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PERIODIC REPORT ON HUMAN RIGHTS

Reports on economic, social and cultural rights, for the period
1 July 1969-30 June 1973, received from Governments under
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1/ The reports reproduced in this document were received before 31 March 1974.

DAHOMÉY

/Original: French/

/16 February 1974/

I. Concise introductory description of general policies of economic and social development which have contributed in a significant manner during the period from 1 July 1969 to 30 June 1973 to ensuring the recognition, realization and protection of economic, social and cultural rights

Despite the innumerable obstacles, the Government of Dahomey has always endeavoured, in its general policies, to promote the country's economic and social development and to ensure the recognition, realization and protection of economic, social and cultural rights.

However, a new and particularly striking advance was made with the decisive rallying of the nation to the revolution of 26 October 1972, whose principles for action, set forth in the policy statement of 30 November 1972 of the Revolutionary Military Government, respond 100 per cent to social, economic and cultural imperatives.

Thus the best introductory description of our general policies would consist of quotations from this document.

Since the rural population, which constitutes the majority of the indigenous population, makes a major contribution to the creation of the country's wealth but participates only very modestly in its redistribution, guidelines were adopted as of 26 October 1972 with a view to remedying the situation:

A. Agriculture: a policy to guarantee and improve producers' prices, including:

1. Transformation of the agricultural products support fund into an autonomous body with substantial resources;

2. Rejection of the policy of diverting the resources of this fund to the profit of private and State companies;

3. Gradual extension of the activities of this fund to cover the promotion of agricultural products, both in the form of industrial exports and foods for indigenous consumption.

B. Cattle-raising: special action in favour of small-scale stock farmers, including:

The overhaul and improvement of the existing irrigation system, with the building of new wells on grazing land;

The organization and regulation of livestock and meat markets;

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Increased provision of preventive veterinary facilities;

Modernization of abattoirs and of the processing of livestock products, etc.

C. Industry: the progressive assumption by the State of control of the vital sectors of the economy on which the country's development depends and the rapid development of resources in order to avoid their continued diversion for the profit of a tiny minority, involving, inter alia:

The establishment of a genuine textile complex;

The establishment of a pharmaceutical industry;

The establishment of a national insurance and re-insurance company.

E. Culture:

Educational reform, with the establishment of basic structures and a system of instruction which conforms, in orientation and in content, to the requirements of economic and national development;

Enhancement of the status of the national languages;

Revival of African cultures by their adaptation to the needs of the working masses;

The opening of University of Dahomey to all forms of knowledge and to all contemporary trends of scientific thought, within the African and universal context.

F. Recreation:

The establishment of a National Recreation and Entertainment Council, leaving broad scope for popular initiatives in the matter of entertainment;

The promotion of sports by encouraging sportsmen and by ensuring them a livelihood;

II. Influence of United Nations instruments containing principles and norms for the recognition, realization and protection of economic, social and cultural rights and, in particular, measures adopted to implement such instruments during the period from 1 July 1969 to 30 June 1973

Great importance is attached to the implementation of United Nations recommendations for increased international co-operation, which have had a direct influence on the promotion of economic development and an indirect influence on the realization of economic and social rights.

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Dahomey has responded to these recommendations by its presence at various conferences convened to this end (Organization of African Unity (OAU), the non-aligned countries, efforts to find new formulas for subregional co-operation).

Among the relevant instruments, the following may be cited:

1969

Decree No. 69-315 PR of 9 December 1969, concerning the accession of Dahomey to the Protocol relating to the Status of Refugees, of 31 January 1967 (Journal officiel de la République du Dahomey, No. 7, 1 March 1970, p. 191).

1970

Ordinance No. 70-41 CPMAE of 8 July 1970, endorsing amendments to articles 24 and 25 of the Constitution of the World Health Organization (J.O., No. 17, 15 July 1970, p. 488).

Ordinance No. 70-43 CP-MAI of 25 September 1970, ratifying the Treaty of Friendship, Co-operation and Mutual Assistance signed on 19 August 1970 between Dahomey and Nigeria (J.O., No. 23, 15 October 1970, p. 730).

1971

Ordinance No. 71-44 of 29 September 1971, ratifying the AMCO General Convention on social security for migrant workers (J.O., No. 23, 15 November 1971, p. 810).

1972

Ordinance No. 72-27 of 9 September 1972, ratifying the Credit Agreement for the development of the Zou-Borgou cotton project between the Republic of Dahomey and the International Development Association, dated 24 May 1972 (J.O., No. 21, 15 October 1972, p. 798).

1973

Ordinance No. 73-6 of 23 January 1973, ratifying the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, signed at Addis Ababa on 6 September 1969 (J.O., No. 5, 1 March 1973, p. 163).

Ordinance No. 73-44 of 9 May 1973, ratifying the Agreement on trade, investment protection and technical co-operation between the Republic of Dahomey and the Swiss Confederation, signed at Cotonou on 20 April 1966 (J.O., No. 11, 1 June 1973, p. 507).

III. Significant developments during the period from 1 July 1969 to 30 June 1973 with regard to the recognition, realization and protection of economic, social and cultural rights, referring where appropriate to constitutional provisions, legislative measures and administrative regulations and procedures enacted and court decisions rendered

A. The right to work

1. Right to free choice of employment

The abolition, in 1972, by the Revolutionary Military Government of the "collective fields" set up by the preceding political régimes but denounced by the ILO as disguised establishments of forced labour.

2. Right to just and favourable conditions of work

Strict observance of the 40-hour work week.

3. Right to protection against unemployment and underemployment

Vigilance of national services in this field, with prohibition of private employment agencies.

4. Right of everyone who works to just and favourable remuneration ensuring a decent living for himself and his family

Cf. Policy statement of 30 November 1972: "The task is to establish in our country a society in which it is good to live because everyone in that society can have the minimum necessary to ensure a decent living, a society where inequalities in income will be reduced, pending the ability to remedy financial inequalities."

8. Right to strike

Cf. Ordinance No. 69-14 PR of 19 June 1969, concerning the exercise of the right to strike (J.O., No. 15, 23 June 1969, p. 438).

B. The right to social security, including social insurance in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond one's control

1969

Decree No. 69-209 of 9 August 1969, setting the rates for family allowances (J.O., No. 21, 1 September 1969, p. 592).

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With regard to public and semi-public establishments, see Decree No. 69-261 PR of 15 October 1969 (J.O., No. 24, 15 October 1969, p. 772).

1970

Ordinance No. 70-17 D, of 25 March 1970, establishing a general social security scheme (J.O., No. 10, 1 April 1970, p. 267), amended by Ordinance No. 71-10 CP of 10 March 1971 (J.O., No. 8, 15 March 1971, p. 31).

C. The right to an adequate standard of living

1970

1. Right to adequate food

Ordinance No. 70-29 of 28 April 1970, supplementing Ordinance No. 12 PR of 21 May 1967, establishing stabilization and subsidization rates for various prices (J.O., No. 15, 15 June 1970, p. 406).

2. Right to adequate clothing and housing

Cf. Policy statement of 30 November 1972, which has been implemented in practice: "the cancellation of all administrative leases, the adjustment of housing allowances for eligible recipients and the construction of administrative buildings and moderate-rent housing units".

3. Right to necessary social services

The assignment of social services to the various ministerial departments, for example: Ordinance No. 70-34 of 28 February 1970, defining the functions of the Social Office of the Ministry of Justice and Legislation (J.O., No. 7, 1 March 1970, p. 208).

4. Right to continuous improvement of living conditions

Partial lifting of the wage freeze, in November 1972.

5. Right to the protection and improvement of the human environment

Participation of Dahomey in the International Conference on pollution and the environment held in Sweden.

D. The right to the enjoyment of the highest attainable standard of physical and mental health

Steps taken with a view to ensuring:

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1. The reduction of the stillbirth-rate and of infant mortality and the healthy development of the child.

The extension of child-care services, with a special service for premature babies at Porto-Novo.

2. The improvement of all aspects of environmental and industrial hygiene.

The continuation of the initial efforts.

3. The prevention, treatment and control of epidemic, endemic, occupational and other diseases.

Decree No. 71-28 CP-MAPAS of 17 February 1971, concerning the establishment and organization of a Raoul Follereau National Committee.

