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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 12th MEETING

Held at Headquarters, New York,  
on Tuesday, 30 April 1985, at 10.30 a.m.

Chairman: Mr. KORDS (German Democratic Republic)

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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 11 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)

Report of the German Democratic Republic (E/1984/7/Add.3)

1. Mr. GRUBER (German Democratic Republic), introducing the second periodic report of the German Democratic Republic on articles 6 to 9 of the Covenant contained in document E/1984/7/Add.3 and the supplementary report which had been circulated informally, said his country's policy of systematically improving its economic performance and standard of living enabled him to say that the German Democratic Republic continued to fulfil all the provisions of articles 6 to 9. The current report should be considered in conjunction with the initial report (E/1978/8/Add.8), which contained basic factual information.

2. The supplementary report had been prepared in the light of his Government's understanding that the Working Group desired information relating to the provisions of parts I and II (arts. 1-5) of the Covenant, and in the belief that such information would help members to understand how the subsequent articles were implemented in the German Democratic Republic. In addition to the information sought by the Working Group, the supplementary report also contained a detailed explanation of developments which had taken place in the German Democratic Republic in connection with the rights covered by article 9 of the Covenant.

3. Under socialist democracy, the citizens of the German Democratic Republic were guaranteed a number of rights which, taken collectively, surpassed the standards set in the International Covenants on Human Rights. It had been the experience of his country that comprehensive economic, social and cultural rights and guaranteed social security and employment were prerequisites for the full exercise of political rights. At the same time, giving full effect to the right to participate in the running of public affairs safeguarded the exercise of basic social, economic and cultural rights.

4. One of the German Democratic Republic's major achievements during its 35 years of existence lay in the field of human rights. Enjoyment of the right to work had been comprehensively guaranteed, and all young people were entitled to learn a trade in a vocational training facility. Naturally, education at all levels of the integrated socialist educational system was free and thus accessible to everyone. Since 1971 the country's systematic housing construction programme had markedly improved the housing conditions for more than a third of the population. Rents had been kept stable for 35 years and accounted, on the average, for less than 3 per cent of the monthly net income of a family of four. A wide range of health and medical facilities were available to all citizens free of charge. Real incomes had grown as a result of generous family allowances, old-age pensions, social security benefits and wages. It should be noted that worker contributions to social insurance schemes accounted for 5 to 7 per cent of total income.

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(Mr. Gruber, German Democratic Republic)

5. The German Democratic Republic believed that world peace was a prerequisite for the enjoyment of human rights to be guaranteed. That view was discussed at length in the supplementary report. Furthermore, given the historical experience of the Second World War, his country was committed to making a specific contribution to the promotion of peaceful coexistence. His Government had designated 8 May 1985, the fortieth anniversary of the victory over German fascism and the liberation of the German people from Nazi rule, as an official holiday with a view to strengthening the people's commitment to peace.

6. While the economy of the German Democratic Republic had been in a state of transition as the Government pursued a policy of intensive production in the 1980s, the situation with regard to the enjoyment of the right to work remained unchanged. In fact, under socialist conditions, increased economic efficiency went hand in hand with guaranteed full employment, and the Government sought to make best use of existing labour potential to achieve planned growth rates. The rationalization of production was a process which drew on workers' experience to improve the organization of work. The underlying principle of that policy was that it must not entail any material disadvantages for individual workers. Industry in the German Democratic Republic took into consideration the fact that technological progress might entail radical changes for workers. Thus managerial bodies in enterprises were required to co-operate closely with trade unions and government authorities in discussing possible solutions of the problems involved. Most important, employment was to be maintained despite the introduction of automated technology. As part of the rationalization of production, enterprises tried to keep workers whose jobs were eliminated within the same firm. Studies had shown that such efforts were economical, since the costs incurred when a university graduate changed employment amounted to roughly half of the cost of his education. Moreover, the effective reintegration into the production cycle of persons whose jobs had become obsolete was of vital importance for the German Democratic Republic, since national demographic trends indicated that the number of employed persons would stagnate or even decline with continued economic growth.

