



UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1164
12 December 1974

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-first session

PERIODIC REPORTS ON HUMAN RIGHTS

Analytical summary of reports and other material on economic,
social and cultural rights for the period 1 July 1969 to
30 June 1973, received under Economic and Social Council
resolution 1074 C (XXXIX)

(Prepared by the Secretary-General in pursuance of resolution
16 (XXIII) of the Commission on Human Rights)

CONTENTS

	Paragraphs
Introduction	1 - 19
<u>Chapter</u>	
I. Concise introductory description of constitutional and legislative developments, general policies and specific measures 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	20 - 48
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	49 - 61
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	62 - 230

CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>
A. The right to work	62 - 124
(1) Right to free choice of employment	63 - 70
(2) Right to just and favourable conditions of work.	70 - 79
(3) Right to protection against unemployment and underemployment	80 - 86
(4) Right of everyone who works to just and favourable remuneration ensuring a decent living for himself and his family	87 - 95
(5) Right of everyone, without discrimination of any kind, to equal pay for equal work.	96 - 102
(6) Right to rest, leisure and reasonable limitation of working hours and periodic holidays with pay	103 - 113 bis
(7) Right to form trade unions and to join the trade union of one's choice.	114 - 120
(8) Right to strike	121 - 124
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. . .	125 - 138
C. The right to an adequate standard of living	139 - 158
(1) Right to adequate food	139 - 141
(2) Right to adequate clothing and housing	142 - 147
(3) Right to necessary social services	148 - 149
(4) Right to continuous improvement of living conditions	150 - 154
(5) Right to the protection and improvement of the human environment	155 - 158
D. The right to the enjoyment of the highest attainable standard of physical and mental health	159 - 182
Steps taken with a view to ensuring:	
(1) The reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child	159 - 164

CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>
(2) The improvement of all aspects of environmental and industrial hygiene	165 - 172
(3) The prevention, treatment and control of epidemic, endemic, occupational and other diseases	173 - 177
(4) The creation of conditions which would assure to all medical services and medical attention in the event of sickness	178 - 182
E. The right of the family, motherhood and childhood to protection and assistance	183 - 203
(1) Right of the family to protection and assistance . .	183 - 189
(2) Right of mothers to special care and assistance, including the provision of child care facilities adequate to permit women to pursue careers	190 - 194
(3) Right of children and young persons to special care and assistance	195 - 200
(4) Right of parents to determine freely and responsibly the number and spacing of their children	201 - 203
F. The right to education	204 - 218
(1) Right to free primary education	204 - 208
(2) Right to equal access to higher education on the basis of capacity or merit, including technical, vocational and professional education	209 - 213
(3) Right of parents to choose the kind of education that shall be given to their children.	214 - 218
G. The right to participate freely in cultural life	219 - 230
(1) Right to take part in cultural life and to enjoy the benefits of scientific progress and its applications	219 - 224
(2) Right to the protection of the moral and material interests arising out of scientific, literary or artistic work	225 - 230

CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>
IV. Action with a view to ensure that the rights referred to under chapter 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	231 - 235
V. Difficulties experienced in ensuring the enjoyment of the rights referred to under chapter III above, and methods and measures applied to overcome such difficulties	236 - 239

INTRODUCTION

1. The Economic and Social Council, in resolution 1074 C (XXXIX) of 28 July 1965, invited States Members of the United Nations or members of the specialized agencies to submit reports on developments in human rights in territories under their jurisdiction concerning the rights enumerated in the Universal Declaration of Human Rights and the right to self-determination and the right to independence, within a continuing three-year cycle scheduled as follows: (a) in the first year, on civil and political rights, the first such reports to cover the period ending 30 June 1965; (b) in the second year, on economic, social and cultural rights, the first such reports to cover the period ending 30 June 1966; (c) in the third year, on freedom of information, the first such reports to cover the period ending 30 June 1967. The resolution provided that for the rights falling in the field of competence of specialized agencies Governments might, if they so elected, confine themselves to reference to the reports they had sent to the specialized agencies concerned.
2. The Council invited the specialized agencies to continue their contributions to the periodic reports on human rights in accordance with the above schedule and with Council resolution 624 B (XXII). It also invited the non-governmental organizations in consultative status to continue their submission of objective information in accordance with the same schedule and with Council resolution 888 B (XXXIV).
3. The Council requested the Secretary-General to forward the information received from Member States and specialized agencies in full, together with a subject and country index, to the Commission on Human Rights. The comments received from non-governmental organizations in consultative status and the comments which might be made on them by the Member States concerned were to be made available by the Secretary-General to these bodies.
4. In resolution 1596 (L) adopted on 21 May 1971, the Council, recognizing that the number of reporting obligations imposed upon Member States might make more difficult the preparation of comprehensive periodic reports on human rights each year, decided that, without prejudice to the submission of reports on freedom of information in 1971, Member States would henceforth be asked to submit periodic reports in a six-year cycle; once every two years in a continuing cycle; the first, on civil and political rights, to be submitted in 1972; the second, on economic, social and cultural rights, in 1974; the third, on freedom of information, in 1976.
5. Pursuant to paragraph 18 of the Council resolution 1074 C (XXXIX), the Commission on Human Rights established an Ad Hoc Committee on Periodic Reports having as its mandate to study and evaluate the periodic reports and other information received under the terms of the resolution and to submit to the Commission comments, conclusions and recommendations of an objective character. The Ad Hoc Committee was also to ensure all necessary co-ordination with any specialized agency in considering any question or matter dealt with in that

/...

agency's report. In resolution 1506 (XLVIII) of 17 May 1970, the Council authorized the Ad Hoc Committee, notwithstanding the provisions of resolution 1074 C (XXXIX), to submit its report to the Commission within one year following the receipt of the periodic reports.

