-12_BIH_CO_2_15892_E.doc)

4. The Committee also welcomes the State party’s ratification of the following other international instruments:

b) Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 12 March 2010.

15. The Committee reiterates its concern about the high unemployment in the State party, which disproportionately affects the members of marginalised groups including minorities, Roma and persons with disabilities. (art. 6).

The Committee urges the State party to reduce unemployment through additional measures of active employment policy such as requalification, local employment initiatives, incentives and tax benefits to employers, including also targeted programmes aimed at reducing unemployment of disadvantaged and marginalized groups.

22. The Committee is concerned that the right to social assistance of certain categories of persons, such as war veterans, is established in ad hoc laws that are not included within the group of general laws on social protection, thereby resulting in disparities in the level of protection and discrimination against other categories of victims. The Committee is also concerned that the existing legal framework has been deepening discrimination of persons with disabilities of all categories. (art.9).

The Committee urges the State party to ensure a more equitable allocation of existing funds for social protection, in particular of disabled war veterans, civilian war victims and of persons with disabilities in general, with a view to reducing discrepancies between the allocated budgets for each of the mentioned categories.

29. The Committee is deeply concerned about the extent of poverty in the State party, in particular among displaced persons, minority returnees, children without parental care, pensioners, persons with disabilities, the Roma people and families with two or more children. (art. 11).

The Committee reiterates its previous recommendation and urges the State party:

(a) to develop the official determination of poverty line and its yearly adjustment;

(b) to address extreme poverty faced in particular by members of marginalised groups, including minorities, and to ensure, on a priority basis, that adequate social assistance be provided to individuals and groups living below the poverty line;

(c) to assess the impact of any laws and policies on the enjoyment of the economic, social and cultural rights by individuals and groups living in poverty on the basis of regularly updated data, disaggregated by sex, age, ethnic background, social status and other relevant criteria, and that effective monitoring mechanisms be adopted and implemented to that effect;

(d) to develop strategies to address the regional disparities that affect the equal enjoyment of economic, social and cultural rights; and

(e) to allocate sufficient funds for the implementation of these strategies, drawing attention to the Committee’s statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10), adopted by the Committee on 4 May 2001.

32. The Committee is concerned that the access to adequate health care services is not sufficiently ensured for the marginalised groups, especially returnees, asylum seekers, Roma and persons with disabilities. The Committee is also concerned of the high number of teenage pregnancies in the State party. (art.12)

The Committee recommends that the State party intensify its efforts to ensure that the disadvantaged and marginalised groups have equal access to health care services and adequate health insurance throughout the State party, including through harmonising its health care system. The Committee further recommends that the State party raise awareness of contraceptive methods, with age appropriate education on sexual and reproductive health and rights, in the school curricula, with the aim of preventing early pregnancies.

**GABON**[E/C.12/GAB/CO/1](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/GAB/E_C-12_GAB_CO_1_15895_F.doc)

3. Le Comité accueille avec satisfaction la ratification par l’État partie des instruments internationaux relatifs aux droits de l’homme suivants:

(…) (c) La Convention relative aux droits des personnes handicapées le 1er octobre 2007.

4. Le Comité note avec satisfaction l’adoption de lois et les mesures prises par l’État partie renforçant la protection et contribuant à la réalisation des droits économiques, sociaux et culturels, notamment:(c) Le décret n°000152/PR/MNASBE du 4 février 2002 fixant attributions, organisation et fonctionnement du Centre national d’insertion des personnes handicapées;

11. Le Comité regrette la discrimination et la stigmatisation dont sont victimes les personnes ou groupes de personnes de condition modeste ou marginalisés, dont les femmes, les personnes handicapées, les lesbiennes, les gays et les personnes bisexuelles et transgenres (LGBT), les enfants nés hors mariage, les travailleurs migrants et leurs familles, les communautés pygmées, ainsi que l’ensemble des personnes ou groupes de condition modeste ou marginalisés (art.2 a).

Le Comité engage l’État partie à s’assurer que l’ensemble des personnes ou groupes de condition modeste ou marginalisés puissent exercer de façon pérenne les droits reconnus par le Pacte, en particulier l’accès à l’emploi, aux services sociaux, aux soins de santé et à l’éducation.