7. Paragraphs 14 to 16 of the report contained court decisions which illustrated how the right to employment was guaranteed under the scientific and technological revolution, and showed that the socialist legal system ultimately ensured that contradictions would be resolved in ways that accommodated both the interests of the individual and the interests of society.

8. Scientific and technological progress in the German Democratic Republic were accompanied by improved working and living conditions. The dynamic development of the country's economy had improved industrial safety as well. Heavy and hazardous work had been reduced. During the five-year planning period from 1976 to 1980, the number of workplaces in the industrial, construction, transport and communications sectors that had been created or reorganized in accordance with scientific methods of labour organization had increased by 330 per cent in comparison with the preceding five-year period; such improvements were being continued during the current five-year plan. From 1949 to 1983, the number of occupational accidents had been reduced by more than half, and had dropped by another 3 per cent in both

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(Mr. Gruber, German Democratic Republic)

1983 and 1984. Occupational diseases had also decreased significantly. Guidelines for the further improvement of industrial safety had also been established, with the trade unions constituting the driving force behind campaigns to improve working conditions.

9. As scientific and technological progress had been achieved, earned income had grown. The wage policy pursued in the German Democratic Republic was based on the notion of performance-oriented pay, which had resulted in monthly increases of between 30 and 150 marks, exclusive of bonuses for outstanding performance and additional year-end payments. That increase was particularly meaningful in view of the fact that prices, rents, service charges, contributions for social security insurance and income taxes had remained stable.

10. Trade unions played a significant role in bringing about economic and social progress in the German Democratic Republic. Since the period covered by the first report, the Confederation of Free German Trade Unions had grown to more than 9.3 million members, which made it the largest mass organization in the country. Some 97.5 per cent of all workers belonged to the Confederation, 52.2 per cent of whose members were women. Members of the 16 constituent unions included persons of all religious faiths and from all five of the country's political parties. In a socialist society, trade unions held greater responsibility and influence with regard to social development than they traditionally did in capitalist society. The trade unions of the Confederation had had a decisive influence on the preparation of such relevant laws and legal regulations as the Labour Code of 1977.

11. Mr. DICHEV (Bulgaria) thanked the representative of the German Democratic Republic for a balanced, well-prepared and informative report.

12. In connection with article 6 of the Covenant, he asked whether the right to work could really be guaranteed in conditions of scientific and technological progress (para. 14 of the report); how full employment was ensured in the German Democratic Republic; and what was the present employment situation.

13. Regarding article 7 of the Covenant, could the representative of the German Democratic Republic provide more information, especially up-to-date statistics, namely, since 1981, on accidents and trends concerning accidents (para. 17 of the report) and on holiday-makers (para. 21 of the report).

14. Regarding article 8 of the Covenant, he would like some further information on trade union rights and the position of trade unions in society.

15. Mr. AIDARA (Senegal), commenting on the obvious importance that the German Democratic Republic attached to implementing the Covenant, and its close and active co-operation with the Sessional Working Group, said that he had noted with satisfaction, both in the supplementary report and in the introductory statement, that the German Democratic Republic regarded the various categories of human rights as indivisible and interdependent.

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(Mr. Aidara, Senegal)

16. Noting from paragraph 4 of the main report that the Co-operative Farms Act had been approved at the Twelfth Farmers' Congress, he asked what were the legal implications of approval of a law by the Farmers' Congress and what was the status of that body.

17. In connection with the provisions of article 34 of the Co-operative Farms Act, referred to in paragraph 8, he asked what were the criteria, and what body was responsible, for allowing co-operative farmers to have individual holdings. What was the size of such holdings and how much livestock could a farmer maintain?