4. The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

The best possible functioning of hospitals; the establishment of clinics and infirmaries; Agreement between the Government of Dahomey and the Military Order of Malta for the establishment of a leper-hospital at Djougou.

E. The right of the family, motherhood and childhood to protection and assistance

1. No new developments to report

2. " " " " "

3. " " " " "

4. Right of parents to determine freely and responsibly the number and spacing of their children

Perceptible progress in family planning information in Dahomey.

F. The right to education

1. Right to free primary education

Cf. Policy statement of 30 November 1972, which has been given practical implementation in this field: "Effective State intervention, consisting, in particular, of providing satisfactory solutions to the difficult problems arising for teachers in private schools, both lay and religious, and Catholic in particular, (including the assumption by the State of responsibility for the remuneration of such teachers)."

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2. Right to equal access to higher education on the basis of capacity or merit, including technical, vocational and professional education

This right has always been safeguarded; there are no new developments to report.

3. Right of parents to choose the kind of education that shall be given to their children

This right is upheld in Dahomey; there are no new developments to report.

G. The right to participate freely in cultural life

1. Right to take part in cultural life and to enjoy the benefits of scientific progress and its applications

The Government is making efforts for the development of popular culture through the organization of mass literacy in the national languages.

2. Right to the protection of the moral and material interests arising out of scientific, literary or artistic work

The Government project for a Linguistics Institute to work out means of removing obstacles to the use of the national languages as vehicles of knowledge.

IV. Action with a view to ensure that the rights referred to under III are enjoyed by increasing numbers of the population and without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

This was dealt with throughout the policy statement of 30 November 1972, which has already been cited extensively in this document.

V. Difficulties experienced in ensuring the enjoyment of the rights referred to under III above, and methods and measures applied to overcome such difficulties

The difficulties are the customary ones inherent in the situation of any under-developed country, namely, a shortage of financial, technical and qualified human resources.

The methods or measures are those of the new policy of national independence, which is based on Africanization.

EL SALVADOR

/Original: Spanish/
/25 March 1974/

I. Concise introductory description of general policies of economic and social development which have contributed in a significant manner during the period 1 July 1969 to 30 June 1973 to ensuring the recognition, realization and protection of economic, social and cultural rights

During the period in question, the Government of El Salvador adopted the measures which it considered necessary for the effective recognition, realization and protection of the economic, social and cultural rights of the inhabitants of the Republic. Among the most important of these measures were the promulgation of a new Commercial Code, which covers new commercial establishments and which regulates effectively the economic rights not only of businessmen, but of all persons involved in business transactions; and the promulgation of a new Labour Code which sets forth quite clearly the protection to be afforded to the economic and social rights of workers.

The Government also promoted the formation of co-operatives by promulgating a General Co-operative Associations Act, establishing the Instituto Salvadoreño de Fomento Cooperativo (Salvadorian Institute for the promotion of co-operatives), and setting up a Guarantee Fund for Small-Scale Industry.

In the area of culture, the Government passed a General Education Act which defines the general characteristics of the national education system at all levels and in all fields of education, and established a Guarantee Fund for Educational Credit.

In addition, it promulgated the Social Housing Fund Act and passed other laws which are closely related to economic, social and cultural rights and which are listed in chronological order in the annex to this report.

II. Influence of United Nations instruments containing principles and norms for the recognition, realization and protection of economic, social and cultural rights and, in particular, measures adopted to implement such instruments during the period from 1 July 1969 to 30 June 1973

It is recognized that the principles and norms contained in United Nations instruments have influenced economic, social and cultural development policy in El Salvador.

In a subsequent report it will be possible to give a more detailed account of the measures adopted to give effect to such instruments during the period in question.

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III. Significant developments during the period from 1 July 1969 to 30 June 1973 with regard to the recognition, realization and protection of economic, social and cultural rights, referring where appropriate to constitutional provisions, legislative measures and administrative regulations and procedures enacted and court decisions rendered

A. The right to work

1. Right to free choice of employment

In accordance with article 181 of the Constitution of El Salvador, which proclaims that labour is a social duty and not a commercial commodity, Salvadorians enjoy absolute freedom in the choice of employment; as in other countries, there exist only a few restrictions relating to the employment of women and minors under the age of 18 years; such employment must, in particular, be in keeping with their sex, age, physical state and development.

2. Right to just and favourable conditions of work

The Labour Code establishes regulations which guarantee the right to just and favourable conditions of work. This body of legislation regulates the way in which labour contracts are concluded, it being understood that labour contracts are of indefinite duration, except in those cases where the law stipulates otherwise. In addition, the Code deals with the obligations and duties of employers and workers; the suspension of labour contracts; the various reasons for which labour contracts may be terminated; compensation for dismissal; and other matters.

3. Right to protection against unemployment and underemployment

Although at the moment there are no provisions which ensure protection against unemployment or underemployment, the Social Security Act states in article 2 that Social Security will gradually be extended to cover the risks to which workers are exposed as a result of involuntary unemployment.

4. Right of everyone who works to just and favourable remuneration ensuring a decent living for himself and his family

Under article 182 of the Constitution of the Republic, all workers have the right to a minimum wage, which shall be fixed periodically, with special attention to the cost of living, the type of the work, the various systems of remuneration and the separate areas of production. Such a wage must be sufficient to meet the normal material, moral and cultural needs of the worker's family.

This constitutional principle is given effect in the Labour Code, under which the National Minimum wage Council is also established.

5. Right of everyone, without discrimination of any kind, to equal pay for equal work

On this point, article 123 of the Labour Code provides that workers doing the same work in the same undertaking or establishment and under identical circumstances shall receive equal remuneration, regardless of sex, race, creed or nationality.

6. Right to rest, leisure and reasonable limitation of working hours and periodic holidays

On this point, the Labour Code states that, except where otherwise specified by law, the working day for daytime work shall not exceed eight hours, or seven hours in the case of night work. The working week for daytime work must not exceed 44 hours, or 39 hours for night work. Furthermore, every worker has the right to one day of rest with pay for every week of work, and after one year of continuous employment in the same undertaking or establishment or under the same employer, to a leave period of 15 days which shall be remunerated at a rate 30 per cent above the normal wage corresponding to the said period. He shall also be entitled to holidays with pay.

7. Right to form trade unions and to join the trade union of one's choice

Under article 204 of the Labour Code, workers in the private sector and in autonomous or semi-autonomous public establishments, have the right to associate freely in order to form professional organizations or trade unions, without distinction of nationality, sex, race, belief or political opinion.

8. Right to strike

The right to strike is embodied in article 192 of the Constitution and is governed by the Labour Code.

B. The right to social security, including social insurances in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond one's control

Under article 186 of the Constitution of the Republic, social security is a compulsory public service. In accordance with that provision, a social security department has been established as an institution regulated by public law to provide social security services.

During the period covered by this report, social security has been extended to all workers in private enterprise in almost every town and village in the Republic and covers the risks to which workers are exposed as a result of sickness, common accident, industrial accident, occupational disease, maternity, disability, old age and death. Furthermore, as has already been mentioned, article 2 of the relevant act provides that social security will gradually be extended to cover the risks of involuntary unemployment.

In addition, under article 360 of the Labour Code employers are required to insure with insurance companies those workers who, in the opinion of the Department

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of Social Welfare, are engaged in activities which, by their very nature or because of special circumstances, endanger the health, physical integrity or lives of such workers. Under article 106 of the Code, such insurance is required in any case for workers engaged in dangerous activities which may result in death or immediate and serious physical injury.

C. The right to an adequate standard of living

1. Right to adequate food

In the period to which this report relates, legal provisions have been adopted relating to the nutrition of rural workers.

2. Right to adequate clothing and housing

Recognizing the right of all individuals to adequate housing, the Government has continued its work through the Institute of Urban Housing, and the National Housing Finance Corporation with its system of Savings and Loan Associations. There are also private associations which perform the same function.

Another important development is the establishment of the Social Fund for Housing, the purpose of which is to help to solve the housing problems of workers, by providing them with sufficient means to purchase comfortable, sanitary and safe housing.

3. Right to necessary social services

It may be stated that all inhabitants of the country are entitled to receive the social services provided by the State.

