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

SUMMARY RECORD OF THE 16th MEETING

Held at Headquarters, New York,  
on Wednesday, 23 April 1980, at 10.30 a.m.

Chairman: Mr. NAGY (Hungary)

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by States parties concerning rights covered by articles 6 to 9 of the Covenant  
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The meeting was called to order at 11.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)  
BY STATES PARTIES CONCERNING RIGHTS COVERED BY ARTICLES 6 TO 9 OF THE COVENANT  
(continued)

Report of the Byelorussian Soviet Socialist Republic (E/1978/8/Add.19)

1. Mr. MARDOVICH (Observer for the Byelorussian Soviet Socialist Republic) said that the victory of the Great October Socialist Revolution in 1917 had enabled the workers and peasants of Byelorussia to gain Statehood for the first time in their history and had made possible the formation of the Byelorussian Soviet Socialist Republic. Ever since the first days of the formation of the Republic, the interests of the working people had been the paramount consideration in social policy. The citizens of the Byelorussian SSR enjoyed the full range of socio-economic, political and personal rights and freedoms embodied in the Constitution, which had been adopted on 14 April 1978 after nationwide discussion, and in other Soviet laws. Those rights and freedoms were genuinely ensured in everyday life; with the implementation of socio-economic and cultural programmes, the material well-being, education, culture and intellectual and moral life of the working people were improving every year. Under article 32 of the Constitution, all citizens of the Byelorussian SSR were equal before the law and their equal rights were guaranteed in all fields of economic, political, social and cultural life.

2. The right to work occupied an important place among the socio-economic rights of the citizens of the Byelorussian SSR; under the conditions of socialism, there was freedom from exploitation, and work was the source of the growth of social wealth and of the well-being of the people, and of each Soviet individual. Socially useful work and its results determined a person's status in society. In the situation of the complete absence of unemployment, which had been eliminated several decades previously, the right to work was ensured by the free choice of profession and place of work. The provision of all types of education, free of charge, contributed to the genuine implementation of that right. The right to work included the guarantee of work, and remuneration in accordance with the quantity and quality of work and not below the State-established minimum. A clear example of the State's consistent policy of raising the levels of pay was the increase in 1979 in tariff rates and hourly wage scales for over 1 million manual and non-manual workers in the non-production sectors as a result of which, with the addition of payments and allowances from the social consumption funds, the pay of those workers had risen to about 200 roubles a month.

3. Labour legislation made provision for health protection for the working people, safe conditions of work and the eradication of occupational diseases and industrial accidents. Those rights were ensured through the provision of qualified medical care free of charge in the State health institutions. The legislation of the Byelorussian SSR, at the same time as ensuring the full equality of women and men in the field of employment, guaranteed a broad range of privileges and favourable conditions to provide labour protection for women, under chapter XI of the Labour Code. Special conditions of work were also established for the disabled, on the basis of medical recommendations, for young people, and for manual and non-manual workers who combined work with studies.

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(Mr. Hardovich, Observer,  
Byelorussian SSR)

4. The report described how the right of manual and non-manual workers to rest and leisure was ensured in the Republic through a broad range of measures which were embodied in the Constitution and implemented by the State. They included the establishment of a working week not exceeding 41 hours and the provision of paid annual leave and weekly rest days. As economic and other essential conditions in the Republic evolved, the length of the working day and working week would be further reduced.

5. The trade unions played an important role in protecting the labour rights of the citizens of the Byelorussian SSR. Their role as an inseparable component of the political system was legally recognized in the new Constitution, and they participated very actively in managing State and public affairs and in deciding upon the most important political, economic and social and cultural matters. The trade unions were established on the basis of the freely expressed wishes of the working people and they acted in conformity with the rules and statutes they adopted themselves. Any obstruction of the legitimate activities of trade unions and trade union bodies was punishable as a criminal offence under the Criminal Code. The trade unions had wide powers in the sphere of State social security, housing and everyday services, and in the organization of leisure and of a variety of activities for manual and non-manual workers and their families. In the rural areas the trade union organizations of the collective farms were involved in the decisions on all economic, social and other questions.