18. In connection with education and training, he assumed that the further education and vocational qualifications referred to in paragraph 10 were free of charge. Of the criteria for admission to higher education listed in subparagraph 11 (a), he would like to know whether political and moral maturity was an essential condition for studies up to college or university level. Regarding the criterion of "a good record of vocational and social performance" in subparagraph 11 (b), he could understand the meaning of vocational performance as a condition for higher studies for young workers, but wondered what was meant by social performance.

19. In connection with the provision in paragraph 19 (a) concerning longer holidays for young people up to the age of 18, he asked at what age young people started work and what proportion of the labour force they represented.

20. With respect to trade union rights, he wondered whether any trade unions existed outside the Confederation of Free German Trade Unions, bearing in mind the importance of the Confederation's role in the German Democratic Republic.

21. Regarding the information in subparagraph 23 (b) on salary increases for 5.2 million people between 1977 and 1981, he would like to know the amount of the increases. Had they applied to all members of the labour force?

22. Lastly, he would like to know what machinery existed for regulating labour with a view to preventing disputes between workers and employers; and what machinery existed for conciliation and settlement in the event of a dispute arising. What kind of dispute was likely to arise between workers and employers and what was the composition of the disputes commissions and the trade union committees referred to in the report?

23. Mr. IIYAMA (Japan) expressed appreciation of the comprehensive report and the informative supplement.

24. In connection with paragraph 8 of the report, he asked what was the limit to an individual holding, whether an individual co-operative farmer was entitled to receive all the profits from his work, and what help he could obtain from other farmers.

(Mr. Iiyama, Japan)

25. On paragraph 14, he asked how the labour market was affected by the structural adjustments resulting from the impact of the scientific and technological revolution on the national economy.

26. He noted from paragraph 15 that the Erfurt County Court had formulated as a legal rule that the offer of new adequate employment at another enterprise, which was required by law as an additional prerequisite for giving notice of termination, had to be at least provisionally agreed with the new employer. What was the position in other counties in the German Democratic Republic?

27. He also sought information on current average wage levels and average monthly living costs, and asked whether the right to strike and the right of everyone to form trade unions were recognized by law in the German Democratic Republic, and whether or not - a general question to all representatives of reporting Governments - the two-year reporting cycle was felt to be a burden.

28. Mr. TEXIER (France) said that he had found the main report most interesting and had learnt a great deal from the supplementary report. There was, however, a lack of statistical information; he would have liked data on current wage levels, their range, and the population groups covered.

29. On paragraph 11 (a), he had the same difficulty as the expert from Senegal over the criteria. Good achievements at school were a normal criterion and active participation in community life a reasonable one; but achievement motivation and political and moral maturity were difficult to understand: how, for example, could they be assessed? Subparagraph 11 (b), however, contained some interesting information and showed the efforts that the German Democratic Republic was making to ensure access to university and higher education for workers.

30. He would welcome information on the amounts of the grants and allowances, and the increase in apprentices' pay, referred to in paragraph 12.

31. Regarding the impact of the scientific and technological evolution on the national economy, referred to in paragraph 14, he would like to know what were the structural adjustments mentioned, who formulated them and who carried them out.

32. He noted from paragraph 15 that the Erfurt County Court, in invalidating a notice of termination, had stated that a general reference to vacancies at any other enterprise would not meet the legal requirements concerning the validity of notices of termination. Did that mean that the enterprise was obliged to re-engage the person concerned or could the court decide - as in some countries - that if that were not possible, some form of compensation could be granted?

33. The table in paragraph 17 showed a continued reduction in industrial accidents and in the percentage of accidents per thousand employees. He was particularly interested in the Supreme Court's decisions on liability in industrial accidents, a subject which had been much debated in his own country. In the case referred to in subparagraph 18 (b), which emphasized the personal responsibility of managers, he

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(Mr. Texier, France)

wondered whether - since accidents were sometimes the result of a combination of errors - there might be cases where responsibility was shared between managers and other officials of the enterprise, or whether the sole responsibility always fell on the manager.