16. Le Comité regrette que l’État partie n’ait pas fourni de données fiables et complètes tant sur le nombre de personnes handicapées que sur la jouissance de leurs droits économiques, sociaux et culturels, particulièrement en matière d’emploi, de santé et d’éducation.

Le Comité demande à l’État partie de fournir dans son prochain rapport périodique des informations détaillées ventilées par année, sexe, et âge, sur la situation des personnes handicapées ; sur les mesures prises pour leur permettre de jouir pleinement de leurs droits économiques, sociaux et culturels ;,sur le résultat de ces mesures, ainsi que des statistiques sur les taux d’emploi des personnes handicapées.

32. Le Comité encourage l’État partie à envisager de ratifier la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille, ainsi que le Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques et le Protocole facultatif se rapportant à la Convention relative aux droits des personnes handicapées.

**AUSTRIA**[E/C.12/AUT/CO/4](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/AUT/E_C-12_AUT_CO_4_15899_E.doc)

1. The Committee welcomes the ratification by the State party of the following international instruments:

(a) Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2008;

(b) 1954 Convention relating to the Status of Stateless Persons in 2008;

(c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2012; and

(d) International Convention for the Protection of All Persons from Enforced Disappearance in 2012.

4. The Committee is concerned that the youth unemployment rate remains 60 per cent higher than the unemployment rate of adults, despite the introduction of apprenticeship and vocational training opportunities. It is also concerned about the high number of individuals who face long-term unemployment, and that the conditions under which unemployment benefits can be suspended may not respect the right of everyone to gain his or her living by work which he or she freely chooses or accepts (arts.6, 7 and 9).

The Committee recommends that the State party adopt long-term policies and strategies with an effective monitoring and evaluation mechanism to address the root causes of youth unemployment, paying particular attention to disadvantaged and marginalized groups, while continuing its efforts to increase the quality, diversity and number of apprenticeship and vocational training opportunities. It also urges the State party to ensure that the suspension of unemployment benefits do not violate the right of everyone to gain his or her living by work which he or she freely chooses or accepts, as set out in article 6 of the Covenant, and that there is a regular and open dialogue between the Public Employment Service and unemployed persons to take individual needs and concerns into account.

5. The Committee regrets that progress has not been made to systematically incorporate the provisions of the Covenant into the State party’s domestic legislation, and that the provisions of the Covenant are not effectively applied in the Länder (art.2).

The Committee reiterates its recommendation to ensure that the provisions of the Covenant are given full effect in the State party’s domestic legal order, taking into account general comments No. 3 (1990) on the nature of States parties’ obligations and No. 9 (1998) on the domestic application of the Covenant. In this regard, the Committee recommends that the State party undertake a review of its domestic legislation vis-à-vis the provisions of the Covenant to identify and rectify any legal omission or discrepancy. The Committee requests the State party to provide, in its next periodic report, detailed information on the measures taken in this regard.

6. The Committee reiterates its concern at the lack of court decisions invoking the provisions of the Covenant. While noting that judges and public prosecutors may participate in annual seminars on some specific human rights issues, the Committee regrets that training on the nature and scope of economic, social and cultural rights and their justiciability is not offered (art.2).

The Committee calls on the State party to take all appropriate measures to ensure the effective applicability of the provisions of the Covenant in national courts, including by promoting training on economic, social and cultural rights as contained in the Covenant and their justiciability among the professionals of the justice system. The Committee requests the State party to provide, in its next periodic report, information on concrete measures taken in this regard, as well as on court cases invoking the provisions of the Covenant.

7. While welcoming the expansion of the mandate of the Austrian Ombudsman Board (AOB) in July 2012, the Committee remains concerned at the lack of a comprehensive mandate to promote and protect all human rights, including economic, social and cultural rights, and to deal with violations of economic, social and cultural rights which occur in the private sector, as well as the lack of an independent appointment procedure of its members (art.2).

The Committee recommends that the State party take concrete measures to ensure that there is an effective and independent National Human Rights Institution in the State party with a broad mandate to promote and protect all human rights, including economic, social and cultural rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). It further draws the attention of the State party to the Committee’s general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

8. While noting the existence of several action plans on specific issues, the Committee regrets the lack of progress in adopting a comprehensive national human rights action plan from which specific policies and action plans could be developed, as recommended by the Committee in its previous concluding observations (E/C.12/AUT/CO/3, para.19) (art.2).