4. Right to continuous improvement of living conditions

It may also be stated that all persons living within the territory of the Republic have the right to improvement of their living conditions.

5. Right to the protection and improvement of the human environment

It may also be asserted that all inhabitants have the right to the protection and improvement of the human environment.

D. The right to the enjoyment of the highest attainable standard of physical and mental health

Steps have been taken with a view to ensuring:

1. The reduction of the stillbirth-rate and of infant mortality and the healthy development of the child.

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2. The improvement of all aspects of environmental and industrial hygiene.

As far as industrial hygiene is concerned, the Labour Code lays down the measures which must be adopted and implemented to ensure safety and hygiene in places of work, and to safeguard the life, health and physical integrity of the worker. In addition, the General Regulations on Safety and Hygiene in Places of Work have been published.

3. The prevention, treatment and control of epidemic, endemic, occupational and other diseases.

4. The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

E. The right of the family, motherhood and childhood to protection and assistance

1. Right of the family to protection and assistance

Under article 179 of the Constitution, the family as the fundamental basis of society, must be specially protected by the State, which shall promulgate the necessary laws and provisions for its improvement, to encourage matrimony and to protect and assist mothers and children.

2. Right of mothers to special care and assistance

Through health and assistance centres, the State provides services and care to mothers; in addition day-care centres operate to enable mothers to devote themselves to their occupations.

3. Right of children and young persons to special care and assistance

The above-mentioned article 179 of the Constitution stipulates that the State shall protect the physical, mental and moral health of minors and shall guarantee their right to education and assistance.

4. Right of parents to determine freely and responsibly the number and spacing of their children

In El Salvador, parents enjoy the right to determine freely the number and spacing of their children. However, there exists an organization known as the Asociación Demografica Salvadoreña, the main object of which is to educate the population for responsible parenthood.

F. The right to education

1. Right to free primary education

Under article 198 of the Constitution, all inhabitants of the Republic have the

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right and the duty to receive basic education to enable them consciously and adequately to fulfil their role as workers, heads of families and citizens. The article also states that basic education shall include elementary education and that, when provided by the State, it shall be free.

Extensive measures to implement the constitutional precept referred to above have been embodied in the General Education Act, promulgated during the period to which this report relates.

2. Right to equal access to higher education on the basis of capacity or merit, including technical, vocational and professional education

In El Salvador, all persons are entitled to equal access to higher education, as stipulated in the Organic Law of the University of El Salvador, promulgated during the period covered by this report.

3. Right of parents to choose the kind of education that shall be given to their children

Under the provisions of the Civil Code, parents have the right to select the future occupation of their child and to direct his education as they think most appropriate. Once the child has reached the age of 16, however, they cannot prevent him from taking up an honest occupation.

G. The right to participate freely in cultural life

1. Right to take part in cultural life and to enjoy the benefits of scientific progress and its applications

In El Salvador, all persons have complete freedom to take part in cultural life and to enjoy the benefits of scientific progress and its applications.

2. Right to the protection of the moral and material interests arising out of scientific, literary or artistic work

Due protection is also afforded to the moral and material interests arising out of scientific, literary or artistic work.

IV. Action with a view to ensuring that the rights referred to under III above are enjoyed by increasing numbers of the population and without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

In the course of the detailed report on the rights referred to under III, mention was made of the constitutional and legal precepts which guarantee such rights. The measures which have been taken to ensure that increasing numbers of the population enjoy these rights, and which would take too long to enumerate, are aimed

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at the strict fulfilment of those precepts, and have been implemented without regard to considerations of race, sex, language, religion, political or other opinion, national or social origin, property, birth or other status of the inhabitants of the country.

V. Difficulties experienced in ensuring the enjoyment of the rights referred to under III above, and methods and measures applied to overcome such difficulties

Considering that the implementation of the constitutional and legal precepts which guarantee the exercise of the rights referred to in part III is obligatory, it can be stated that, as a general rule, no difficulty has been encountered in fulfilling those precepts; in those cases where such precepts have not been fulfilled and where conflicts have arisen between individuals or groups, particularly in the field of labour, they have been settled by the administrative authorities or labour tribunals in accordance with the law.*

* An appended list of relevant legislation is available in the Secretariat files.

FIJI

/Original: English/
/6 March 1974/

There have been no recent changes in the Law relevant to the matters under consideration. The 1970 Fiji Constitution appears, apart from one other law referred to below, to be the sole piece of relevant legislation.

A. The right to work

No limitations exist in the Law of Fiji upon the exercise of the relevant rights save that of course the right to strike may be regarded as having been rationalized by the Trade Disputes Act, 1973 to exclude from such right anti-social and irresponsible action which falls within a number of prohibited categories. At least one right referred to, that is the right to form unions and to have membership of a union of one's choice, is safeguarded by the Constitution. Freedom of assembly and association is expressly protected. Other rights, such as the right not to be discriminated against with regard to employment, is not explicitly protected by the Constitution of Fiji, although no law of Fiji restricts that right.

B. The right to social security, including social insurance in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond one's control

C. The right to an adequate standard of living

E. The right of the family, motherhood and childhood to protection and assistance

For the purpose of this report and for convenience, these three headings (B, C, E) will be considered together.

1. There is no social security scheme as such in Fiji, but there is the Fiji National Provident Fund which was set up in 1966. This provides that at the end of his working life, a worker shall receive a lump sum, or in the course of time, an annuity. This can be on retirement, death or total disability. The lump sum is an accumulation of the employer's and employee's contributions (5 per cent of wages each) and the interest on them. The Ordinance also provides for a marriage benefit for women workers and a death benefit for widows of members who have qualified. Individual accounts are maintained and the Fund is managed by an independent Board.

2. Every employee who works for one employer for more than 12 days a month (except domestic servants) and who is between the ages of 15 and 55 is required by law to be a member of the Fund.

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3. The other type of government financial assistance to which citizens have access is provided under the Family Assistance Scheme. This originated in the last century as a scheme to help destitute indentured Indians but is now open to all citizens of Fiji. Since 1969, it has been administered by the Social Welfare Dept., whose welfare officers investigate cases and recommend whether benefit should be paid. The basic criterion for help has always been only real destitution, though the edges of this definition have become a little blurred, and its scope widened. The main categories of people now receiving assistance are the elderly and the widowed, though the scheme is still only intended as a last resort for those in real need, and the levels of benefit are low.

4. It is considered that, desirable though it would be, Fiji cannot yet afford the luxury of a public assistance scheme approaching those of developed countries, and emphasis is placed on encouraging the community to help its own needy members, as has been the traditional practice in the past. Moreover, the numbers of people both applying for and receiving assistance have been continually rising, and this, together with concern about the present criteria and administration of the scheme and the amount of Welfare officers' time it takes up, has led to the Minister for Social Welfare setting up a Working Party to review the scheme and suggest possible alternatives. This Working Party is expected to report early this year.

1. The main aim of the Social Development and Welfare Department is to use its Services to support the family in the community, and it is thus concerned with promoting the welfare of people of all ages. The services it provides to help the person or family adjust more adequately to the expectations of society concern probation, matrimonial, child care and protection adoption delinquency and limited aid for the relief of destitution (see B2). The Welfare Officers may also have to call upon the authority of the courts but there are a great many cases that, with the aid of local citizens, community resources and voluntary organizations can reach a satisfactory level of adjustment.

2. There is no government provision of child-care facilities to enable women to pursue careers, though the civil service has generous maternity leave provisions for its women employees.

3. A big step forward was made with the passing of the Juveniles Act in 1973. This provides that all young people brought before the Court, for whatever reason, are deemed "in need of care" and will then be committed to the care of the Director of Social Welfare who will decide on a suitable place of safety, which can include the present children's homes (run by voluntary organizations), the Approved School (government run), a relative or other appropriate person.

C. The Fiji Government is concerned about the maintenance of an adequate standard of living and special efforts have to be made at times of natural disaster, to which this part of the world is particularly prone, in the form of hurricanes and cyclones. After such events it distributes food, clothing, temporary shelter where necessary and also gives financial help for rebuilding houses destroyed by hurricanes. It also gives less indirect help in its financial support of voluntary organizations, some of which distribute food and clothing, to needy people, and it is hoped soon to establish a central register in the Social Welfare Department of people and families helped in this way.