6. In paragraph 1 of its resolution 16 B (XXIII) of 22 March 1967, the Commission on Human Rights stated that the task of the United Nations bodies concerned in identifying important trends in the periodic reports would be facilitated in future by concentrating on material of an objective character revealing characteristics such as the following:

"(a) The influence on Member States of United Nations instruments which contain principles and norms for the protection of human rights and fundamental freedoms and, in particular, measures adopted to implement such instruments;

"(b) The common interest of a number of States in particular aspects of the rights under consideration;

"(c) Experience of difficulties in the field of human rights which may be of interest to other States;

"(d) New developments or methods which may be helpful in overcoming such difficulties;

"(e) The participation of increasing numbers of the population in the enjoyment of human rights."

7. The present analytical summary has been prepared in accordance with resolution 16 B (XXIII) of the Commission on Human Rights. In paragraph 2 of that resolution the Commission requested the Secretary-General, when presenting future periodic reports on human rights for the consideration of the Commission, to prepare an analytical summary with regard to each of the rights under consideration, bearing in mind paragraph 1 of the resolution and including a description of the important trends revealed in the reports, difficulties encountered, methods adopted to overcome them, suggestions for possible further action, and drawing, as appropriate, on such pertinent material as may be available from other United Nations sources. The Secretary-General was further requested to make the analytical summary available to the Ad Hoc Committee on Periodic Reports on Human Rights, together with the material received in accordance with Economic and Social Council resolution 1074 C (XXXIX), and to arrange for the Ad Hoc Committee to complete its work in advance of the Commission's annual session. The Secretary-General was also requested, when inviting the submission of periodic reports under Economic and Social Council resolution 1074 C (XXXIX), to provide an outline of the headings under which he expected to organize the material received, taking into account pertinent provisions in the United Nations instruments.

8. In paragraph 3 of resolution 1596 (L), the Economic and Social Council invited Member States in submitting their periodic reports, to follow closely the outline of headings for the reports sent to them by the Secretary-General and to pay greater attention to the guidelines contained in paragraph 1 of Commission resolution 16 B (XXIII). In paragraph 4 of the same resolution the Council considered in particular that the assessment of progress and problems in the promotion and protection of human rights by the Commission and its Ad Hoc Committee could be of practical value only to the extent that Governments included in their reports detailed information concerning specific difficulties encountered, practical measures or methods applied or assistance needed to overcome them.

9. As requested by the Commission in resolution 16 B (XXIII), the Secretary-General, when inviting the submission of reports on economic, social and cultural rights, for the period from 1 July 1969 to 30 June 1973, drew up an "outline of headings" under which the reports might be presented, bearing in mind provisions of the relevant United Nations instruments as well as the guidelines set out in paragraph 6 above.

10. The outline of headings was attached to the request for reports and comments which the Secretary-General transmitted on 31 October 1973 to State Members of the United Nations and members of the specialized agencies, and to the specialized agencies on 26 November 1973, and on 5 December 1973 to non-governmental organizations in consultative status. The Secretary-General indicated that he would be grateful if, in conformity with the new schedule established by Economic and Social Council resolution 1596 (L), the reports could reach him not later than 31 March 1974.

11. In a subsequent note of 22 March 1974 the Secretary-General drew attention to resolution 12 (XXX) adopted at its 1286th meeting on 6 March 1974 by the Commission on Human Rights, and, in particular, to operative paragraphs 3 and 4 of that resolution, in which the Commission expressed the hope that all Governments would submit reports under the new six-year cycle (instituted by Council resolution 1596 (L)) within the established time-limits and urged Governments to submit their reports on economic, social and cultural rights by 31 March 1974.

12. By 31 March 1974 the following seven countries had submitted reports: Dahomey, El Salvador, Fiji, Israel, Kuwait, Philippines and Rwanda.

13. In a further note dated 9 July 1974 the Secretary-General requested Governments to submit their reports at the earliest possible date, and not later than 30 August 1974, in order to allow time for the reports to be translated and summarized for submission to the thirty-first session of the Commission on Human Rights and to the Commission's Ad Hoc Committee on Periodic Reports.

/...

14. As of 30 August 1974, reports on economic, social and cultural rights have been received from the following additional twenty-eight States: Afghanistan, Austria, Barbados, Bulgaria, Byelorussian SSR, Costa Rica, Czechoslovakia, Egypt, Federal Republic of Germany, Finland, German Democratic Republic, Hungary, Iraq, Jamaica, Japan, Luxembourg, Madagascar, Malaysia, Netherlands, Poland, Romania, San Marino, Singapore, Syrian Arab Republic, Ukrainian SSR, Union of Soviet Socialist Republics, Venezuela and Yugoslavia. These reports and the reports referred to in paragraph 12 are reproduced in documents E/CN.4/1155 and Add.1-15.

15. Reports were also received from the following specialized agencies: Food and Agriculture Organization of the United Nations, the International Labour Organisation, United Nations Educational, Scientific and Cultural Organization and the World Meteorological Organization. These reports are reproduced in documents E/CN.4/1156 and Add.1-2.

16. The Universal Postal Union has issued and widely circulated a memorandum on the Role of the Post as a Factor in Economic, Social and Cultural Development. Copies of this memorandum are available from the Secretariat.

17. In accordance with paragraph 14 of Council resolution 1074 C (XXXIX) and Commission resolution 12 (XXII), comments relating to economic, social and cultural rights received from non-governmental organizations, as well as comments, if any, made on them by the Member States concerned, will be made available by the Secretary-General to the Commission on Human Rights and its Ad Hoc Committee on Periodic Reports on Human Rights as well as to the Commission on the Status of Women and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

18. The present analytical summary follows as appropriate the outline of headings referred to in paragraph 10 above. Information contained in reports received up to 30 August 1974 has been utilized as appropriate. In addition, use has been made of pertinent material drawn from other available United Nations sources, such as the Yearbook on Human Rights.