6. An important achievement of socialism was the right of the citizens of the Byelorussian SSR to social security for old age, sickness, complete or partial disability and loss of the breadwinner, under article 41 of the Constitution. Manual and non-manual workers and collective farm workers acquired the right to social security from the first day of employment. The social security funds were made up of compulsory social security contributions paid by enterprises and establishments and they could be used only for the purposes for which they were intended (art. 241 of the Labour Code). Social security for all groups of the population was regarded as an inseparable part of the over-all programme for improving the well-being of the entire population. The social security system included not only the payment of pensions and allowances and the provision of free medical care but also the State upkeep of rest homes for the elderly and the disabled, treatment for the working people at sanatoria and health resorts, the provision of dietary foods, the organization of pioneer camps and other services. Special care was provided for the disabled and for participants in the Great Patriotic War who had contributed to the victory over fascism.

7. The Byelorussian SSR was firmly convinced that the adherence of States to international legal documents and their fulfilment of the obligations deriving from them constituted an important criterion of their willingness to co-operate in the work of encouraging and developing respect for human rights and fundamental freedoms in accordance with the United Nations Charter. The implementation of the Covenant was an important stage in the joint activity of States to encourage respect for not only economic, social and cultural rights but also human rights and fundamental freedoms in general. In that connexion, the Byelorussian SSR attached great importance to the work of the Working Group.

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8. Mr. SALMENPERÄ (Finland), noting the statement on page 9 of the report that in the Byelorussian SSR the principle of pay in accordance with the quantity and quality of work was applied, asked whether that principle was strictly applied in the case of workers whose productivity declined.

9. Mr. ERDÖS (Hungary) said that, in the past, the territory of the Byelorussian SSR had been utterly ravaged by civil and world war. In the Second World War one in four citizens had perished and all the towns had been either burnt or destroyed. It was therefore all the more remarkable to read about the constructive work of the Byelorussian people since the end of the Second World War, and the wide range of social and economic measures which had been taken to improve the standard of living and enhance the well-being of the population. As the report indicated, the Byelorussian SSR had achieved statehood for the first time in its history as a result of the Great October Socialist Revolution, and it had become an integral part of the Union of Soviet Socialist Republics. The social and economic measures which had been introduced took into account the special features of the Republic, including its history and geographical location, and the ethnic composition of the population; that was essential in constructing a social system. It was significant that under article 34 of the Constitution, citizens of the Byelorussian SSR of different races and nationalities had equal rights and that any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or contempt, were punishable by law. For a country situated in eastern Europe, it was very important to take those factors into account in the Constitution. The report also referred to the historical stage in the development of the Byelorussian SSR of the adoption of the new Constitutions of the Union of Soviet Socialist Republics and of the Byelorussian SSR in 1978. It was significant that the new Constitution referred not only to the rights but also to the fundamental duties of citizens of the Byelorussian SSR; those two concepts were inseparable.

10. Page 7 of the report provided detailed statistics about the activities of women in the Byelorussian SSR in politics and in working life; it was exemplary that 37 per cent of the total number of deputies in the Supreme Soviet of the Republic were women. At the mid-point of the United Nations Decade for Women, the information provided in the report deserved special attention.

11. He asked whether there were special provisions for war invalids and others who had taken part in the civil war or the Second World War and had thus contributed to the Soviet victory and the victory over fascism.

12. Mr. FUJII (Japan) said that the report showed that the Byelorussian SSR had reached an advanced stage in ensuring the rights covered by articles 6 to 9 of the Covenant. It was noted on page 6 that citizens of the Byelorussian SSR were equal before the law without distinction of origin, race or nationality, and, on page 7, that citizens of the Byelorussian SSR of different races and nationalities had equal rights. He asked whether that meant that aliens enjoyed the same rights to work and social security as citizens of the Byelorussian SSR.