2. A further service concerning food is provided by the Women's Interest Office. Among other subjects, the officers teach nutrition, home economics and the growing and cooking of food to women's groups and clubs throughout Fiji.

3. A piece of pending legislation - The Harbour (Amendment) Bill may go some way towards protecting the community against oil spillage from ships.

F. The right to education

1. Fee-free primary education was made available to all class 1 children in Fiji in 1973. In 1974 this provision has been extended to class 2 pupils as well and in 1975 class 3 will be added to the list of classes receiving fee-free education. This provision will be extended to one class each year so that by 1978 fee-free primary education will be provided to all primary school children.

2. All children in Fiji have right to equal access to higher education on the basis of capacity or merit, including technical, vocational and professional education. Partly free or free places and scholarships are provided to deserving students whose parents are unable to meet the cost of their education.

3. Parents are quite free to choose the kind of education that shall be given to their children. Any limitation that may be placed on this freedom could be of a geographical nature whereby a parent is unable to send his child to a school of his choice because of the distance involved or because of other physical factors.

4. Matters such as that referred to in subparagraph 3 are provided for in the already existing Education Ordinance. No changes have occurred in this sphere within the relevant period.

G. The right to participate freely in cultural life

1. No restriction is in force with regard to the relevant right, and indeed freedom of expression and conscience are guaranteed by the Fiji Constitution.

2. Subparagraph 2 is covered by the existing copyright laws.

/15 March 1974/

D. The right to the enjoyment of the highest attainable standard of physical and mental health

1. Both the stillbirth and infant mortality rates have been reduced by improving ante-natal care - almost all pregnant mothers attend ante-natal clinics, and the proportion of deliveries in hospitals has increased over the period till December 1972, 82.8 per cent of all mothers were delivered in hospital while a further 8.2 per cent were delivered by trained midwives at the patient's home. The corresponding figure for 1970 was 75.9 per cent and 11.6 per cent. The infant mortality was 40.95 per cent on a revised method of collecting more accurate data compared to Registrar-General's figures of previous years.

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2. Environmental health is concentrated on the supply of pure drinkable water and adequate disposal of human waste. In the educational field, the school sanitation project has continued as a method of habit development in sanitation.

3. There are 20 epidemic diseases in Fiji other than influenza, which have all been mild and non-lethal. The endemic diseases of tuberculosis and leprosy are well under control.

4. Medical services are available to all citizens of Fiji at all times, irrespective of ability to pay. There is particular emphasis on the provision of services to rural areas.

E. The right of the family, motherhood and childhood to protection and assistance

1. -

2. Mothers continue to enjoy special privileges, in that attendance at ante-natal clinics is free of charge.

3. Children under the age of 15 years receive free medical care as in-patient and out-patient. All children under 18 years receive free dental care.

4. The family planning programme in Fiji is based on the principle of free choice as to the number and spacing of children by couples.

ISRAEL

/Original: English/

/27 February 1974/

In the period under review the State of Israel has continued to implement its proclaimed policy of recognizing and effectuating the economic, social and cultural rights of its inhabitants in accordance with the principles declared when the State was established in 1948. For two decades and more this policy has been progressively implemented and elaborated and no departures or modifications have been found necessary. The spirit of the international instruments in this area of human rights informs Israel law and practice.

The following are the more important developments which have occurred in the last four years.

A. The right to work

1. Right to free choice of employment

In Kenig v. Histadrut Kupat Holim (1969) 23 P.D. (I) 627 the applicant asked for a declaratory judgement the purpose of which was to set aside her dismissal from employment for refusing a transfer to a post which, she claimed, would involve her working completely on her own, cut off from other employees. The Supreme Court held that subject to statutory restriction, an employer could dismiss an employee but if the dismissal was unjustified, the latter had his remedy, not by way of declaration requiring re-instatement, but by an action for compensation for wrongful dismissal.

6. Right to rest, leisure etc.

In El Al v. El Al (1969) 23 P.D. (II) 305, a father appealed against an award of maintenance for his infant child on the grounds that the award was excessive and would necessitate his working overtime or obtaining additional part-time employment. Kister J. observed (at p. 317): "It is one of the achievements of our time that a worker is entitled to hours of rest, days of rest and holidays and he is not to be required to work such daily or weekly hours as are in excess of the maximum prescribed by the law of the State."

8. The right to strike

In 1969 the Settlement of Labour Disputes Law of 1957 was amended in order to facilitate conciliation procedures. Under the Law, a party to a labour dispute is bound to give the other party and the Chief Labour Relations Officer notice of every proposed strike at least 15 days before its commencement. However, if a different arrangement has been laid down by a collective agreement between

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employers and employees, the provisions of the agreement will apply. Further the Minister of Labour may, with the approval of the Labour Affairs Committee of the Knesset, designate by regulations classes of disputes or branches of employment to which the new procedure will not apply. In 1972, the above Law was further amended with the purpose of restricting the right to strike in certain vital occupations, such as central and local government, public health, the compulsory educational system and air transport. No strike (or lock out) in any of these will be protected where a collective agreement exists or existed, and the strike is not duly approved by the competent employees' organization or no notice thereof has been given pursuant to the Law. A strike includes any total or partial cessation of work, including a go-slow strike or any other interference with orderly work procedure and an organized refusal to work lawful overtime, if a duty to do is contained in the collective agreement. An unprotected strike is excluded from the protective provisions of the law of torts, except that the employees' organization as such will not bear any liability. If the parties to such a labour dispute do not agree upon a way of settling the dispute within six weeks, it must be submitted to, and concluded by arbitration within a month. For these purposes, the State is treated like any other employer.

In Shavit v. Hanan and others (1969) 23 P.D. (I) 516, a strike of cinema workers was terminated by agreement between the local workers council and the cinema owners to allow for the terms of employment of a number of building workers employed in the building of a cinema to proceed to arbitration. After the arbitration had commenced, the cinema owners denounced it as illegal, largely on the grounds that the workers council had interfered in a matter which was not their concern and had illegally brought about the strike with serious consequential loss to the appellants. Most of the cinema workers in the area were not organized under the council, nor had it been asked to represent them. The Court of Appeal, in dismissing the appeal, held that even if the true aim of the council was to get the workers to come under its aegis and dissuade them from joining other unions, a labour dispute had arisen. The essence of collective negotiations was the confrontation of the opposing forces and such negotiations reached a solution by a strike or lockout or by a compromise. The use of the strike to achieve recognition of the principle of organized labour, to agree to terms of employment and to ensure the rights of employees was entirely legitimate in present-day social and economic circumstances.

Finstein and others v. Secondary School Teachers Association (1971) 25 P.D. (I) 129, was an appeal by the proprietors and parents of pupils of a private school against a refusal of the lower court to grant an injunction against teachers who had come out on strike in a dispute with the proprietors but had not given the statutory 15 days' notice, as above. The strike had actually commenced after this period had elapsed. The parents based themselves on Section 62 of the Civil Wrongs Ordinance which makes it a civil wrong knowingly and without justification to cause any person to break a legally binding contract, provided that a strike is not to be deemed such a breach of contract. The parents argued that the proviso applied only to labour contracts. The Court, through Cohn J., said:

"It is common knowledge that it is of the nature of strikes ...
to cause breaches of many contracts of an exceedingly wide variety; and if

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the instigators of a strike ... were to have to bear the loss flowing from these breaches, it would put an end to strikes and render them impossible. One may say that nothing is further from the mind of the Israel legislature than a desire to put an end to strikes. If an English judge in a recent decision called strikes 'a holy cow', with us they are to be regarded as at least a kind of sanctified tradition which may no longer be called in doubt. Section 62 is not to be so confined as to exclude only breaches of labour contracts ... but the proper construction to be given to it is that whatever the contract of which a strike ... induces the breach, such strike ... cannot serve as a cause of action under the section."

The proprietors' argument, based on Section 63 dealing with breach of statutory duty, was also rejected by the Court.

"A strike is in fact only one means, even if the most drastic, for improving conditions of employment, and as such it affects directly the terms of the engagement of employees. For the purposes of the Settlement of Labour Disputes Law, ... the strike actually broke out after the period prescribed by the Law had expired and accordingly no damage was suffered by the appellant, ... damage being one of the elements of the civil wrong under Section 63."