19. An addendum to the present Analytical Summary, containing information furnished in reports received after 30 August 1974 will be issued at a later date.

I. CONCISE INTRODUCTORY DESCRIPTION OF CONSTITUTIONAL AND LEGISLATIVE DEVELOPMENTS, GENERAL POLICIES AND SPECIFIC MEASURES 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

20. A number of constitutions, constitutional amendments and important legislative measures which aim at the promotion and realization of economic, social and cultural rights were adopted during the period under review by a number of countries.

21. The following reporting countries adopted new Constitutions: Afghanistan (E/CN.4/1155/Add.8), Bulgaria (E/CN.4/1155/Add.8), Egypt (E/CN.4/1155/Add.10), Fiji (E/CN.4/1155), Hungary (E/CN.4/1155/Add.5), Iraq (E/CN.4/1155/Add.10), Philippines (E/CN.4/1155), Rwanda (E/CN.4/1155) and Yugoslavia (E/CN.4/1155/Add.6). One country, Dahomey, adopted a new Charter of Presidential Council (E/CN.4/1155).

22. Gambia, Ghana, Kenya, Morocco and Upper Volta also adopted new Constitutions while Sudan and the United Arab Emirates adopted Provisional Constitutions. (Year-Book on Human Rights for 1969, 1970 and 1971.)

23. The Government of the Republic of Afghanistan, so proclaimed on 17 July 1973, maintained provisions of the 1964 Constitution which relate to economic, social and cultural rights. (E/CN.4/1155/Add.8.)

24. In Bulgaria the National Assembly approved a new Constitution which contains the basic principles concerning economic, social and cultural rights. (E/CN.4/1155/Add.8.)

25. The new Constitution of the Arab Republic of Egypt, adopted on 11 September 1971, contains provisions guaranteeing cultural, social and health services and it supports, among other things, the balance between State ownership and private property and protects such private property along with individual freedom. The Government of Egypt reports that the new Constitution guarantees freedom in scientific research and literary, artistic and cultural creativity; it also guarantees freedom to establish trade unions and federations. (E/CN.4/1155/Add.10.)

26. The Constitutions of Fiji and Hungary contain specific provisions for the protection of fundamental human rights. Chapter II of the Constitution of Fiji is entirely devoted to the protection of fundamental rights and freedoms while article 54 of the 1972 Constitution of Hungary declares that the Hungarian People's Republic respects human rights and that all laws and regulations relating to the fundamental rights and duties of citizens must be passed by Parliament. (E/CN.4/1155 and Add.5.)

27. The new Constitution of the Republic of Iraq specifically provides that work is a right which the State shall undertake to provide. The Government of the Philippines reports that a guarantee under the new Constitution provides for specific protection of national minorities. In particular, the Government of the Philippines emphasizes its efforts regarding Moslems and enumerates various measures in order to improve the position of that minority (E/CN.4/1155 and Add.10).

28. The new Constitution of Rwanda guarantees the fundamental freedoms set forth in the Universal Declaration of Human Rights. In a policy statement on 1 August 1973, the Government of Rwanda declared that priority would be given to the equitable distribution of social services, hospitals and educational institutions (E/CN.4/1155).

29. The new Constitution of Yugoslavia contains radical changes in regard to the role of workers. The Government of Yugoslavia reports that under the new Constitution a pre-eminent role in the economic decision-making process is guaranteed to the workers (E/CN.4/1155/Add.6).

30. The new Constitutions of Gambia, Ghana, Kenya, Morocco and Upper Volta reflect certain of the principles set out in the Universal Declaration of Human Rights. Whole chapters of the Constitutions of Gambia and Upper Volta are entirely devoted to the protection of fundamental rights and freedoms. Also, the Charter of Dahomey makes specific reference to the Universal Declaration, and in its preamble, among other things, affirms Dahomey's attachment to the Universal Declaration (E/CN.4/1155).

31. The Provisional Constitutions of Sudan and the United Arab Emirates embody certain of the principles proclaimed under the Universal Declaration of Human Rights.

32. During the period under review Constitutional revisions and amendments, in regard to the protection of human rights, were adopted by Haiti, Malaysia, Switzerland, Turkey and the United States of America (Yearbook on Human Rights 1969, 1970 and 1971).

33. The Byelorussian SSR reports the adoption of an extensive series of measures involving the expansion of social consumption funds in order to provide a greater number of free social services. Similar measures were adopted by Czechoslovakia, mainly on the basis of the Constitution and aimed at the raising of living standards and the quality of life (E/CN.4/1155/Add.2 and 10).

34. The Government of El Salvador reports that during the period under review a new Commercial Code was promulgated in order to regulate the economic rights of all persons involved in business and to protect the economic and social rights of workers. El Salvador also promoted the formation of co-operatives and passed a general Co-operative Assistance Act; it also passed a General Education Act and established a Guarantee Fund for Education Credit. In addition, a Social Housing Fund Act was adopted (E/CN.4/1155).

35. In the field of education the Government of Finland reports the adoption of various measures aimed at the provision of educational and cultural services to an increasingly wider number of people (E/CN.4/1155/Add.13).

36. The German Democratic Republic, in its report, states that the Eighth Congress of the Socialist Union Party of Germany charted the course of the policies designed to continue the building of socialism and further economic, social and cultural rights. To implement the decisions of the Eighth Congress comprehensive measures of social policy such as increases in pensions, wages and salaries, the improving of housing conditions, the extension of public health services and the support of large families, were taken and realized. The German Democratic Republic reports that in the period under review a most extensive and comprehensive programme was carried out in the field of social policy (E/CN.4/1155/Add.14).