The Committee reiterates its recommendation that the State party consider adopting a comprehensive national human rights action plan, which would increase awareness and ownership of human rights among the general public and bring coherence to the State party’s human rights policies, particularly in the context of a federal system.

9. The Committee is concerned at the lack of coherent and consistent non-discrimination legislation throughout the State party and the high number of institutions involved in the implementation of anti-discrimination and equality legislation, which leads to confusion, legal uncertainty and potential injustice for individuals seeking an effective remedy. Moreover, the Committee regrets the lack of a statistical data collection system which would enable the State party to assess the socio-economic situation of different linguistic, national, ethnic and religious groups in the State party and to take effective corrective measures (art.2).

The Committee urges the State party to harmonize its anti-discrimination legislation so as to afford the same level of protection across the different grounds of discrimination and to streamline the administrative bodies responsible for the protection of all individuals against discrimination. It also recommends that the State party establish a statistical data collection system to assess the enjoyment of economic, social and cultural rights situation by minority groups, with due respect for the principles of confidentiality, informed consent and voluntary self-identification of persons as belonging to a particular group.

10. The Committee regrets that the State party’s contribution of its official development assistance decreased from 0.47 per cent of the gross national income in 2006 to 0.28 per cent in 2012 (art.2).

The Committee recommends that the State party increase the level of its contribution of official development assistance to achieve the international target of 0.7 per cent of its gross national income as expeditiously as possible.

11. The Committee is deeply concerned that the State party’s official development assistance provides support to projects that have reportedly resulted in violations of economic, social and cultural rights in the recipient countries. It is further concerned that the State party’s agriculture and trade policies, which promote the export of subsidized agricultural products to developing countries, undermine the enjoyment of the right to an adequate standard of living and the right to food in the receiving countries (arts.2 and 11).

The Committee calls upon the State party to adopt a human rights-based approach to its policies on official development assistance and on agriculture and trade, by:

(a) undertaking a systematic and independent human rights impact assessment prior to making funding decisions;

(b) establishing an effective monitoring mechanism to regularly assess the human rights impact of its policies and projects in the receiving countries and to take remedial measures; and

(c) ensuring that there is an accessible complaint mechanism if violations of economic, social and cultural rights occur in the receiving countries.

12. The Committee is concerned at the lack of oversight over Austrian companies operating abroad with regard to the negative impact of their activities on the enjoyment of economic, social and cultural rights in host countries (art.2).

The Committee urges the State party to ensure that all economic, social and cultural rights are fully respected and rights holders adequately protected in the context of corporate activities, including by establishing appropriate laws and regulations, together with monitoring, investigation and accountability procedures to set and enforce standards for the performance of corporations, as underlined in the Committee’s statement on the obligations of States parties regarding the corporate sector and economic, social and cultural rights (E/C.12/2011/1).

18. The Committee is concerned at the continuing occurrence of violence against women, including domestic violence, the lack of a comprehensive strategy to combat all forms of violence against women, and the absence of statistical information on violence against women (art.10).

The Committee recommends that the State party adopt a comprehensive national plan of action on violence against women and establish a data collection system on all forms of violence against women, with information on the victim and perpetrator disaggregated by sex, age, type of violence as well as the relationship of the perpetrator to the victim, geographical location and other factors considered relevant, such as disability. It also urges the State party to continue public awareness-raising campaigns on all forms of violence against women, including against migrant and ethnic minority women, as well as organizing trainings for the members of the judiciary and law enforcement personnel.

19.The Committee expresses deep concern that, in spite of the adoption of the Disability Equality Package in 2006, persons with disabilities still face significant obstacles in their enjoyment of economic, social and cultural rights, including access to employment, education, housing and social security benefits. In particular, the Committee expresses concern that persons with disabilities who perform occupational therapy activities receive little or no compensation for their work and are unable to contribute to an independent old-age pension scheme (arts.2, 6, 7, 9, 11, 12, 13 and 14).

The Committee recommends that the State party take concrete measures with specific targets to ensure that persons with disabilities can fully enjoy their economic, social and cultural rights as equal members of society, taking into account general comment No. 5 (1994) on persons with disabilities. In particular, the Committee calls upon the State party to ensure that persons who work in the context of occupational therapy have access to a diverse range of activities with sufficient pay, and are able to benefit fully from social security schemes so as to enjoy an adequate standard of living.

