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

SUMMARY RECORD OF THE 19th MEETING

Held at Headquarters, New York,
on Monday, 30 April 1984, at 10.30 a.m.

Chairman: Mr. BENDIX (Denmark)

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Consideration of reports submitted in accordance with Council resolution 1988 (LX)
by States parties to the Covenant concerning rights covered by articles 6 to 9
(continued)

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The meeting was called to order at 10.45 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 6 TO 9
(continued) (E/1984/7/Add.15 and E/1984/7/Add.16)

Second periodic report of Hungary (E/1984/7/Add.15)

1. At the invitation of the Chairman, Mr. Racz (Hungary) took a place at the table.
2. Mr. RACZ (Hungary), introducing the report of his Government, stressed the considerable progress made in economic, social and cultural rights in the period since 1945 and made special reference to the achievement of national consensus on the main issues of economic, social and cultural development. Hungary had ratified the Covenant because its provisions coincided with the goals of its socialist society. The rights covered by the Covenant were in accordance with his Government's principles and had already been recognized in policy and practice before the Covenant had come into force.
3. Hungarian society was far from perfect; it also had problems to solve. For example, there was an employment-related problem in Hungary which had nothing to do with the high rates of unemployment in so many other countries. Because of the scheme of extended child-care leave with pay, a substantial number of Hungarian women stayed at home until their children reached the age of three. That had created a labour shortage in certain branches of the economy, such as the textile industry and commerce.
4. The unfavourable changes in the external and internal conditions of Hungary's socio-economic development had recently made it imperative to increase the efficiency of Hungarian industry. For that purpose, realistic solutions were being sought, which meant restructuring the economy, concentrating on more profitable branches of industry without abandoning full employment, which was one of the greatest achievements of a socialist society. In that context, it was important to bear in mind that the right to work, which was guaranteed in Hungary, did not mean the right to the same work-place. It was necessary not only to maintain full employment, but also to increase sharply the efficiency of labour, which could mean encouraging employment in one sector and discouraging it in another or offering financial incentives to workers for labour retraining. In Hungary, the principle of equal pay for equal work was recognized; another basic principle was that everyone worked according to his abilities and received from the produced assets according to his performance on the job.
5. With regard to trade unions, it should be noted that many fundamental questions, such as adopting important company rules, collective bargaining, regulating working conditions, determining social and cultural benefits, as well as the principles and methods of sharing bonuses and profits, must be decided in co-operation with the unions. A company's trade union had independence in deciding to accept the director's report on the implementation of collective agreements. Moreover, the appointment of company directors and executives was subject to the approval of the trade unions.

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6. The CHAIRMAN said that Hungary's report concerning rights covered by articles 10 to 12 of the Covenant had not been received. He wished to know when it would be submitted and the reasons for the delay.

7. Mr. KORDS (German Democratic Republic) said that the unfavourable changes in the external and internal conditions of Hungary's socio-economic development had affected the implementation of the decisions taken under more favourable economic conditions. In that context, he asked whether those changes had limited the development of the democratic process in the sphere of economic management and, in general, how the Government and the trade unions were managing to reconcile the economic imperatives with the exercise of the rights referred to in the articles under consideration.

8. Referring to paragraph 25 of the report, he asked whether the minimum wage was paid in the agricultural sector or only in the industrial sector and the service industry.

9. With regard to the trade-union rights referred to in paragraph 50, he would like to know what had happened after the amendment of the Statute of trade unions, how many workers were members of the new trade-union system and how it worked.

10. With respect to the funds mentioned in paragraph 51 (a), he asked where they originated, for what they were used and for what part of the labour force they were intended.

11. Mr. IIYAMA (Japan), in relation to article 6, asked for information on protection against dismissal and on the measures adopted by the Government concerning vocational training.

12. With regard to paragraph 23, he asked for a more detailed explanation of the system of remuneration which took into account the social utility of the work performed and for an indication of what type of job was considered socially useful.

13. With respect to annex I, paragraph 6, which contained statistics on income, it would be interesting to know the reasons for the differences in the average wages of the various economic sectors and whether there was any connection with paragraph 23 of the report.

14. With regard to paragraph 29, it would be useful to have information on the types of enterprises which operated on profit-sharing schemes.

15. It would also be useful to know, in relation to paragraph 50, how many trade unions there were after the amendment adopted by the 24th Congress.

16. With regard to article 9, it would be interesting to know what percentage of the total government budget was allocated to social security. As to annex I, paragraph 7, he would like to know the reason for the disparity between the average wages of men and women.

