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STUDY OF DISCRIMINATION IN THE MATTER OF POLITICAL RIGHTS

Statement submitted by the World Federation of Trade Unions, a non-  
governmental organization in consultative status, category A

The Secretary-General has received the following statement which is circulated in accordance with paragraphs 28 and 29 of Economic and Social Council resolution 288 B (X).

Dated: 23 January 1962

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1. In connexion with the Study of Discrimination in the Matter of Political Rights (E/CN.4/Sub.2/213) the World Federation of Trade Unions desires to elaborate the important point made by the Special Rapporteur, Mr. Hernan Santa Cruz, that:

"Effective exercise of political rights is a means to attaining all other rights and freedoms," (however) "of equal importance are economic, social and cultural rights" ... "political rights can be meaningless if respect for economic, social and cultural rights is not ensured ... the absence of one makes enjoyment of the other incomplete, if not impossible."

2. The WFTU view in this respect is well expressed in the main report to the Fifth World Trade Union Congress (December, 1961) given by Secretary General Louis Salliant. He said:

"The winning and defense of trade union rights are inseparable from the winning and defense of democracy. The workers have learned from their

experience that an offensive against trade union rights always accompanies attacks on democratic rights, and vice versa."

3. In line with Mr. Santa Cruz' examination of the nature and scope of discrimination in political rights, and his emphasis on the importance of interrelated rights, the WFTU offers the following concerning the nature and scope of discrimination in the matter of trade union rights.
4. These observations have been prepared, not with a view of criticizing the operations of any particular governments, but, as Mr. Santa Cruz suggested regarding his Study, with the hope that the information may be constructively useful to the Sub-Commission in formulating proposals directed towards the eradication of such discrimination wherever it may exist.
5. Forms of discrimination against trade unions and their members, oftentimes interrelated with political discrimination, may be varied and wide-spread.
6. They may take the form of emergency laws, which, if continued in effect years after the emergency which produced them has ended, may result in trade unionists continuing to be jailed, or forced to remain in exile. Such situations are aggravated if economic struggles are classified as military rebellion, subject to martial law and punishable by death.
7. Where military forces in power dissolve trade unions, along with political parties, terror and massacres often strike at the workers; thousands may suffer arrest, or even execution.
8. Unions may be dissolved by government fiat in instances where other means - dismissals, expulsions, arrests - fail to check militant struggles for economic and social betterment.
9. In countries where unions retain the right to function, powerful employers, nevertheless, may utilize political influence to bring on repressive measures.
10. Peaceful mass demonstrations may result in the workers being fired upon by the police or military, where purposes for which they demonstrate are unpopular with a dominant employer group.
11. Anti-strike laws frequently may be used by employers to invoke, and justify, force and violence in suppressing workers' economic and social aspirations.
12. Another form of discrimination may result from the barring of certain categories of wage earners from engaging in economic action by law or other government regulation. Such restrictions usually are directed against civil servants, railwaymen, teachers, etc., for whom economic action is held to "endanger the national interest".

13. More general forms of discrimination may be: (a) government annulment of elections to trade union bodies; (b) appointment of trade union leadership by prefectural decision; (c) confinement of active unionists by administrative decree; (d) prosecutions by emergency tribunals; (e) government requisitioning of workers in case of strikes.

14. A direct kind of political discrimination results where employers, with or without government implementation, may seek to resist genuine trade union organization by stigmatizing and penalizing workers because they choose to be members of a particular union. Or, where certain workers, because of their personal political beliefs, may be prevented from seeking election, or from taking positions of leadership in trade unions. This type of practice may be used to engineer imprisonment of certain effectual leaders, or to bring about their deportation, or so to confine their right of movement as to render them unable to perform union functions.

15. Sometimes legislation may be enacted purporting to legalize government intervention in union elections and other internal union affairs, such as supervision over finances and union administration.

16. The WFTU would like to make special note of the continuing existence of what has been called in the Sub-Commission the vestiges or remnants of the colonial system. While hundreds of millions of men and women have freed themselves from colonial rule, millions of others, still suffering under the colonial yoke, have no trade union rights and remain the world's most exploited workers, attesting to the urgent need for all bodies of the United Nations to make even more determined efforts to bring to an end, at the earliest possible time, all remaining colonial rule.

17. Some 130 formal complaints concerning infringement of basic rights have been lodged with the International Labor Office (ILO) since 1957. But the WFTU is strongly of the opinion that it is not enough that these matters of the enforcement of trade union rights be left solely to the ILO, especially where the infringements are inextricably interwoven with political and other human rights.

18. Beyond the important step of presenting Draft Principles in the matter of political rights, another step this Sub-Commission might properly take, in the estimation of the WFTU, would be adoption of an appeal to all governments to

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ratify and apply three Conventions (Nos. 84, 98 and 111) projected by the ILO. These concern the right of association, the right of workers to bargain collectively and set up principles to end discrimination in employment.

19. The WFTU recently assisted in setting up an International Trade Union and Legal Commission, composed of members from trade unions of different and varied affiliations, and of leading democratic lawyers from many countries. The Fifth World Trade Union Congress said this Commission "makes it possible to combine traditional trade union mass action, which is indispensable, with legal action, which the trade unions should not underrate".

20. Finally, the Sub-Commission has heard from the representative of the Commission on the Status of Women about special discriminations still practised widely against women. These are not confined to the field of political rights per se. Sex is a bar to employment in many instances; women often are paid less than men for the same work; entry into some professions is made doubly difficult for women; educational opportunities, still, are not equal for men and women in all countries.

21. Many similar discriminations are practised against young people, who, for instance, find opportunities for vocational training limited, or sometimes denied to them, so that their enjoyment of economic, social and cultural rights is discriminatorily hampered and curtailed.

22. Recognizing these fields of special discrimination still to exist, the Fifth World Trade Union Congress directed calling of a Second International Trade Union Conference on Problems of Women Workers, to be held during 1963; and the calling of another international conference at an early date to study problems of vocational training for young workers and to formulate a programme to alleviate special discriminations faced by young people.

23. All of the above should, in the estimation of the World Federation of Trade Unions, be taken into account in connexion with the Sub-Commission's Draft Principles on Freedom and Non-Discrimination in the Matter of Political Rights, in line with Mr. Santa Cruz' emphasis in his Study on the interrelationship and interdependence of political rights and other rights, economic, social and cultural, guaranteed in the Universal Declaration of Human Rights.

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