37. The Federal Republic of Germany reports the adoption of the Labour Promotion Law on 1 July 1969, which provides the legal basis for a number of employment policy measures designed to secure full employment. The Works Constitution Act of 1972 also takes into account the technical, economic and social changes in the past two decades and furnishes the Federal Government of Germany with guidelines for a co-ordinated economic and finance policy (E/CN.4/1155/Add.5).

38. In Israel, during the period under review, the recognition and realization of economic, cultural and social rights is reported to have continued; legal measures adopted were within the spirit of international instruments which, as is reported, inform Israeli law and practice (E/CN.4/1155).

39. The Government of Jamaica reports that a Slum Clearance and Re-housing Programme, as well as a Community Water Supply Development Programme were undertaken. The distribution of industries to rural areas was encouraged by means of tax assessments and incentives to prospective entrepreneurs under the Industry Incentives Law. Also a Community Health Aid Programme was introduced in 1972 along with a National Literacy Programme in 1973 (E/CN.4/1155/Add.2).

40. The Government of Japan reports that in May 1970 a new five-year Economic and Social Development Programme was introduced and that in 1973 the Basic Programme of the Economic Society for the period 1973-1977 was adopted. In this new programme the elevation of national welfare is the main objective (E/CN.4/1155/Add.7).

41. In Madagascar, Act 71-034 of 14 December 1971 defines general guidelines for development, the objective of which is to promote economic, cultural and social development along socialist lines. A Decree of 24 April 1974 aims at the reorganization of private education, and an Ordinance of 16 June 1973 established the University of Madagascar (E/CN.4/1155/Add.12).

42. Certain legislative measures were adopted in Malaysia for the purpose of improving social conditions, like the Juvenile Courts Act of 1974, and the Women and Girls' Protection Act of 1973. In addition to legislative measures certain

/...

administrative measures were adopted in order to provide an expanding family assistance scheme, welfare services for aged persons and children, as well as for the rehabilitation of handicapped persons (E/CN.4/1155/Add.4).

43. The Government of the Netherlands reports that while the objective of full employment was not reached during the period under review, action was taken by it to achieve a balance in the labour market. New measures for the expansion of the Government welfare and social security system were taken during the period under review. The objective of a fair distribution of income was directly instrumental in the establishing of socio-economic policies. The Government of the Netherlands also reports that during the period under review increasing attention was paid to the vulnerable position of the handicapped, foreign workers, female and young workers (E/CN.4/1155/Add.13).

44. In the field of socio-economic development the Governments of Poland and Romania report the adoption of measures for economic development and the improvement of economic and social rights. In particular, in Poland, the Sixth Congress of the Polish United Workers' Party in 1971 adopted a long-range programme of accelerated socio-economic development in order to meet the needs of workers and their families (E/CN.4/1155/Add.3). Romania reports that its economic, social and cultural development policy guarantees the realization of the protection of economic, social and cultural rights (E/CN.4/1155/Add.15).

45. Singapore reports that during the period under review two Acts were passed with the purpose of controlling population growth - an objective with a high priority in a State of Singapore's size. The Acts adopted are The Voluntary Sterilization Act of 1969 and the Abortion Act of 1969. Singapore also reports the establishment of a National Wages Council and the adoption of the Workmen's Compensation (Amendment) Act of 1971, which provides for increased compensation for workmen and their dependents on account of death or injuries sustained in the course of work (E/CN.4/1155/Add.13).

46. The Ukrainian Soviet Socialist Republic reports that the basic economic, cultural and social rights of citizens are enshrined in the Constitution, which not only proclaims these rights but ensures that there is a real possibility of their effective exercise and realization (E/CN.4/1155/Add.1).

47. The Union of Soviet Socialist Republics reports that during the years 1969-1973 its socialist economy has further grown and that the further raising of the level of welfare and culture of the Soviet peoples has continued (E/CN.4/1155/Add.6).

48. The Food and Agriculture Organization of the United Nations, (FAO) enumerates the main areas of work to which the specific efforts of FAO relating to human rights are directed, i.e., agrarian reform, rural employment, food production, nutrition and general improvement of rural living conditions through technical training, education and extension. An increasing emphasis has been placed by the member Governments of FAO on such factors as environment, youth programmes, the improvement

of the social participation of women and programmes directed to family welfare. FAO draws attention to its Indicative World Plan for Agricultural Development of 1969. In this study and subsequent strategy programmes mobilization of human resources are reported as particularly relevant. The FAO also draws attention to its joint sponsorship, with the United Nations, of the World Food Programme. This programme has been a major instrument for the conveyance of food donations to recipient countries, not only from a logistics point of view, but also taking into account the food and nutrition policies and needs of recipient Governments (E/CN.4/1156/Add.2).

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.

49. The Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the ILO Conventions had a significant bearing and influence in the promulgation of new constitutions and legislative measures adopted by a number of countries during the period under review.

50. In a number of countries which have adopted new Constitutions in the years 1969 to 1973 (see above, paras. 21 and 22) the principles set out in the Universal Declaration of Human Rights are reflected in the new Constitutions.

51. Several countries which have submitted reports for the period under review have ratified the International Covenant on Economic, Cultural and Social Rights. These countries are Byelorussian SSR (E/CN.4/1155/Add.2), German Democratic Republic (E/CN.4/1155/Add.14), Iraq (E/CN.4/1155/Add.10), Madagascar (E/CN.4/1155/Add.12), Romania (E/CN.4/1155/Add.15), Ukrainian SSR (E/CN.4/1155/Add.1), USSR (E/CN.4/1155/Add.6) and Yugoslavia (E/CN.4/1155/Add.6).