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17. Mr. TEXIER (France) said that it would be helpful for the Working Group to have a brief summary of the reports on the implementation of ILO conventions submitted by the Government of Hungary to the International Labour Office, as well as the statistics concerning the level of employment in Hungary contained in the International Yearbook on Labour Statistics, as referred to in paragraphs 20 and 21 of the report before the Working Group.

18. With respect to the implementation of article 7 of the Covenant, he wished to know what were the new measures governing labour safety, mentioned in paragraph 33 of the report, how they were being applied and what were the penalties for non-compliance with labour safety and health regulations. He also asked for clarification of the role played by voluntary trade-union inspectors and by the State supervisory organs mentioned in paragraph 39 in monitoring compliance with labour safety and health regulations.

19. Paragraph 47 (a) stated that the working week was normally of five days, with one day off and one rest day; he asked about the exact meaning of "one day off and one rest day". He also wished to know what criteria were used to determine the minimum and maximum duration of annual holidays, referred to in paragraph 47 (c).

20. With regard to the implementation of article 8 of the Covenant, he repeated the question asked by the expert from Japan about the number of trade unions in Hungary. He inquired whether there was trade union pluralism.

21. He asked whether the voluntary work referred to in the last sentence of paragraph 55 of the report was a social or other type of activity, and in what capacity the volunteers provided their services. He also wished to know the amount of minimum old-age and disability pensions.

22. Mr. MITREV (Bulgaria) expressed his satisfaction with Hungary's achievements in 40 years of economic and social development. He was pleased that the rights covered in the International Covenant on Economic, Social and Cultural Rights, specifically those set forth in articles 6 to 9, were guaranteed in practice.

23. Referring to paragraph 51 of the report, he asked how the relationship between trade unions and the Government was characterized in general and what role the unions played in that relationship.

24. He asked about the position of the Government of Hungary on the hiring of retired persons and whether such persons could continue drawing their pensions if they obtained another job.

25. Returning to the question raised by the expert from Japan concerning the percentage of the budget allocated to social security, he said that, because of the differences between the economic systems of the various countries, it would be better, for the purposes of comparison, to speak of the percentage of GNP or of national income allocated to social security.

26. Mrs. JIMENEZ BUTRAGUENO (Spain) asked how the collective bargaining machinery referred to in paragraphs 22 and 51 worked in practice, who were the parties involved and what matters were covered. She also wondered if labour agreements were regional and sectoral or if they were concluded at the company level.

27. She perceived a contradiction in annex I between paragraph 3, which stated that 39 per cent of manual workers and 60 per cent of intellectual workers were women, and paragraph 7, which mentioned the lower level of qualifications and the differences in the composition by occupation and profession as factors in the lag in the average wages of women as compared to men. If inferior preparation accounted for lower wages, how could one explain that 60 per cent of the intellectuals were women? As for paragraph 6 of the annex, it would be useful to know the basis for establishing the various levels of wages and salaries and whether that classification corresponded to the level of knowledge needed, the difficulty of the work and other such criteria.

28. Referring to a question asked by the expert from France, she inquired whether there was a body of labour inspectors.

29. Mr. SVIRIDOV (Union of Soviet Socialist Republics) observed that the report reflected the Hungarian Government's concern to adopt new measures implementing articles 6 to 9 of the Covenant. It should be noted, for example, that Hungary did not have any unemployment, an unfortunate fact of life for millions in many other countries of the world. Also worth mentioning was the strengthening of the role of the trade unions in work-place democracy, concrete examples of which achievement were given in paragraph 51. There was also the notable social advance represented by the benefit granted to either parent who took full charge of rearing his or her child. There was, in short, no doubt that Hungary was complying with articles 6 to 9 of the Covenant.

30. He asked about the meaning of the term "readjusted pensions" in annex I, paragraph 18. He also asked what a trade union did when a worker was dismissed, a question that was not mentioned in the report.

31. The CHAIRMAN, speaking as the expert from Denmark, said that when a State party referred to other reports submitted previously to a United Nations specialized agency it should briefly indicate the contents of the pertinent sections of those reports. As a rule, the members of the Working Group could not secure such reports in time, which created difficulties when the Working Group considered the periodic reports.

32. Regarding the second periodic report of Hungary, he requested more information on the International Labour Organisation (ILO) mission to Hungary that was mentioned in paragraph 53. He also asked what exactly was meant by the expression "outside worker" in paragraph 57. He wondered what problems Hungary had encountered in applying the Government Decision mentioned in paragraph 31, relating to the observance of the constitutional principle of equal pay for both sexes.