B. The right to social security, including social insurance in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond one's control

The National Insurance Law (Consolidated Version) 1968, has undergone a number of important amendments. Indeed, the National Insurance (Amendment No. 2) Law, 1969, in addition to introducing various age and rate schedule changes and increases, enacts an entirely new chapter dealing with vocational training for widows and orphans whose time is mainly devoted to post-elementary studies or vocational training.

Moreover, the National Insurance (Amendment No. 10) Law, 1973, is a detailed and in-depth amendment, clarifying the definitions and qualifications of those entitled to benefits, as well as expanding the benefits provided. This includes old age and survivors' pensions, employment injuries, invalidity, dependant's pensions, maternity grants and unemployment and retraining. In addition, a new chapter provides for the payment of gratuities to a person if his claim within the framework of the branches of insurance does not entitle him to a benefit under certain specified conditions.

Unemployment insurance has now been introduced as part of the National Insurance Scheme to cover all employees between the ages of 18 and 65 (women 60) for whom the employer is required to pay National Insurance contributions. A person qualifies for unemployment benefits if unemployment insurance contributions

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have been paid in respect of him for 180 days (150 days in the case of day labourers) in the previous year or for 270 (225) days in the previous year and a half. A person is deemed to be unemployed if registered in a Labour Exchange as being without work and ready and able to work at his trade or any other suitable occupation, but the Labour Exchange has not offered him work. "Other suitable occupation" is defined as any work of the kind in which the person was largely engaged during the three previous years or is otherwise consistent with his training, educational standards and state of health, the proposed wages being not less than the amount he would receive by way of unemployment benefit and the work not requiring a change of residence. A workman who leaves his employment voluntarily without justification is not entitled to any payment for the first month; the same applies to anyone who refuses to take a job offered him by the Labour Exchange. Unemployment pay is calculated on a daily basis as a percentage of the national average wage. A special children's allowance is made for the first two children. The maximum period for which unemployment pay will be given is roughly 175 days in any one year for a person over 45 or with three dependent children, and in every other case 138 days; the first five days of any period of 129 continuous days is treated as a waiting period and no pay is made therefor. A minor between the ages of 15 and 18, who contributed to the upkeep of his parents or brothers and sisters and for whom the Labour Exchange cannot find any work, is entitled to a special unemployment grant.

The social security rights of state employees, including Kindergarten Teachers and Police Officers and Prison Officers, are now regulated by the State Service (Benefits) Law (Consolidated Version), 1970, which covers salary, retirement pension and gratuities, pension to survivors, certain gratuities to widows and severance pay. A chapter on claims and payments sets out in detail the method for processing and payment to those entitled to various benefits. In addition there are provisions which relate to employees who have passed into or out of service and details relating to restrictions because of health, age or invalidity.

Discharged soldiers and their families are given special mention in the Discharged Soldiers (Reinstatement in Employment) (Amendment No. 4) Law, 1970, which provides that the Minister of Labour, in consultation with the Minister of Finance and with the approval of the Finance Committee of the Knesset, may make regulations aimed at making grants to soldiers of the members of their families having regard to their economic and family situation. The word "soldier" includes, in addition to those in, or having been in, military service, also members of the police or the prison service.

Likewise, the Victims of Hostile Action (Pensions) Law, 1970, deals with a category of cases which unfortunately is not a rarity in Israel. Pensions are payable to injured persons or to the family members or persons who died as a result of injury caused through hostile action by military or semi-military or irregular forces of a State hostile to Israel, through hostile action by an organization hostile to Israel or through hostile actions carried out in support

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of, or upon the instructions of, or to further the aims of, any such organization. The recipients include persons who entered the country under a visa or permit. Apart from financial benefits, medical attendance, convalescence and rehabilitation, as well as loans for purposes of housing, are made available. An amendment of the Law in 1973 provides for gratuities for funeral expenses and a yearly rest and recreation allowance for a parent or widow. Under certain conditions, the provisions of the Law may be extended to cover a non-resident sustaining enemy-inflicted injury abroad in the course of and in consequence of his employment by an Israel resident.

The Fallen Soldiers' Families (Pensions and Rehabilitation) (Amendment No. 7) Law, 1971, provides that where a widow, who has no self-supporting child, is in need of care at an institution because of old age or health, the pensions officer may direct payment to such an institution for her maintenance and for medical aids and appliances. If necessary, payment may be in excess of the amount of the pension. A later provision of the Law (Amendment No. 8), 1973, also allows for the yearly payment of a rest and recreation allowance for a parent or widow not entitled to such an allowance at his or her place of employment.

D. The right to the enjoyment of the highest attainable
standard of physical and mental health

4. The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

The Parallel Tax Law, 1973, prescribes the payment of contributions by employers to employees' sick funds, parallel to the contribution paid by employees themselves. The tax is actually paid to the National Insurance Institute which then apportions the total paid in each year to the various sick funds which exist. The sick funds are obliged to provide medical services at work and to undertake preventive measures and research in accordance with regulations made by the Minister of Health. Employees are not to be prejudiced by the failure of their employer to pay the parallel tax. The State is treated like any other employer.

2. The improvement of all aspects of environmental and industrial hygiene

The Public Health Ordinance (Amendment No. 4) Law, 1970, enables the Minister of Health to regulate the sanitary (biological, physical, chemical, radioactive and organoleptic) quality of drinking water, including water intended for cooking food or for use in the food industry. He may also prescribe sanitary conditions for water resources used for these purposes and for the planning and operation of drinking water systems. No person may supply drinking water other than of the prescribed sanitary quality, nor may it maintain a drinking water installation not conforming with the regulations concerning sanitary standards. Powers are granted for entry and inspection, carrying out of examinations and tests and declaring water unfit for the purposes of the Law. The usual sanctions are made available.

E. The right of the family, motherhood and childhood
to protection and assistance

1. Right of the family to protection and assistance.

Apart from periodical adjustments made in the rates of family allowances payable under National Insurance in the light of movements in the cost-of-living index, special allowances or increases are provided for by acts amending the National Insurance Law, 1968 (Consolidated Version) for families of three and more children. An amending Law of 1960 also prescribed that where a child has a natural parent and another parent, and both of them are insured, it shall be regarded as the child of the parent with whom it is living.

2. Right of mothers to special care and assistance

A problem which has created difficulties concerns the position of a woman who has secured judgement for maintenance of herself and her children against her husband by whom she has been abandoned but cannot obtain effective execution of judgement. To alleviate the distress that may be caused, the Maintenance (Assurance of Payment) Law, 1972, provides that any person who has obtained a judgement for maintenance is entitled to claim from the National Insurance Institute monthly payment of the amount awarded, up to a prescribed maximum, instead of instituting and prosecuting execution proceedings. The Institute is subrogated to the rights of the claimant. The right to payment from the Institute subsists for the period set out in the judgement and all subsequent variations of the court order are to be reflected in the payments made. The provisions of the Law also apply to any difference between the amount which the claimant is successful in directly obtaining upon execution of the judgement and the amount she is entitled to thereunder.

3. Right of children and young persons to special care and assistance

The Criminal Code Ordinance (Amendment No. 32) Law, 1971, makes it an offence for any person to offer, or give, consideration to another person for the right to obtain custody of a child under the age of 14 years, irrespective of whether the consideration is money or money's worth. The parent or guardian is also liable where he permits a child to be handed over, thereby attempting to repudiate his obligations or rights with regard to the child. It is an admissible defence that the handing over was part of adoption proceedings or that it was for a limited period and carried out with the permission of a welfare officer, or that the person to whom the child has been handed over is a close relative and the handing over is in the interest of the child.

In Perez v. Perez (1972) 26 P.D. (II) 793, the appellant contested a decision that, being the natural father of the respondent infant, he was under the obligation to provide for its upkeep. He urged that, since the child was born out of wedlock in Morocco, the question whether under Moroccan law any legal relationship was created between them, which placed upon the father the duty of providing for the

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child's maintenance, and that aspect of the matter had not been dealt with at first instance. The Supreme Court dismissed the appeal and in the course of its judgement said (per Berinson J.) "one cannot contemplate today the possibility that the law of any state does not acknowledge the duty of a father to support his infant child. And if there is indeed any such state, this court is not obliged to follow its law. This court would be offending every human and moral sentiment if it did so."