34. Regarding trade union rights, he noted from page 21 of the ILO report (E/1985/63) the ILO Committee's comment that it was impossible for workers to establish organizations outside the existing trade union structure. As far as disputes were concerned, the ILO report stated that the law neither authorized nor prohibited strikes - a sort of legal vacuum, which was presumably filled by the Social Courts Act of 25 March 1982 (para. 25 of the report of the German Democratic Republic). He assumed that collective or individual disputes were settled by the Social Courts, but would like to know how those courts functioned and under what criteria. He would also be interested to know exactly how the trade union committees represented workers' interests in individual disputes (paras. 29-31). The system varied country to country. In France, for example, workers could defend themselves in hearings, or be defended by a trade union official, a lawyer or a representative who was neither. Was that the case in the German Democratic Republic?

35. With regard to the supplementary report, he had no comment on the second part (pp. 28 et seq.) concerning article 9, in which he had found the answers to all his questions on the current state of social security. As far as the first and longest part (pp. 1 to 27) was concerned, it provided a great deal of information and much food for thought - and perhaps some opening ideas for the general debate to take place later in the session. However, while it was important for States to provide information on the implementation of articles 1 and 2 of the Covenant and also on articles 3, 4 and 5 - indeed the Working Group had asked for it in both 1984 and 1983 - he wondered whether comments should go as far as those contained in the supplementary report. There were statements about the rights of people to self-determination - certainly relevant to articles 1 and 2; general comments about world peace - undoubtedly a subject of vital importance; and statements of support for the Palestine Liberation Organization - he himself could only approve - of opposition to events in South Africa and of support for Namibia and national liberation movements. All that was most praiseworthy and he - and undoubtedly his Government - certainly shared those views. But should a group of experts whose terms of reference were to deal with reports on economic, social and cultural rights under articles 6 to 15 of the Covenant be dealing with general considerations - however interesting and informative - concerning the political situation in the German Democratic Republic, including elections and co-operation with the Soviet Union? Was the Working Group (and his question was for the experts, not the representative of the German Democratic Republic) entitled to deal with such matters, which were more appropriate to the General Assembly or other bodies? The experts were certainly all concerned for world peace, regretted that wars were still being waged and were in favour of disarmament; but he did not think that the Working Group should be taking up such issues.

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(Mr. Texier, France)

36. His remarks were in no way intended as a criticism of the report. They simply posed a question regarding the objectives of the Working Group, whose specific terms of reference were to consider articles 6 to 15 of the Covenant in three stages. Thoughts on articles 1 and 2 were probably within those terms of reference, but matters of world politics were not.

37. Mrs. BUTRAGUENO (Spain) said she wished to know if any compensation was payable to workers in cases where their continued employment could not be ensured, and whether any statistics were available for such cases. Moreover, the decision of the City Court of Berlin cited in paragraph 16 of the report prompted the question whether a worker who became disabled would be automatically transferred to social security benefits.

38. The statement in paragraph 20 of the report that persons suffering or recovering from tuberculosis received a supplementary holiday of three working days was surprising, not only because it implied that such people normally worked but also because they would surely need more than three extra days rest. She wondered if the statement was accurate.

39. Turning to trade union rights, she would like to know more about the trade union structure and whether it reflected differing trends resulting from the existence of five different political parties in the German Democratic Republic. Also, did women play a part in the decision-making bodies of trade unions and political parties commensurate with their numbers, and had positive steps been taken to promote more women to managerial positions in the field of science and technology?

40. Mr. BEN HAMIDA (Tunisia) said that the two reports and the introductory statement described impressive achievements in implementing articles 6 to 9 of the Covenant. The supplementary report also dealt with the implementation of articles 1 to 5 of the Covenant, and it would be useful if the reports of other States parties to the Covenant did the same. The Working Group had recommended at earlier sessions that reports should cover the implementation of articles in parts I and II as well as in part III of the Covenant.