33. Mr. Racz (Hungary) withdrew.

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Second periodic report of Norway (E/1984/7/Add.16)

34. At the invitation of the Chairman, Miss Danielsen (Norway) took a place at the table.

35. Miss DANIELSEN (Norway), introducing her country's second periodic report, said that during the preparatory process, account had been taken of the views of the Advisory Committee on Human Rights established in 1980 by her Government and composed of representatives of Ministries, Parliament and non-governmental organizations. She therefore hoped that the information provided would fully satisfy the Working Group.

36. Reference was made in the report to reports submitted by Norway to ILO concerning various social security benefits. The Working Group would accordingly have information on the Norwegian National Insurance Scheme which had not been included in the current report in order not to make it too long. The report did, however, contain supplementary information updating that submitted to ILO.

37. Mr. TEXIER (France) congratulated the representative of Norway on the detailed and precise report her country had submitted. Especially commendable were the exhaustive statistics it contained, which clearly indicated the changes that had taken place in Norway since the submission of the initial report.

38. Other countries should follow the example set by Norway, which, as mentioned in paragraph 4 of the report, had established in 1980 an Advisory Committee on Human Rights responsible for making comments on the draft periodic reports before they were submitted.

39. He congratulated the Government of Norway on the measures taken to solve the unemployment problem, which were indicated in paragraph 8 and in the following paragraphs. Also very constructive was the freedom granted to immigrants and refugees to preserve their own culture, as mentioned in paragraph 15.

40. He would like further information relating to paragraph 65, especially on the conditions for allowing the families of immigrant workers to join them. More information should be provided on the interesting question of co-determination by employees at their places of work, mentioned in paragraph 82, which indicated the legislation governing the matter but gave no specific instances. Regarding paragraph 88, it would be interesting to have information on how the right to strike was exercised in Norway and what workers' rights movements had emerged in the years covered by the report.

41. It would have been useful to include, in paragraphs 100 to 103 regarding social security benefits, a brief summary of the pertinent sections of the reports submitted to ILO. He hoped that future reports would contain succinct references to the contents of those reports in order to facilitate the work of the Working Group.

42. Mr. KORDS (German Democratic Republic) asked, in reference to paragraph 11 of the report, what was the connection between the lack of qualified workers and

(Mr. Kords, German Democratic Republic)

unemployment. Regarding the public sector jobs mentioned in paragraph 22, he asked what kind of jobs were offered, what the pay was in comparison to the minimum wage and how many people were employed in such jobs at any given time.

43. It was stated in paragraph 43 that 52 per cent of all working women in 1982 were working part-time, which was a very high proportion compared to that in other countries. He wondered whether the Government of Norway was encouraging such part-time work and whether that would not undermine the efforts it was making to achieve equality of opportunity. The German Democratic Republic had found that part-time work acted as an obstacle to the full participation of women in the labour market and prevented them from filling more responsible posts.

44. A sharp rise in unemployment was mentioned in paragraph 47. He asked what relation there was between that rise and the broad range of measures referred to in paragraphs 22 to 31 and whether the various social groups had not called for changes in those measures in the light of the current situation. He also asked if there was any machinery for checking whether the extra benefits granted to employers were put to effective use.

45. The table in paragraph 68 showed that there had not been an increase in real income since 1977. He wondered how the trade unions felt about that and whether they had any influence over the increase in real income.

46. Regarding paragraphs 77 and 78, he requested some basic information on regulations governing time off between working days, the normal hours of work per day in industry and in the public sector, and the number of workdays per week.

47. It was pointed out in paragraph 88 that Norway had entered reservations concerning the right to strike. He wanted to know how labour disputes were settled, the reasons for which trade unions resorted to strikes and how often they occurred.

48. In connection with paragraph 96, he asked whether paid maternity leave was granted and what social entitlements and benefits were available to mothers and families in general.

49. Mrs. JIMENEZ BUTRAGUEÑO (Spain), referring to paragraph 11 of the report, asked whether the Norwegian Government proposed to adopt specific measures to correct the distortions existing in the labour market. In particular, she wished to know whether steps would be taken to train women so that they could engage in non-traditional activities.

50. She said that she would welcome information on the practical application of the system of equal rights grants referred to in paragraph 27 and in the table on page 8 of the report.

51. With respect to paragraph 47, she asked the representative of Norway to supply the most recent unemployment figures and to indicate the proportion of women and young people in the total number of unemployed.

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(Mrs. Jimenez Butragueño, Spain)

52. With regard to the table in paragraph 68 of the report, she inquired why women's average wages and real income had increased more than men's, and whether special measures had been taken owing to discrimination or whether women were receiving more supplementary aid. She also wished to know whether Norway had any policy of earlier retirement in view of the current unemployment.

53. Mr. Iiyama (Japan), referring to paragraph 25 of the report, requested additional information on the conditions which employers had to meet to receive financial support. He also asked what financial burden such subsidies imposed on the Government and how much financial support was received by employers.