52. Yugoslavia further reports that it abides by all the instruments of international law adopted under the auspices of the United Nations and its specialized agencies. In addition, the United Nations Charter, the Universal Declaration of Human Rights and various documents of the specialized agencies were taken into consideration by Yugoslav organs in their work for constitutional reform. A prime example of this, Yugoslavia reports, was the United Nations Declaration on the Environment, which was introduced into the new Constitution of Yugoslavia (E/CN.4/1155/Add.6).

53. During the period under review, the Netherlands (E/CN.4/1155/Add.13) and Romania (E/CN.4/1155/Add.15) ratified the International Convention on the Elimination of All Forms of Racial Discrimination.

54. Four countries, Austria, the Federal Republic of Germany, Kuwait and the Netherlands (E/CN.4/1155/Add.11, Add.5, E/CN.4/1155 and Add.13) report on the adoption of certain ILO Conventions. Austria reports as particularly significant the ratification of ILO Conventions No. 124 concerning Medical Examination of Young Persons for Fitness for Employment Underground in Mines; No. 111 concerning Discrimination in Respect of Employment and Occupation and No. 122 concerning Employment Policy. During the period under review, the Federal Republic of Germany ratified the following four Conventions of the International Labour Organisation: No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security; No. 121 concerning Benefits in the Case of Employment Injury; No. 122 concerning Employment Policy and No. 128 concerning Invalidity, Old-age and Survivors' Benefits. Kuwait reports the ratification of Agreement No. 111 of the ILO for the year 1958, which prevents discrimination in

employment. Agreements No. 29 and 105 of the ILO, which prevent forced labour were also ratified. In addition, Kuwait reports ratifying Agreements Nos. 87 and 117 of the ILO regarding, specifically, protection of union rights and social policy aims and standards. Lastly, Kuwait reports that its immigrant workers enjoy all the rights granted by national labour legislation.

55. Jamaica reports that it continues to participate actively as a member of international organizations and that the standards and guidelines laid down in instruments adopted have greatly influenced the laws and practices in Jamaica (E/CN.4/1155/Add.2). Dahomey reports that a series of Decrees and Ordinances have been adopted during the period under review that are relevant to the implementation of United Nations instruments (E/CN.4/1155).

56. The Polish People's Republic reports that concerning economic, social and cultural rights the situation in Poland, in many respects, is better and exceeds the standards established by the corresponding international instruments (E/CN.4/1155/Add.3). On the other hand, during the period 1969-1973 the Supreme Soviet and the Council of Ministers of the USSR are reported to have adopted a number of legislative acts and decisions relating to the implementation of the basic economic, social and cultural rights proclaimed in the Constitution of the USSR and the United Nations instruments (E/CN.4/1155/Add.6).

57. The ILO reports that since 30 June 1969, 8 new conventions and 12 new recommendations have been adopted. At its 54th session of June 1970 the ILO Conference adopted the Minimum Wage Fixing Convention of 1970 and the Recommendation of 1970 (No. 135). Other conventions reported by the ILO, relevant to the period under review, include the Holidays with Pay Convention of 1970 and the Special Youth Scheme Recommendation of 1970.

58. A number of other conventions are reported by the ILO, such as the conventions relevant to seafarers and conventions which deal with the prevention of accidents, such as the Accommodation of Crews Convention of 1970 and the Prevention of Accidents (Seafarers) Convention of 1970. The ILO further reports a new procedure of direct contacts between a representative of the Director-General of the ILO and various government services with a view to examining difficulties experienced by Governments in giving effect to ratified conventions. This procedure was introduced in 1969.

59. Furthermore, the ILO reports that the Committee of Experts undertook each year, in the present review period, a general survey of national law and practice on a particular subject. In 1970 this survey related to the health, welfare and housing of workers, in 1971 to discrimination in employment and occupation, in 1972 to employment policy. In 1973 the survey related to freedom of association and collective bargaining. In the four years 1970, 1971, 1972 and 1973, the ILO noted a total of 304 instances in which changes had been made in national laws or practice as a result of comments by the Committee of Experts on the Application of Conventions and Recommendations. (E/CN.4/1156/Add.1.)

60. The United Nations Educational, Scientific and Cultural Organization (UNESCO) states in its report that the problem of the implementation of the provisions of the Universal Declaration of Human Rights has been discussed, under one form or another, at all the meetings of UNESCO's General Conference. The entire UNESCO programme is concerned, it is reported, with the implementation of key social, economic and cultural rights.

61. The World Meteorological Organization (WMO) reports that United Nations resolutions on human rights and racial discrimination addressed to the specialized agencies and referred to WMO are brought to the attention of the Congress of the Organization. This body meets on a four-yearly basis. The last Congress which was held in 1971 categorically condemned the policies of racial discrimination and colonial domination of peoples in southern Africa. (E/CN.4/1156.)

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

62. The right to work has been the cornerstone of the national policy of all reporting countries in the period under review. Such policy found its expression in new constitutions, constitutional amendments and legislation. On the international level the right to work has been a matter of major concern to the ILO throughout the period under review. In 1969, the World Employment Programme was launched to assist Governments in formulating and implementing employment policies. In this regard, the ILO organized a number of comprehensive employment strategy missions. It also reports the establishment of regional teams for Asia, Latin America and the Caribbean, as well as the extension of technical co-operation activities related to employment. Individual manpower planning experts were provided to a number of countries. In 1972 the Committee of Experts on the Application of Conventions and Recommendations presented a general survey, based on reports from Governments, both ratifying and non-ratifying, on the Employment Policy Convention and Recommendation of 1964. The ILO in its report, provides details of national developments in this context. Furthermore, at its 54th session the International Labour Conference adopted the Special Youth Schemes Recommendation, 1970. Such schemes involved the educational training of young people. In addition, during the period under review, direct contacts also took place between the ILO and several Governments with regard to the implementation of the Convention on Forced Labour. The ILO reports that, subsequent to its efforts, a number of countries introduced new regulations, or amended old regulations, aimed at the furtherance of the right to free choice of employment. (E/CN.4/1156/Add.1.)