F. The right to education

1. Right to free primary education

The Compulsory Education (Amendment No. 5) Law, 1969, extends compulsory education for children and adolescents to cover the ages of 5-15 years, thereby providing schooling from kindergarten through tenth grade. Full implementation of the plan is to be completed over a period of years.

Under certain conditions prescribed by regulations made by the Minister of Education, in consultation with the Minister of Labour and with the approval of the Knesset Committee on Education and Culture, apprenticeship of an adolescent of the age of 15 years is to be regarded as compulsory education within the meaning of the law. To that end, a compulsory programme of theoretical studies for apprenticeship is to be prescribed.

The period of compulsory education is to be free. In addition, where a person of 16 or 17 years of age has not completed grade 10, there are provisions for the Treasury to pay his tuition fee until he finished that grade.

2. Right to equal access to higher education on the basis of capacity or merit, including technical, vocational and professional education

The rights and interests of young persons have been further strengthened by adding a new chapter to the Youth Labour Law, 1953, dealing with compulsory study periods for working youths between the ages of 15 and 18 in order to render them better fitted for their chosen trade; Youth Labour Amendment (Amendment No. 6), 1972.

The provisions are intended to be applied gradually, with an outside limit of five years. The scheme is to be given a substantial degree of flexibility as to the number of weekly hours of attendance and the geographical and occupational distribution of the courses that will be available. The training envisaged will be free, apart from the cost of personal equipment and materials necessary for the course. Correlatively, employers are under statutory duty to release persons for this purpose and may not make any deductions of salary in respect of absence from work whilst attending classes.

3. Right of parents to choose the kind of education that shall be given to their children

The Compulsory Education (Amendment No. 5) Law, 1969, provides for the continued safeguarding of the right to choose between State education and State religious education. The law also amends the Youth Labour Law by providing that a child who has not yet attained the age of 15 years shall not be employed except where he works as an apprentice, or is employed during an official school holiday, or has been certified as having completed his compulsory education or special reasons exist in the opinion of the Minister of Education.

Recent reforms in the Israeli educational system, particularly the raising of the age of transition from the primary to secondary stage, have necessitated the transfer of children from one school to another. In *Kramer and others v. Municipality of Jerusalem and others*, (1971) 25 P.D. (I) 767 a number of parents objected to move their children from the private recognized school they were then attending to a state school not very far away, and pleaded that it was a fundamental right of parents to choose how and where to educate their children. Every provision restrictive of that right was unlawful and no transfer could be enforced merely because of the requirements of a reform of the system which was not expressly sanctioned by statute but administratively introduced. The Court dismissed the petition. It pointed out that under the State Education Law, 1953, parents had the right to choose the school for their children when they first registered under the compulsory education provisions. Once having done so, they were subject to the regulations relating to transfers and to this extent their right was limited. The State is not merely interested in the establishment and maintenance of schools, it also supervises the kind and quality of the education given during compulsory school age. Parents cannot be absolutely free in their choice of schools and must abide by the regulations in that regard, since to allow parents freely to transfer their children would create serious difficulties for the entire educational system with respect to accommodation, size of classes and the like which cannot be justified. Apart from purely educational considerations, such uncontrolled freedom could derogate from the rights of other parents. The private interest must reasonably be accommodated with the public good and it is not exceptional that for reasons of educational and social policy the Government should place restrictions upon the right of parents to proceed as they wish. The present educational reforms were the outcome of long and arduous deliberation and much effort had been expended by all branches of the administration, including a parliamentary committee, to give the new system proper form and substance. The Minister of Education was fully authorized under law to make regulations for providing orderly procedures for the transfer of children. The regulations could not be attacked as long as they were consistent with the use intended to be made of them and such use did not lead to any frustration of the purpose for which the power to make them had been conferred by the legislature. Here, the regulations were of the very essence of the new system, and a sine qua non for its full and effective implementation. The discretion given to the competent authorities with regard to transfers was exercisable not only as regards transfers between state schools inter se but also as to transfers from state schools to private recognized schools and vice versa.

KUWAIT

/Original: English/

/20 March 1974/

The right to work

Kuwait ratified Agreement No. 111 of the ILO for the year 1958, which prevents discrimination in employment.

Kuwait ratified Agreements Nos. 29 and 105 of the ILO, which prevent forced labour.

Immigrant workers in Kuwait and all workers who come from abroad enjoy all the rights granted by national labour legislation.

Domestic legislation in Kuwait gives women the same rights as men in work and pay.

Kuwait ratified Agreement No. 87 of the ILO regarding protection of union rights and Agreement No. 117 of the ILO regarding social policy aims and standards.

The Permanent Representative also encloses a note in Arabic prepared by the Planning Board in Kuwait on the protection of economic, social and cultural rights in society. 1/

/Original: Arabic/

STATE OF KUWAIT PLANNING BOARD

Department of Social Planning

General policies of economic and social development which have contributed to ensuring the recognition, realization and protection of economic, social and cultural rights in society

In the present context, the expression "general policies" means policies which are applicable to society as a whole and which are not specifically related to any one particular type of economic or social activity. The State's economic policy comes under the head of general policies setting forth the principles and objectives regulating economic activity and the relations existing in the country within the framework of this policy. The social policy, which relates to communities and to the relations existing between the communities and groups coexisting in the society, comes under the head of general policies setting forth the principles and objectives governing social activity in the country.

The first five-year plan for economic and social development laid down the general framework for economic and social policies. The main guidelines and principles of the general economic policy deal with the aspects relating to economic development, specification of the field of production activity for both the public and the private sectors, and the expansion of the scope of the joint sector. The objective of the social policy is social progress of all kinds and in all forms. The objectives of the economic and social policies include the protection of the economic, social and cultural rights of all members of the society.

Furthermore, these rights are provided for in the Constitution and form the subject of part III, which is entitled "Public rights and duties". These rights may be classified as follows:

1. Rights of the individual;
2. Rights of the family;
3. Political rights and public freedoms;
4. Social and economic rights.

It cannot be said that the United Nations had a direct influence on the establishment of these policies, although the policies and the principles which they embody were established in compliance with United Nations proclamations, including the Universal Declaration of Human Rights and the International Declaration on Social Progress and Development.

The basic objective of our economic and social policies is the creation of a welfare society in which each individual enjoys an adequate standard of real income proportionate to the effort expended by him and, at the same time, receives the benefit of the numerous services provided by the State in such fields as health,

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education and the various public utilities. It is axiomatic in the welfare society that each individual should feel secure regarding his present and his future, with the society guaranteeing a minimum income for any person whose means of livelihood is cut off by reason of incapacity, physical disablement, chronic disease, old age or any other accident which might befall an individual during his lifetime. In other words, the goal of the welfare society is to put a definitive end to all forms of want, to liberate the members of society from its dominion over them and to prevent their falling into its toils, so that vistas of a full life may be open to them and they may all embark on the path of productivity and gainful activity, thereby playing their part in strengthening and consolidating the foundations and corner-stones of society.

Significant developments during the period from 1 July 1969 to 30 June 1973 with regard to the recognition, realization and protection of economic, social and cultural rights in the form of constitutional provisions, legislative measures and administrative regulations and procedures enacted and court decisions rendered are dealt with in accordance with the system of categorization set forth in part III of the United Nations outline of headings.

A. The right to work and the right to free choice of employment

1. The right to work

Article 41 of the Constitution of the State of Kuwait provides: "Every Kuwaiti has the right to work and to choose the type of his work." This provision is unquestionably, fully implemented.

2. The right to just and favourable conditions of work

Article 40 of the Private Sector Labour Act (No. 38 of 1964) provides:

"Employers shall provide appropriate means of protecting workers from accidents which may result in the course of their work from the use of mechanical equipment, shifting gears, hoisting and transportation machinery and other possible sources of hazard."

Article 43 provides:

"Employers shall take the necessary precautions against occupational diseases to protect workers in those industries and occupations regarding which a statement shall be issued by the Ministry of Social Affairs and Labour. The said Ministry shall organize and regulate the means of protection required for each industry."