54. Turning to paragraph 54, which stated that there had been a drop of 4,000 men and an increase of 19,000 women in the number of people in employment, he inquired why that development had occurred and in which fields more women had been employed.

55. With regard to vacancy announcements, referred to in paragraph 58, he asked what recourse was available to people who suffered from discrimination because of their sex. Lastly, with respect to paragraph 68, he wished to know whether there was any kind of legislation determining remuneration.

56. Mr. Mitrev (Bulgaria) referring to paragraph 4, asked whether trade unions participated in any way in the work of the Advisory Committee on Human Rights. The contents of paragraphs 8 to 65 of the report revealed that the country had a serious unemployment problem. He wished to know in particular whether the expressions short-term and long-term unemployment referred to the situation of workers or to trends affecting the economy as a whole.

57. Judging by paragraph 53 (a) (iii), one of the main causes of the increase in unemployment over the past two years was the somewhat tighter regulation of demand in general resulting from certain domestic economic policies. It would be helpful if the representative of Norway clarified that point, since it appeared to contradict what was stated in paragraph 6 of the report.

58. It was apparent from the table in paragraph 68 that there had been a decrease in real income over the past four years, and it would be of interest to know whether that trend had continued between 1982 and 1984.

59. With regard to paragraphs 85 to 88, he asked what rights and opportunities trade unions had to oversee working conditions and compliance with safety regulations, and whether there was any monitoring machinery. He also asked whether trade unions had the right to take legal initiatives or participate in the drafting of labour laws.

60. Mr. Sviridov (Union of Soviet Socialist Republics) said that the most serious problems facing Norway with regard to articles 6 to 9 of the Covenant were increasing unemployment and discrimination against women at work.

61. With respect to paragraph 56, which noted that the level of registered unemployment was less than real unemployment, it would be of interest to have data

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(Mr. Sviridov, USSR)

on the current percentage of unemployed, the percentage of unemployed among women and young people and the real level of unemployment in the country.

62. With regard to the lack of reliable statistics concerning development in total employment, referred to in paragraph 54, it was important to know whether steps were being taken to obtain such statistics. In that connection, it should be noted that real unemployment statistics constituted the basis for Government action in that area. Similarly, it was important to have further information on the level of employment among those under-eighteen; as it was undoubtedly difficult to obtain absolute figures some indication of percentages would suffice.

63. With regard to work performed by women, paragraph 17 of the report indicated that the labour market was divided along traditional lines into women's and men's jobs. Certain trades in which mainly women were employed offered lower salary levels than those in which mainly men were employed. It was encouraging that the problem had been recognized and it would be of interest to know what specific measures were being adopted to remedy the situation.

64. With regard to paragraph 61, which referred to a prohibition against the dismissal of employees without objective grounds in the situation of the enterprise, the employer or the employee, it would be useful to know exactly what reasons justified dismissal. It was important to know whether there were differences in the numbers of dismissals in the public and private sectors and, if so, more specific data should be provided.

65. With regard to paragraph 109, it would be interesting to know what proportion of unemployment benefit was subject to tax.

66. The CHAIRMAN said that many of the experts had not been able to consult the data appearing in reports sent by States parties to other bodies. In that regard, it should be noted that the report submitted by ILO under article 18 of the Covenant (E/1984/55) stated that the Committee of Experts on the Application of Conventions and Recommendations had been unable to analyse the periodic reports of countries in detail because they had not been submitted sufficiently in advance. Accordingly, the ILO report did not contain references which could be of use to the Working Group in its consideration of the periodic reports of States parties to the Covenant. For their part, States were fully entitled to refer to reports sent to other bodies, since such a procedure was provided for under the Covenant. The problem should therefore be considered thoroughly in future.

67. Speaking as the expert from Denmark, he wished to know what the overall composition of the labour force by sectors was. Further, he would welcome additional information on the system of grants referred to in paragraph 19; in particular, he wished to know how it operated in practice.

68. With respect to the measures relating to the labour market described in paragraphs 22 to 31 of the report, it should be explained how they were linked to basic unemployment benefits. It would also be interesting to know what support was given to bankrupt firms.

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(The Chairman)

69. The table on page 11 of the report apparently reflected temporary unemployment. Nevertheless, there was no explanation of how it had been prepared and of how that phenomenon had been taken into account.

70. With regard to equal status between men and women, referred to in paragraph 76, he wished to know what the situation of teachers was and what had been done to increase the number of men in that profession, which was dominated by women. With respect to family allowances, he would welcome clarification as to whether they were related to the number of children and whether any maximum or minimum income had been set as a condition for receiving such allowance.

The meeting rose at 1.10 p.m.