(1) Right to free choice of employment

63. In a number of countries, the right to work is proclaimed in the Constitution and its implementation guaranteed by constitutional provisions. In Bulgaria, for example, article 40 of the Constitution provides the free choice of profession for all citizens. Similarly, the Constitutions of the Byelorussian SSR, Costa Rica, Egypt and the Hungarian People's Republic contain constitutional provisions guaranteeing the right to free choice of employment and protecting the absolute freedom of citizens in the choice of their profession. (E/CN.4/1155/Add.2, 1, 10 and 5.)

64. Other Constitutions, such as those of Czechoslovakia, the State of Kuwait, the Ukrainian SSR, the Union of Soviet Socialist Republics and Yugoslavia, contain provisions guaranteeing freedom of work which are reflected in many cases in Labour Codes or operational regulations, based on constitutional provisions. Furthermore, in many cases, certain countries report that the planned development of their economies makes possible a rational distribution of labour power. In Czechoslovakia, for instance, Notice No. 74/1973 Collection of Laws, regulates the release, placement and material security of working persons. (E/CN.4/1155 and Add.10, 1 and 6.)

65. In the German Democratic Republic the right to work is reported to be inseparably linked with the working people's right to participate in management of the working or production processes. Every citizen has the right to free choice of employment in conformity with social needs, personal ability and wishes. This right is guaranteed, in particular, in the Labour Code as amended on 12 January 1968. (E/CN.4/1155/Add.14.)

66. In the Federal Republic of Germany, the right to employment is translated into practice mainly through an economic policy aimed at full employment, and through an active labour market policy. Free choice of vocation and work place, as well as free choice of movement, is guaranteed by the Constitution. This right is implemented by means of the Labour Promotion Law. (E/CN.4/1155/Add.5.)

67. In a number of countries, a Labour Code exists with the purpose of implementing the right to free choice of employment. In Iraq, Romania and the USSR, for instance, free choice of employment is provided for in labour legislation. In Iraq, the Law of Labour provides that the contract of labour is a free agreement between the worker and the employer. In Romania, the right to free choice of employment is provided for both by the Constitution and by the Labour Code. Relevant legislative measures in Romania are a Decree of 1970 and a Decision of 1970 of the Council of Ministers, both concerning the placement of young people entering the work force. In the Soviet Union unjustified refusal to give employment is illegal - article 9 of the Principles of the Labour Legislation of the USSR and the Union Republics approved on 15 July 1970 is relevant. (E/CN.4/1155 and Add.10, 15 and 6.)

68. In Dahomey this right is reported to have been enhanced by the abolition in 1972 by the Revolutionary Military Government of the "collective fields" set up

/...

by preceding political régimes and denounced by the ILO as disguised establishments of forced labour. (E/CN.4/1155.)

69. Discrimination of any kind is reported to be forbidden in Singapore by the Constitution. In 1973, furthermore, a Presidential Council for Minority Rights was established. In a number of other countries, such discrimination has been the subject of Court decisions or special Decrees. In its report, Israel for instance, gives details of a case which exemplifies the attitude of its Supreme Court to this human right. In the case mentioned, compensation was awarded for wrongful dismissal. (E/CN.4/1155 and Add.13.)

70. In the Netherlands, by and large, workers are subject to the Employment Relationship (Special Powers) Decree of 1954 under which workers are not allowed to terminate employment without permission from the local employment office. Subject to such permission, which is seldom refused, workers are free to choose any work they wish. The Government of Jamaica also reports that it does not interfere, for instance, with the free movement of persons seeking employment inside or outside the country. In Poland, the right to free choice of employment is reported to have been fully observed, though no legislative measures were adopted in this regard during the period under review. The realization of the right to free choice of employment, Poland reports, is assured mainly by general social and economic conditions providing for full employment. (E/CN.4/1155/Add.13, 2 and 3.)

(2) Right to just and favourable conditions of work

71. The Constitutions of Bulgaria and Yugoslavia, and the Interim Constitution of Iraq, contain provisions designed to ensure that conditions of work are protected by the State. In the case of Iraq, article 21 of the Law of Labour further provides for the implementation of this right. (E/CN.4/1155/Add.8, 6 and 10.)

72. In Afghanistan the Civil Servants' Law of Contract Employees of 10 March 1971 provides for equitable working conditions, reasonable working hours and security. (E/CN.4/1155/Add.8).

73. In Austria and Barbados a number of relevant Acts were introduced in the period under review; in Austria Acts dealing with the representation of workmen, protection of the employed, the provision for holidays, and the protection of rural workers; and in Barbados Acts such as the Sugar Workers (Provident Fund) Act of 1970 improving the benefits of workers and their families in the case of retirement or death, and an Act dealing with severance payments in the case of redundancy or seasonal employment. In addition, in Barbados, a minimum wage is guaranteed to sugar workers by the Sugar Works (Guaranteed Employment) Order of 1971. (E/CN.4/1155/Add.11 and 1.)

74. In the German Democratic Republic a Decision of the Council of Ministers of 2 February 1967 defines the ideal as one in which workers should be highly

/...

efficient with the minimum of expenditure of energy. The directors of organs superior to enterprises are responsible for the development of favourable conditions of work. (E/CN.4/1155/Add.14.)

75. In the Federal Republic of Germany the furtherance of just and favourable conditions of work are reported to be effected on the one hand by legislation, and on the other hand by numerous wage agreements. The First Law to Improve Labour Legislation of 14 August 1969 improves the position of employed persons regarding notice. Employee protection is also afforded by the Law Governing Labour Recruitment Agency on a Commercial Basis of 7 August 1972. (E/CN.4/1155/Add.5.)