20. While noting that the State party has commenced collecting some data on the number of homeless persons in the State party, the Committee regrets the lack of information on the extent and causes of homelessness. Moreover, while the Committee notes the commitment expressed by the State party delegation to increase the availability of social housing, the Committee is concerned at the number of disadvantaged and marginalized individuals who cannot afford to pay for housing, and that the majority of eviction cases are due to non-payment of rent (art.2 and 11).

The Committee recommends that the State party develop a systematic data collection mechanism on the extent and causes of homelessness, and to adopt a national strategy or programme to address the problem. It also calls on the State party to ensure that sufficient resources are allocated to increase the availability of social housing units and to provide appropriate forms of financial support, such as adequate rental subsidies for disadvantaged and marginalized groups, taking into account its general comment No. 4 (1991) on the right to adequate housing. The Committee also requests the State party to provide, in its next periodic report, information on measures taken in this regard, as well as on the extent of homelessness in the State party, disaggregated by sex, age, ethnicity, and rural-urban population.

**ALBANIA**[E/C.12/ALB/CO/2](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/ALB/E_C-12_ALB_CO_2_15891_E.doc)

4. The Committee welcomes the State party’s ratification of or accession to the following instruments:

(a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2007;

(b) The Convention on the Rights of Persons with Disabilities, in 2013;

(c) The three Optional Protocols to the Convention on the Rights of the Child; and

(d) The International Labour Organisation Convention No. 122 (1964) on Employment Policy, in 2009.

5. The Committee welcomes the State party’s efforts to directly or indirectly implement economic, social and cultural rights within the domestic legal order, which have included:

(a) The adoption of the Law on Gender Equality, in 2008, the Law on Protection of Children’s Rights, in 2010, the Law for the Protection from Discrimination, in 2010 and the Law on Mental Health, in 2012;

(b) The amendments to the Criminal Code, in 2013, which extended the protection against discrimination on the basis of sexual orientation, criminalized “internal trafficking” (Law no. 144/2013) and introduced a special chapter on the “Responsibility on Corruptive Crimes”; and

(c) The amendments to the Constitution on lifting of parliamentary immunity from criminal prosecution for legislators, judges and other high-level government officials in corruption cases, in 2012.

8. The Committee is concerned about the discrepancies in statistics and lack of disaggregated data that would allow for an accurate assessment of the fulfilment of economic, social and cultural rights in the State party.

The Committee recommends that the State Party:

(a) Undertake regular and systematic assessments, against the clear set of indicators, as regards the level of enjoyment of all the economic, social and cultural rights by various segments of the population, including the most disadvantaged and marginalized groups;

(b) Set up a system of statistical data-collection on unemployment, poverty, sex-rates at birth, violence against children, drop-out rates and re-enrolment in education and other factors impacting the implementation of economic, social and cultural rights set forth in the Covenant, duly disaggregated by year, gender, age, urban/rural population, ethnic origin, disadvantaged and marginalized groups and other relevant criteria, and include the statistical data in its next periodic report;

(c) Include data collection and use of the human rights indicators, in particular for economic, social and cultural rights, as part of its National Strategy for Development and Integration (NSDI); and

(d) Consider in this respect the conceptual and methodological framework for human rights indicators that was developed by the Office of the United Nations High Commissioner for Human Rights.

17. The Committee reiterates its concern about the relatively high unemployment in the State party which impacts disproportionately the members of disadvantaged and marginalized groups including minorities as well as people living in rural areas. The Committee is further concerned about the small proportion of employed persons with disabilities which points to the little impact of the “Law on the Encouragement of Employment”. The Committee notes with concern the absence of information from the State party about the active employment policies and of data on unemployment among those groups, including in urban and rural areas (art. 6).

The Committee urges the State party to reduce unemployment through effective measures of active employment such as requalification, local employment initiatives, incentives and tax benefits to employers, including also programmes aimed at reducing unemployment of disadvantaged and marginalized groups, in particular in rural areas. The Committee also urges the State party to establish objectives on annual basis for the employment of persons with disabilities, ensuring that at least 30 per cent of employees with disabilities are women. The Committee reiterates its recommendation to the State party to consider ratification of the ILO Convention No. 2 (1919) on Unemployment.