Article 46 provides:

"Employers of workers on sites away from the populated areas shall provide the workers with suitable living facilities, potable water and

catering facilities, in a manner to be agreed upon by the two parties. The Ministry of Social Affairs and Labour shall determine those areas in which the provisions of this article shall apply."

3. The right to protection against unemployment

Article 8 of the above-mentioned Act provides:

"Unemployed workers shall have the right to register with the Ministry of Social Affairs and Labour or with any one of its branches within whose area of competence they are resident."

The Ministry endeavours to place them in posts suitable to their age and technical competence.

4. The right of everyone who works to just and favourable remuneration

Article 54 of the Private Sector Labour Act (No. 38 of 1964) regulates the amount of remuneration to which a worker is entitled upon completion of his term of service with an employer, regardless of whether his contract is for a fixed term or not. The worker's remuneration is computed from the date on which he takes up his position.

5. The right of everyone to equal pay for equal work

This axiom is not applied in practice, although article 29 of the Constitution does make provision for the above-mentioned equality.

6. The right to rest, leisure and limitation of working hours and periodic holidays with pay

Under the provisions of the Constitution and the labour laws in force in the State of Kuwait in the private and government sectors, workers enjoy the right to rest and to limitation of working hours (six hours a day) and also to periodic holidays with pay.

7. The right to form trade unions

The Constitution provides for the right to form trade unions.

8. The right to strike

Every citizen has the right to express his opinion within the limits of the laws and regulations in force.

B. The right to social security (the indigent category of beneficiaries has been in existence since 1954)

While the Constitution (article 11) and the laws governing labour in the private and government sectors contain provisions relating to social security, the question of an independent piece of legislation on the subject is still under study and no such special measure has yet been enacted. Article 11 of the Constitution provides that:

"The State ensures aid for citizens in old age, sickness or inability to work. It also provides them with services of social security, social aid and medical care."

C. The right to an adequate standard of living

1. The right to adequate food

Citizens have the right to obtain adequate food.

2. The right to adequate clothing and housing

This right, too, is ensured. The Government has unquestionably been greatly concerned about the welfare of its citizens and has established a project for the construction of limited-income group houses for the homeless, to be paid for in low monthly instalments and with the help of long-term loans. The Credit and Savings Bank extends loans and all facilities to ensure housing and other such basic necessities for all Kuwaiti citizens. The aforesaid schemes also cover the questions of the provision of necessary social services and the ensuring of adequate environmental conditions.

D. Health care

Health care is guaranteed by the health insurance system in Kuwait and by ongoing information campaigns to make citizens aware of the hazards of diseases that may strike as a result of outside factors. We would point out here that health care is guaranteed to citizens and non-citizens free of charge in implementation of article 15 of the Constitution, which states: "The State cares for public health and for means of prevention and treatment of diseases and epidemics."

E. The right of the family, motherhood and childhood to protection and assistance

1. The right of the family to protection and assistance

Article 9 of the Constitution provides:

"The family is the corner-stone of society. It is founded on religion, morality and patriotism. Law shall preserve the integrity of the family, strengthen its ties and protect under its auspices motherhood and childhood."

In implementation of this constitutional provision and of article 25 of the Universal Declaration of Human Rights, which states:

"Motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock, shall enjoy the same social protection."

The Ministry of Social Affairs and Labour, recognizing that its responsibilities with regard to social care for the family begin before the birth of the child, has endeavoured to ensure salutary family conditions that will be propitious for the child's arrival by providing care for pregnant women and nursing mothers in accordance with the provisions of the Public Assistance Act, No. 19 of 1962 (amended by Act No. 5 of 1968, amended in turn in 1971). The Ministry then ensures for the child a suitable atmosphere for its guidance during its period of growth and development through a system of kindergartens, the aim of which is to provide recreation for children and to ensure a suitable atmosphere in which they may spend their free time in collective activity under the supervision of specialized social workers, which helps to develop their personalities and create in them a spirit of co-operation and affection.

Since this is the responsibility of the State or the society vis-à-vis those children on whom God Almighty conferred the blessing of the protection of a sound family life, it is all the more natural that the efforts expended should be greater in the case of orphans and foundlings, who are, perforce, deprived of all such benefits.

For this reason, the Ministry of Social Affairs and Labour undertook the task of establishing the Children's Home Foundation in 1961.

F. The right to education

Article 13 of the Constitution states:

"Education is a fundamental requisite for the progress of society, assured and promoted by the State."

Article 14 of the Constitution states:

"The State shall promote science, letters and the arts and encourage scientific research therein."

Article 40 of the Constitution states:

"Education is a right for Kuwaitis, guaranteed by the State in accordance

with law and within the limits of public policy and morals. Education in its preliminary stages shall be compulsory and free in accordance with law.

"Law shall lay down the necessary plan to eliminate illiteracy.

"The State shall devote particular care to the physical, moral and mental development of youth."

In compliance with the provisions of the Constitution and the Universal Declaration of Human Rights, the Ministry of Education has made technical and vocational instruction universally accessible and has established a teacher training college for males, another for females, a commercial secondary school and an industrial college. It has striven to make education accessible to every citizen and has established special institutes for the blind, deaf, dumb, mentally retarded and crippled of both sexes. In addition, the Ministry of Social Affairs and Labour has co-operated in making education accessible to adults by opening evening centres to provide basic education for both sexes. The Ministry has also provided for higher education for qualified students who have completed their academic and industrial secondary studies. It has given the right to attend universities and higher institutes, at the Ministry's expense, to 70 per cent of all male students who have obtained the general secondary studies certificate in the arts, to 80 per cent of all successful male candidates in the sciences and to all successful female candidates in the arts and sciences. The University of Kuwait was recently established and comprises four faculties, namely, the Faculty of Science, the Faculty of Arts, the Faculty of Sharia and Law and the Faculty of Commerce, Economics and Political Science. The annual admissions comprise a not inconsiderable number of Kuwaiti and non-Kuwaiti students of both sexes.

3. The right of parents to choose the kind of education that shall be given to their children

Beyond any question, parents in the State of Kuwait enjoy the right to choose the kind of education and specialization which they desire for their children.

G. The right to participate freely in cultural life

1. Article 36 of the Constitution provides:

"Freedom of opinion and of scientific research shall be guaranteed. Every person shall have the right to express and propagate his opinion verbally, in writing or otherwise, in accordance with the conditions and procedures specified by law."

Article 37 of the Constitution provides:

"Freedom of the press, printing and publishing shall be guaranteed in accordance with the conditions and manner specified by law."

So much for the constitutional aspect. With regard to the practical aspect, we may state that this right is enjoyed in practice by Kuwaiti citizens, within the limits of the law.

2. The right to the protection of the moral and material interests arising out of scientific, literary or artistic work is guaranteed by the Constitution and is ensured in practice.

Article 29 of the Constitution, which relates to the question of total equality, provides:

"All people are equal in human dignity, and in public rights and duties before the law, without distinction as to race, origin, language or religion."

Some of the difficulties experienced in ensuring the enjoyment of the rights referred to above are attributable to the steadily increasing influx of foreign immigrants.

PHILIPPINES

/Original: English/

/24 January 1974/

Report prepared by the Commission on National Integration of the Philippines on significant developments regarding the recognition, realization and protection of the economic, social and cultural rights of the national minorities of the Philippines covering the period beginning 1 July 1969 to 30 June 1973:

- (1) Constitutional guarantees under the new Constitution: section II, article XV: "The state shall consider the customs, traditions, beliefs, and interests of National Cultural Communities in the formulation and implementation of state policies."

This also changed the general nomenclature of National Cultural Minorities to National Cultural Communities.