76. Labour legislation in the Netherlands contains multiple guarantees of the right to just and favourable conditions of work. A bill prohibiting dismissal on the grounds of marriage, pregnancy or confinement is currently before Parliament. On 1 April 1971, the Works Councils Act regulating anew the worker participation issue, entered into force. On 1 June 1971 an Act regulating the structure of business firms also came into force. (E/CN.4/1155/Add.13.)

77. In a number of countries legislation exists which is designed to protect the health of workers in the context of general work conditions. In Romania, San Marino, Singapore and Venezuela, for instance, labour laws provide for protection against industrial accidents and for remuneration to workers injured in the course of work. In the Soviet Union article 2 of the Principles of the Labour Legislation affirms the right to just and favourable work conditions. (E/CN.4/1155/Add.15, 9, 13 and 6.)

78. In El Salvador the Labour Code contains regulations which govern labour contracts dealing in general with the relationship between employer and employee. In Poland and Romania labour relations are reported to be determined by collective ownership of the means of production. (E/CN.4/1155 and Add.3 and 15.)

79. The ILO states that its emphasis in regard to this human right is on the establishment and maintenance of safe and healthful working conditions. The ILO provides details on a number of conventions and regulations designed to promote healthy working environments. In regard to the protection of workers' health, the ILO stresses the increasing influence exercised by Recommendations Nos. 97 and 112 on the legislation and practice of Member States in this area. (E/CN.4/1156/Add.1.)

(3) Right to protection against unemployment and underemployment

80. Costa Rica, the Arab Republic of Egypt, Iraq and Yugoslavia have in their Constitutions provisions which specifically refer to the welfare of the unemployed, the raising of the standard of living, the elimination of unemployment and the right to a material payment during unemployment periods. (E/CN.4/1155/Add.1, 10 and 6.)

81. In El Salvador, the Social Security Act states that social security will greatly be extended to cover the risks to which workers are exposed as a result of involuntary unemployment. In the Federal Republic of Germany, labour market policy is regarded as a particularly important means of ensuring full employment. An important contribution in this respect is made by measures to promote vocational education, which are found in numerous forms in the Labour Promotion Law. The Labour Promotion Law provides for familiarization, training and retraining programmes as well as for special assistance to the handicapped and elderly. (E/CN.4/1155/Add.5.)

82. In Kuwait, this particular human right is protected by legislation and the Ministry of Social Affairs and Labour endeavours to place workers in posts suitable to their age and technical competence. In order to implement the right to protection against unemployment and underemployment a system of measures has been adopted in the Netherlands. An important form of these measures is Supplementary Employment, which is a scheme under which temporary subsidies are granted in order to render possible the carrying out of certain projects which affect employment. Additional measures carried out in the Netherlands in the period under review include subsidy schemes for older workers, the provision of manpower agencies and placement services. The Minimum Wage and Minimum Holiday Allowance Act entered into force in the Netherlands on 23 February 1969 and provides for a minimum wage, regardless of sex. (E/CN.4/1155/Add.13.)

83. In San Marino, Act No. 17 of 20 May 1973 amends the 1967 Act giving full employment to manual workers. Act No. 33 of 1972 provides for increases in allowances for employees on State worksites who have suffered from temporary work stoppages. (E/CN.4/1155/Add.9.)

84. In Poland, full employment is a national principle, it is reported. As a result, no significant changes are reported in Poland for the years 1969-1973 in regard to protection against unemployment, either in the rules of law or in practice. To balance the demand and supply of manpower, the Polish Government reports taking a number of important steps. Among these are the resolution of the Council of Ministers of 17 December 1971 which created additional jobs in areas with manpower surpluses; and other resolutions of the Council of Ministers which dealt with the creation of development funds, increasing the employment of women and providing for on-the-job training. (E/CN.4/1155/Add.3.)

85. A number of countries report that, due to their socialist principles, unemployment does not exist for them. Nevertheless, while these economies are planned, temporary unemployment does exist, and is provided for. In this category are the reports of Czechoslovakia, Poland, Romania and the Union of Soviet Socialist Republics. In regard to the Union of Soviet Socialist Republics, it is reported that, while technological and scientific progress dispenses with part of the work force, this does not lead, in socialist conditions, to unemployment. (E/CN.4/1155/Add.10, 3, 15 and 6.)

86. The ILO reports new standards adopted by its Conference in 1970 and 1973 which contain provisions for the protection of workers facing the risk of

/...

unemployment. Relevant in this regard is the Dock Work Convention of 1973 and Recommendation of 1973. The ILO provides details of national legislation in this regard which ensures protection against unjustified termination of employment.

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

87. Provisions for this human right exist in the Constitutions of Bulgaria, Costa Rica and the Union of Soviet Socialist Republics, which specifically provide for the right of workers to just and favourable remuneration. In regard to Bulgaria and the Union of Soviet Socialist Republics, work is remunerated on the basis of the principle of to each according to his needs, from each according to his ability. In the case of Costa Rica, the Constitution provides both for a minimum wage and for equal pay for equal work. (E/CN.4/1155/Add.8, 1 and 6.)

88. The Constitution of El Salvador establishes that all workers have the right to a minimum wage, to be fixed periodically. The National Minimum Wage Council was also established in El Salvador in the period under review. In Jamaica, Convention No. 111 - Discrimination (Employment and Occupation) was ratified in 1973 and two other instruments dealing with employment policy and equal remuneration are being recommended for ratification. In Yugoslavia, the worker, it is reported, has the means to manage his own work. Provisions exist in Yugoslavia which guarantee to each worker a personal income sufficient to ensure his material and social security. (E/CN.4/1155/Add.2 and 6.)