13. Mr. SAMSON (International Labour Organisation) said that information about the Byelorussian SSR was contained in the second report of the International Labour Organisation (E/1979/33). Since that report had been prepared the Byelorussian SSR had ratified the Human Resources Development Convention, 1975 (No. 142).

14. In connexion with article 6 of the Covenant, the Committee of Experts on the Application of Conventions and Recommendations had requested information, under the Employment Policy Convention, 1964 (No. 122), on certain aspects of manpower policies and on policies affecting the placement and free choice of employment of young specialists graduating from universities and specialized secondary schools. The Committee of Experts had noted at its session in March 1980 that, in connexion with the Forced Labour Convention, 1930 (No. 29), clarification was still needed concerning legislation relating to persons leading a parasitic way of life and on the possibility of terminating membership of a collective farm.

15. With regard to article 7 of the Covenant, the Committee of Experts had requested additional information about the criteria and procedures adopted for reaching decisions regarding promotion in employment and also about the rest and hours of work of members of collective farms since the provisions of the labour legislation were not applicable to them.

16. The Committee of Experts had referred to its observations relating to the Union of Soviet Socialist Republics in connexion with article 8 because of the similarity of the legislation of the two countries.

17. Mr. MARDOVICH (Observer for the Byelorussian Soviet Socialist Republic), replying to the questions asked by members of the Working Group, said that, in connexion with the question asked by the representative of Finland concerning the principle of pay in accordance with the quantity and quality of work, in practice there could be variations in the application of that principle. There was a special provision in the labour legislation to the effect that a worker who was transferred to another post must be paid at the same level as in his previous post, and there was also a provision that, if a worker's health deteriorated, the administration must transfer him to lighter work and pay him at the same level as before. Those provisions were contained in article 156 of the Labour Code.

18. Turning to the question raised by the representative of Hungary, he said that caring for invalids and veterans of the Second World War was a major concern of the State. Veterans received additional benefits and services, including free medicine and the right to travel free of charge on all forms of public transport except taxis, as well as exemption from taxes and duties of various kinds. They were also entitled to jump the queue at railway ticket offices, post offices and other such institutions.

19. As to the question asked by the representative of Japan, Byelorussian legislation did not make the provision of services contingent upon Byelorussian nationality. All aliens in the territory of the country were entitled to receive the same treatment as citizens of the Republic, including free medical care and other services as required.

Report of Romania (E/1978/8/Add.20)

20. Mr. VOICU (Observer for Romania) said that since the report of Romania had been prepared on the basis of data from 1977, he wished to present some additional information covering the past two years. The right to work was fully implemented, guaranteed and exercised in Romanian society. All citizens without discrimination received employment in accordance with their qualifications and abilities and were ensured equitable remuneration, which was steadily rising on the basis of the continual growth of national income and labour productivity. Employment was guaranteed for all citizens under the conditions of constant population growth and a policy of encouraging births, and within the framework of a general policy of devoting efforts and resources to developing the production forces and to diversifying and modernizing the national economy. Over the past decades the effective enjoyment of the right to work had been ensured in the context of an average annual economic growth rate of over 10 per cent, which had resulted in the creation of a large number of new jobs each year. On average, more than 200,000 new workers took up employment each year. The systematic creation of new jobs, particularly for young people and women, was a basic component of Romania's economic and social policy and of the policy of continually raising the standard of living of the entire population.

21. Romania's economic and social development plans provided for maintenance of a high rate of economic development during the following decade, which would permit a full and rational utilization of the work force. In order to guarantee the right to work, and make full use of the labour potential, priority was given to the rational distribution of the production forces throughout the territory so as to ensure equal rates of development in all the regions and provide all inhabitants with equal opportunities, regardless of their nationality. The requirements of harmonious and balanced development in all the regions called for the concentration of efforts on the creation of new production capacities in economically backward areas. The importance his Government attached to the right to work was demonstrated by the fact that currently a ratio of almost 400 employed persons per 1,000 inhabitants had been attained in many departments. The goal was to reach that ratio in all the departments by 1985.