21. The Committee regrets the lack of data regarding the social assistance in the State party, the lack of information on whether the social security system is adjusted to assist persons with disabilities and older persons, and disadvantaged individuals and families, so that they can live in dignity, and the lack of clarity whether the amount of social assistance benefits is sufficient to cover the real costs of living. The Committee also regrets the absence of information regarding the safeguards of equal access to social insurance and social assistance (art. 9).

The Committee calls upon the State party to adjust the social security system, taking into account the Committee’s general comment No. 19 on the right to social security, in order assist persons with disabilities and older persons, and disadvantaged individuals and families, so that they can live in dignity and provide for an effective system to ensure that the amount of social assistance benefits is sufficient to cover the real costs of living. The Committee encourages the State party to consider the introduction of a minimum income benefit that would bring together all the existing social assistance benefits and ensure a life in dignity for all those living in the State party. The Committee reiterates its previous recommendation to the State party to consider ratification of the ILO Convention No. 117 (1962) on Social Policy (Basic Aims and Standards) and Convention No. 118 (1962) on Equality of Treatment (Social Security).

25. The Committee expresses its concern about prevailing stigmatization and discrimination of children with disabilities and their limited access to services, often due to lack of collaboration among professionals and government bodies as well as lack of physical accessibility. The Committee also notes with concern the absence of preventive, early identification and reporting mechanisms of abuses of children with disabilities (arts. 2 and 10).

The Committee recommends that the State party expand its child protection system for procedures to identify, refer and manage cases of children with disabilities, recognizing their higher risk of being abused, stigmatised or discriminated. The State party should take additional measures to enhance access of children with disabilities to services, requiring improved collaboration among professionals and government bodies and adequate transport facilities.

32. The Committee is concerned about the inadequate budgetary allocation to the health care and the limited access to health services in particular in rural areas, the high infant mortality and the absence of information on sexual and reproductive health as part of the education curricula (art. 12).

The Committee recommends that the State party undertake the necessary measures to improve its health care and services, by, inter alia, increasing the budgetary allocations to the health sector and extending health services to rural areas. The State party should continue addressing high infant mortality and provide for sexual and reproductive health in the education curricula, and report on the progress in the enjoyment of the right to health in the next periodic report, taking into account the Committee’s general comment No. 14.

**KUWAIT**[E/C.12/KWT/CO/2](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/KWT/INT_CESCR_COC_KWT_15890_E.docx)

3. The Committee welcomes:

(b) the ratification of Convention on the Rights of Persons with Disabilities on 22 August 2013;

14. The Committee regrets the absence of detailed statistical data on the situation of persons with disabilities, including in employment. The Committee also regrets that it has not been provided with detailed information on the enforcement of the quota of persons with disabilities to be employed in companies, according to domestic law. (art. 6)

The Committee recommends that the State party effectively enforce the quota of 4 per cent of employment of persons with disabilities in companies with more than 50 workers, as established under the State party’s law. The Committee also recommends that the State party ensure an adequate collection of statistical data on the situation of persons with disabilities allowing an effective implementation of the Convention on the Rights of Persons with Disabilities. The Committee refers the State party to its general comment No. 5 (1994) on the rights of persons with disabilities.

27. The Committee is concerned that the Mental Health Act focuses only on institutional care and does not regulate confinement. (art. 12)

The Committee calls on the State party to bring its Mental Health Act into line with established international standards, including by regulating the review and control of internment and confinement. The Committee also recommends that the State party (a) train mental health professionals in the application of international principles of mental health assessments; (b) develop community-based services; and (c) ensure that mental health is included in the health insurance programme of the State party.

29. The Committee is concerned that primary education is not compulsory for non-Kuwaiti children living in the State party. The Committee is also concerned at restrictions to enrolment at the State party’s university. (arts. 13 and 14)

The Committee calls on the State party to equally apply compulsory education to non-Kuwaiti children living in the State party. The Committee also recommends that the State party ensure that higher education is made equally accessible to all, on the basis of personal capacity, in accordance with article 13(2)(c) of the Covenant. Moreover, the Committee recommends that the State party implement the plan to expand its higher education infrastructure and further develop its fellowship system for disadvantaged and marginalized groups, with a view to fully achieving and securing the right to higher education for all. The Committee refers the State party to its general comment No. 13 (1999) on the right to education.