- (2) Government Reconstruction and Development Programme (Muslim Mindanao), covering the nine (9) provinces in which a predominate number of Muslims are found, Lanao del Norte, Lanao del Sur, North Cotabato, Maguindanao, Sultan Kudarat, Zamboanga del Norte, Zamboanga del Sur, Sulu, and Tawi-tawi. The RAD programme addresses itself to the immediate problems that beset Muslim Mindanao, falling under two general areas:
 - (a) Sluggish growth of the economy and the existence of a small affluence sector, side by side with a large subsistence group, and,
 - (b) the deterioration of peace and order that has spawned hundreds of thousands of evacuees, paralysing agriculture and industry and retarding attempts at faster socio-economic development. Further, this contemplates, the construction and development of ports, irrigation, either roads, electrification, land distribution, food production, housing, health, education and manpower training, infrastructure and their financing.
- (3) The extension of the Civil Service eligibility privileges for members of National Cultural Minorities, for purposes of appointment to position in the government service, in favour of such members of Cultural Minorities in cases of appointment to position in the provinces and cities, under Republic Act 2260, section 23.
- (4) Increase of appropriation for government scholarship grants to members of the National Cultural Minorities, from ₱3.5 to ₱10.5 millions making possible the increase in the number of such government scholarship or grantees from 2,500 to more than 4,000 annually.
- (5) The proclamation of seven (7) new settlements for members of National Cultural Communities.
- (6) The reimplementatation and liberalization of the Sulu barter trade, whereby, traders may send by barter or trade in merchandise goods or

articles except those which are contraband or prohibited, the value of which does not exceed ₱5,000 per trip not to exceed two (2) trips per month, which are now free of import duties or taxes when sold or consumed either in Jolo, or in Zamboanga City to be taxed only when such goods are taken out from such areas.

- (7) The establishment and organization of the Philippines Amanah-Bank in Mindanao to take care of the banking and financial needs of the Muslim areas of Mindanao and Sulu, the Bank to be predominantly staffed by qualified members of the National Cultural Minorities.
- (8) The Codification and study of Muslim Customary Laws for possible incorporation into the present laws of the country.
- (9) The establishment of the Muslim Information Center for the extensive dissemination of relevant useful information to the people for national and international consumption.
- (10) The preferential appointment of qualified Muslims in the foreign service, judiciary and other high national government positions.
- (11) Granting of financial assistance and loans without collateral to Muslims engaged in the fishing industry in the Sulu Archipelago islands, Basilan City and Zamboanga City and provinces.
- (12) Granting of special amnesty to Muslim rebels.
- (13) The establishment and organization of the SALAM Program.
(Special Assistance for Literacy and Advancement of Muslims).
The teaching of Arabic in public schools in Muslim areas.
- (14) The establishment and organization of SPARE Program (Special Program for the Assistance and Rehabilitation of Evacuees) in Mindanao and Sulu.
- (15) Increase in the appropriation and expansion of the Mindanao State University facilities to accommodate more Muslims in Mindanao and Sulu areas.
- (16) The establishment of the Maharlika (Muslim) Village in the Greater Manila Area from a portion of the Military reservation.
- (17) The creation of the position of Development Officer for Cultural Minorities in provinces where there are substantial numbers of families of such minorities, the position to be filled by the most qualified member of the cultural minorities.
- (18) The establishment and operation of the CELL project, a co-operative loan undertaking whereby ten (10) persons grouped together will guarantee each other's loans from the bank.

- (19) The establishment and organization of the Office of Muslim Affairs, in the Philippine Constabulary, headed by a ranking Muslim PC Officer.
- (20) Government supervision, encouragement and facilitation of Filipino Muslim 1974 pilgrimage to Mecca, waiver of normal travel restrictions and documentation and co-ordination with the Government of Saudi Arabia.
- (21) The creation of three (3) new provinces in Mindanao, namely, North Cotabato, Maguindanao and Sultan Kudarat; and two (2) in Sulu, namely, Sulu and Tawi-Tawi, which areas are predominantly inhabited by national cultural minorities.

RWANDA

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Born of the 1959 social revolution by which the popular masses overthrew the feudal-colonialist régime, the young Rwandese Republic has adopted a Constitution guaranteeing to all Rwandese citizens the fundamental freedoms as set forth in the Universal Declaration of Human Rights.

Although, over the last decade, the rights of the Rwandese people have been flouted by a policy of intrigue practised by irresponsible leaders, the Second Republic, established on 5 July 1973, is seeking to strengthen the defence of the rights of the Rwandese people.

When the waves of social unrest caused by the political intrigues of the former leaders led to political chaos, the High Command of the National Guard took definitive action to safeguard the rights of Rwandese citizens by restoring peace and national unity.

With this end in view, the Second Republic, under the enlightened leadership of its President, His Excellency Major-General Juvenal Habyarimana, is constantly concerned with ensuring that all Rwandese enjoy their social, economic and cultural rights.

Accordingly, in his policy statement of 1 August 1973, the President of the Republic declared that, under the new socio-economic régime, one primary concern would be the equitable distribution of social services, hospitals, dispensaries and educational institutions. The new Government is devoting considerable attention to mobilizing the people so as to make them aware of their duties and their rights. The role of the social departments will consist to a greater extent of promoting the welfare of each Rwandese citizen.

Similarly, the new régime guarantees complete freedom in the exercise of economic activities such as commerce, where the door is open to free competition.

Under this new national policy, the distribution of credit takes account of the priorities set by the national development plan, which is based on the true interests of the Rwandese people.

Furthermore, the Minister is pleased to communicate to the Secretary-General the text of the statement delivered by the Minister for Foreign Affairs and Co-operation, His Excellency Major Aloys Nsekaliye, on the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights. This statement gives a clear idea of the principles on which the general application of the Declaration in Rwanda is based.

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STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS AND CO-OPERATION
ON THE OCCASION OF THE TWENTY-FIFTH ANNIVERSARY OF THE
UNIVERSAL DECLARATION OF HUMAN RIGHTS

Today, 10 December 1973, the whole world is celebrating the twenty-fifth anniversary of the Universal Declaration of Human Rights, adopted unanimously on 10 December 1948, at a session of the General Assembly held in Paris. The unanimous and solemn adoption of such a declaration by countries with social, cultural, economic and political systems which, in many cases are different and even opposed, is adequate proof that it meets the profound aspirations of mankind. It is this happy historical event that peace-loving and freedom-loving nations are commemorating today. An occasion such as this enables them to take stock of the achievements of the international community in this field.

For its part, Rwanda, which has been a Member of the United Nations for more than 10 years, has formally undertaken to implement fully the Universal Declaration of Human Rights. It was in this context that, in the first hours of independence, our young Republic adopted a Constitution guaranteeing to all Rwandese the fundamental freedoms as set forth in the Universal Declaration.

Unfortunately, this initial revolutionary zeal was short-lived. At the beginning of the last decade, hatred, intrigues, nepotism and regionalism held sway over the country. Rwandese citizens were deprived of their most elementary rights with unprecedented malignity and arrogance, the Government being concerned primarily not with the recognition, respect and defence of these rights, but with personal profit and the power games played on the chess-board of domestic politics.

Such practices subverted the aims of our 1959 social revolution which were to protect the fundamental rights of the popular masses long oppressed by a century of feudalism and colonialism.

With the advent of the Second Republic, under the enlightened leadership of its President, His Excellency Major General Juvenal Habyarimana, the goal is to establish, through the restoration of peace and national unity, an ordered and harmonious society free of all discord, in which the rights of each citizen are respected. The primary aim in overthrowing the former régime was to create unity, to bring peace and harmony to the country as a whole and to uproot forever the mental aberration of feudal-colonialism.

Although, at this stage in our revolution, we are gratified at having established respect for the rights of the Rwandese people, yet on our planet, millions of men still do not enjoy their fundamental freedoms.

Southern Africa, Angola, Mozambique and Southern Rhodesia are currently the setting for an ignoble and reactionary colonialism under which the African is reduced to the level of an animal, in spite of the general indignation aroused by the strengthening of the repressive measures taken by the racist, colonialist and minority régimes in these African Territories.

The same is true in the Middle East: the wars begun by Israel to satisfy its expansionist aims are sowing desolation throughout that part of the world and are depriving the homeless Palestinian people of their fundamental rights.

Our attention is also drawn to the 2,500 million human beings who exist in the most abysmal conditions of ignorance, poverty and disease while the remaining quarter of mankind wallows in the most shameful opulence.

These are all problems which call for urgent solutions to re-establish social justice, dignity and respect for the individual. The universal moral code recommends that we intensify our efforts not only to destroy the evil forces of colonialism, racial discrimination and zionism, but also to stamp out underdevelopment.

On the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights, the most sincere wish of the Rwandese people and Government is to see respect for human rights become one of the major concerns of all nations.