22. The achievement of a high level of employment was accompanied by extensive training opportunities for all workers. Broad-ranging national training programmes for young people and training and refresher programmes for the work force in general were currently under way. Thus, out of a total population of 22,135,000 at the end of 1979, Romania's working population had reached the figure of 10,320,000, of whom 69 per cent were employed in industry and other non-agricultural sectors. In 1979 alone the national economy had absorbed almost 400,000 skilled workers and over 35,000 professional workers, such as engineers and doctors. At the same time, the recycling of all workers, including those in agriculture, was continuing at the national level. The existing plans were aimed at providing every worker with an opportunity to attend a formal training course at least once every five years. The State's constant concern about vocational training for young people was reflected in the new law on education adopted in December 1978. Romanian education was free at all levels; 10 years' schooling was universal, and compulsory schooling for 12 years was being introduced. In 1985 almost 27 per cent

(Mr. Voicu, Observer, Romania)

of the population would be receiving some form of education. Since education in general was closely linked with current and future social and economic development needs, the network of specialized secondary schools had been extended, in order to provide appropriate training for a variety of professions in the modern economy.

23. With regard to article 7 of the Covenant, Romanian legislation and practice demonstrated the consistent application of the principle of remuneration in accordance with the quantity and quality of work. The application of that principle, regardless of sex, age or nationality, was fully guaranteed in Romanian legislation. In order to provide incentives, the level of remuneration took into account the complexity of the work, the amount of effort involved, and the level of training and experience required. The aim was to maintain an equitable ratio of 5.5 to 1 between maximum and minimum remuneration, in keeping with Romania's current level of economic development. Romania's labour legislation provided for a minimum wage throughout the economy. In accordance with economic and social development plans, there were periodic wage increases for all workers. In 1980 basic net remuneration would be 40.3 per cent higher than in 1975. Owing to the emphasis placed on a more rapid rise in lower incomes, real remuneration would be 32.3 per cent higher than in 1975. Steps had been taken to increase the income of agricultural workers which had risen by 30 per cent over the past five years.

24. An important role in raising standards of living was played by social and cultural expenditure, financed from the State budget and from the social funds of enterprises and organizations. The purpose of the expenditure was to promote development in a wide range of social and cultural fields, and it would increase by 37 per cent between 1980 and 1985. Romania's labour legislation provided for a system of bonuses and incentives in addition to basic pay. Under new legislation on self-management, workers were entitled to a share in their company's profits, on the basis of the actual contribution to production made by each worker and of seniority.

25. He wished to stress that all the measures he had described were non-discriminatory and applied equally to men and women. Women were making an increasingly important contribution to economic and social progress. In 1979 they had represented 37 per cent of the total number of persons engaged in a productive or socio-political activity, and in certain sectors they represented two thirds of the work force.

26. The State devoted constant attention to all aspects of safe and healthy working conditions, and Romania's legislation laid down precise obligations in that sphere for all the ministries, central bodies, economic units and other national institutions. The management of all enterprises had a legal obligation to take measures to protect the health of their personnel. The State inspection bodies and the trade union bodies reported violations of the legal provisions relating to safe and healthy working conditions, and violations gave rise to responsibilities at the administrative, material or criminal levels.

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27. As a result of a gradual reduction of the working week started in January 1978 all workers would have a working week of 46 hours by the end of 1980. At the end of 1979 over 4 million persons were already benefiting from the reduction, which would continue over the following years. The shorter working week had been introduced in spite of the efforts that had had to be made to eliminate the adverse consequences of a number of natural disasters that had occurred over the past 10 years.