41. With reference to the statement in the report that managers were responsible for work safety, he wished to know if it was possible for them to delegate their powers and their direct responsibility in that field to subordinates. He also wished to know if there was any jurisprudence on the subject.

42. According to paragraph 29 of the supplementary report, the number of persons employed in agriculture had fallen from 2 million to 840,000 since 1949. He would like to have more information about what steps had been taken to train those leaving agriculture to work in other sectors of the economy.

43. Mr. BENDIX (Denmark) said that he wished to know if the statistics for industrial accidents in paragraph 17 of the report could be divided into different categories of seriousness. What was the system for reporting accidents, and was



(Mr. Bendix, Denmark)

there any tendency not to report the less serious ones? What responsibility did managers bear if accidents were not reported? According to paragraph 18 (a), managers had to analyse the implementation of safety regulations regularly. At what intervals were they expected to perform that task?

44. He also wished to know why some apprentices had 24 working days leave a year according to paragraph 19 (b), while others apparently only had 18 days.

45. On the subject of agriculture, he wished to know what was the ratio of co-operative farm workers to private farmers and what trade union rights agricultural workers enjoyed. In particular, could private farmers organize themselves outside the Farmers' Mutual Assistance Association established for co-operative farm workers?

46. According to paragraph 23 (a) of the report, rents were subsidized and kept at a very low level. However, he wondered if some indication could be given of changes in the price index for other goods and services, so that the wage and salary increases cited could be properly evaluated.

47. The statement in paragraph 23 (b) of the report that the remuneration of 5.2 million people had been increased to stimulate their performance was not explicit enough, and some analysis of what it meant would be helpful. The implication that the increases were intended simply to stimulate the performance of some and had not been enjoyed by all seemed to be in contradiction to article 7 (a) (i) of the Covenant. The statement could be taken to mean that there had been no general wage increase, and he would be grateful for clarification.

48. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the experience of the German Democratic Republic as a developed socialist State deserved serious consideration. The report showed that a high level of development had been achieved on the basis of radical socio-economic changes following the destruction of the Fascist system. It also showed that the State authorities took all possible measures to implement the provisions of the Covenant.

49. The basic approach of socialist countries to implementing the Covenant was to provide both legal and material guarantees for the enjoyment of the rights which it prescribed. The experience of the German Democratic Republic was important in showing how the people were involved in managing the country and the economy and in ensuring that social, economic and cultural rights were enjoyed in fact as well as on paper. Paragraphs 14 to 16 of the report illustrated how the courts worked in a developed socialist country to guarantee that workers enjoyed the rights to which they were entitled. Paragraphs 23 to 25 showed the all-pervasive role of trade unions in the life of the country and in implementing such vital rights as those to housing and leisure.

50. In view of the great structural changes and rationalization taking place in the economy of the German Democratic Republic, he wished to know what measures were being taken to protect the rights of workers during that process. In particular,

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(Mr. Yakovlev, USSR)

since vocational training was especially important for guaranteeing continued employment in conditions of technological revolution, he wondered how the right to such training was being ensured. He would also like to have more information about the specific measures being implemented to guarantee safe and healthy working conditions in places of employment.

51. On the question whether the Working Group should discuss the implementation of parts I and II as well as part III of the Covenant, he believed that those matters could be raised without diverting attention from the specific articles under consideration. As to whether States ought to deal with such matters in their reports, he did not believe that the Working Group should try to prevent them from doing so. The report from the German Democratic Republic showed that it was possible to cover the implementation of other articles of the Covenant without prejudicing the discussion of those under consideration. He therefore thought that the Working Group should leave States free to report on their implementation of other articles if they so wished.

52. Mr. AZIZ (International Labour Organisation) drew attention to the comments made by the ILO Committee of Experts on the Application of Conventions and Recommendations in its seventh report on progress in achieving observance of the provisions of the Covenant (E/1985/63), relating to article 6 of the Covenant and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and to article 8 of the Covenant and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

The meeting rose at 1.10 p.m.