28. With regard to article 8 of the Covenant, a law on the organization and management of State socialist units had been adopted in July 1978. Under that law all enterprises functioned in accordance with the principle of self-management. The law designated the workers' general assembly in each enterprise as the forum through which the work force participated directly in decision-making relating to economic and social activities and in solving problems relating to the implementation of the economic and social development plan. The workers' general assembly had broad responsibilities relating, for example, to the adoption of plans of the enterprise, its budget, and programmes to improve working conditions. The general assembly of the enterprise was chaired by the President of the Trade Union Council. Another collective management body of the enterprises was the workers' council, which was composed of elected representatives of the workers and was responsible for such questions as training and promotion. The councils took decisions concerning the promotion and dismissal of management personnel and prepared collective labour contracts in co-operation with the trade union committee. The councils had a specific mandate to consider ways and means of improving the workers' working and living conditions. The experience in implementing those new forms of worker participation had been positive.

29. With regard to article 9 of the Covenant, Romania's legislation provided for a wide range of measures relating to medical care and a variety of benefits and pensions. Moreover, medical care, medicine, medical supplies and hospital care were free of charge for workers. In recent years social insurance pensions had increased considerably, and a pension scheme had been introduced for agricultural workers in areas in which there were no co-operative farms. State benefits for children had also increased considerably over the past five years, and the number of children currently receiving such benefits was 3.8 times as many as in 1956.

30. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) drew attention to section 7 of the Romanian Labour Code which specified that, from the age of 16 years, every person fit for work who was not attending courses at a school had a duty to engage in socially useful work; in that connexion, he asked what measures of protection and assistance were available to 16 year-old workers as required under article 10, paragraph 3, of the Covenant.

31. Mr. ERDÖS (Hungary) said that the Romanian report gave an impressive picture of the changes which had taken place in the country since the Second World War and of the efforts made by the Romanian Government to ensure the enjoyment of human rights.



32. Mr. VOLLEERS (Federal Republic of Germany) said that the Romanian report concentrated on the state of the law in Romania: he would like to receive more information about the practical situation.

33. He noted that under section 116 of the Romanian Labour Code, working hours in construction, forestry and agriculture could be longer than the 48 hours per week generally established: he asked whether, in those areas, there was a limitation on the number of hours worked, and whether any other restrictions applied.

34. With regard to the implementation of article 8 of the Covenant, he pointed out that, whereas article 27 of the Romanian Constitution gave Romanian citizens the right to associate in trade unions, section 165 of the Labour Code indicated that trade unions participated directly in the policy-forming work of the Romanian Communist Party. It would be interesting to learn what influence the workers had on the establishment of their remuneration, since the report contained no information on that subject. Similarly, no information had been provided on the right to strike in Romania and the conditions under which strikes would be permitted. He asked whether civil servants and members of the police and armed forces were allowed to join labour unions.

35. The description of the Romanian pension scheme was very brief: the working group should be informed of the statutory retirement age, the level of pension payments and how they were determined. He asked whether there were cases in which people who had been members of the work force did not receive pensions. Similarly, he wished to know how much maternity leave was provided, and whether the employer was responsible for paying a woman during such leave.

36. In its report (E/1979/33) ILO indicated that, in its view, Romanian legislation permitted the compulsory allocation of able-bodied persons to employment. He asked under what conditions allocation could occur and how the system worked in practice. Finally, he asked the Romanian representative to comment on the fact, remarked upon by ILO, that the Romanian Labour Code banned discrimination on a number of different grounds, but not on the basis of political opinion.

37. Ms. RICO (Spain) asked for information on the number of agricultural workers who lived in areas in which there were no co-operative farms, and on their participation in trade unions and productive associations.

38. Mr. SVIRIDOV (Union of Soviet Socialist Republics) said that the information in the very detailed Romanian report, together with the material supplied in the introductory statement by the Observer for Romania, provided ample grounds for concluding that Romania was meeting the obligations it had assumed under the Covenant: he had no questions to ask.

The meeting rose at 12.35 p.m.