89. In the German Democratic Republic, chapter 2 of the Labour Code stipulates every citizen's right to payment according to the quality and quantity of his work and the right to equal pay for equal work, irrespective of sex and age. A decent living is ensured by means which include the fixing of a minimum wage. On 1 March 1971 the minimum monthly gross wages of all full-time wage earners was increased. (E/CN.4/1155 and Add.14.)

90. In the Federal Republic of Germany a just and favourable remuneration for work, guaranteeing the employee and his family an adequate livelihood, is realized, in the main, through favourable wage and salary scales negotiated by the trade unions and employers. Also, the Law on the Continuation of Wage Payments of 27 July 1969 gives workers a claim to the continued payment of full wages for a period of six weeks should they be incapacitated through illness. The First Law of Improved Labour Legislation regulates specific problems connected with continued payment where notice is given. (E/CN.4/1155/Add.5.)

91. In regard to the question of remuneration, a number of countries adopted regulations aimed at providing for either a minimum wage or special allowances in the absence of a formal minimum wage. In Afghanistan, Iraq, Kuwait, Luxembourg, San Marino and Singapore regulations of this kind exist. In Iraq, for instance, article 60 of the Law of Labour provides for a minimum wage, while in Kuwait the Private Sector Labour Act of 1964 regulates the amount of remuneration to which the worker is entitled upon completion of his term of service. In Singapore, the relevant provisions are the Central Provident Fund Act, and the Employment Act,

/...

while in Afghanistan it is the Regulation of 27 June 1973 which provides for a minimum wage. (E/CN.4/1155 and Add.8, 10, 2, 9 and 13.)

92. In the Byelorussian Soviet Socialist Republic, a person's earnings are his main, but not his only, source of income. Working people and their families receive supplementary incomes in the form of various grants and privileges from that part of the national income which is called the Social Consumption Fund. In Czechoslovakia, the worker's remuneration is also supplemented by tax adjustments and similar allowances. (E/CN.4/1155/Add.2 and 10.)

93. In Dahomey, the Policy Statement of 13 November 1972 of the Government seeks to establish the objective of a society which ensures an adequate living for all and where any inequalities of income are reduced. The Malagasy Government raised the level of the guaranteed minimum wage in 1971 and again in 1972. (E/CN.4/1155/Add.12.)

94. In Poland and in the Ukrainian Soviet Socialist Republic social consumption funds also exist, and contribute to the real wages of the worker. In the years 1971-1973 real wages rose by 24 per cent in Poland and the minimum wage level itself was raised. (E/CN.4/1155/Add.3 and 1.)

95. During the period under review, the ILO reports the adoption of new standards for existing conventions concerning wages. In 1970, the International Labour Conference adopted Convention No. 131 and Recommendation No. 135 on Minimum Wage Fixing. These measures were drafted in such a manner as to take special regard of the needs of developing countries. Furthermore, in this context, ILO experts are reported to have given assistance to a number of countries, particularly developing ones. (E/CN.4/1156/Add.1.)

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

96. In regard to this particular right, the ILO reports developments at the national level designed to eradicate discrimination. A number of countries are reported to have adopted legal measures and regulations designed to penalize such discrimination. (E/CN.4/1156/Add.1.)

97. Various countries provide for the principle of equality of opportunity and equal pay for equal work in their Constitutions. In Iraq, Kuwait and Yugoslavia the Constitution forbids discrimination of any kind in regard to work. (E/CN.4/1155/Add.10 and 6.)

98. In Czechoslovakia, Notice No. 158/1970, Collections of Laws, deals with the direction of wage development and the particulars regarding remuneration for work. In Egypt, the legislature, it is reported, has endeavoured to stress that the enactment of provisions relating specifically to working women does not mean that all the other labour legislation does not apply to them. Men and women receive equal pay for equal work. In El Salvador the Labour Code provides for equal remuneration regardless of sex, race, creed or nationality. (E/CN.4/1155 and Add.10.)

99. In the German Democratic Republic, chapter 40 of the Labour Code provides for this principle, as do sections 13 and 23 of the Jamaica (Constitution) Order in Council in regard to Jamaica. A Sex Discrimination Law also makes provision in Jamaica for protection from discrimination. ILO Convention No. 100 concerning equal remuneration for male and female workers was ratified by the Netherlands on 16 June 1971 and a Bill covering this subject was also expected to be introduced in the Netherlands in 1974. (E/CN.4/1155/Add.14, 2 and 13.)

100. In Barbados, the Wage Regulations (Shop Assistants) Order of 15 March 1970 and the Wage Regulations (Shop Assistants) Order of 3 July 1972 provides for minimum wages for shop assistants without discrimination. The Labour Codes of both the Byelorussian SSR and the Ukrainian SSR prohibit discrimination. In the Ukrainian SSR the Labour Code of 1 July 1972 prohibits unjustified refusal to give employment and precludes discrimination. (E/CN.4/1155/Add.1 and 2.)

101. In the Federal Republic of Germany this right has been recognized as an element of Labour Law by the Federal Labour Code. The Federal Labour Code endeavours to proceed against hidden discrimination as well. In the case of a firm which, in the period under review, paid its female foreign workers less than its male ones, the Code presumed discriminatory intent on the part of the firm and required the firm to prove that such an intention did not exist. (E/CN.4/1155/Add.5.)

102. Equal pay for equal work is guaranteed in Romania. In Singapore, the right to equal pay for equal work is a recognized feature of employment, and discrimination does not exist, it is reported. In the Soviet Union, the right to a wage or salary is guaranteed by the State. Furthermore, the monthly earnings of all manual and non-manual workers in the Soviet Union shall not be lower than the minimum rate fixed by the State and discrimination in regard to remuneration is illegal. (E/CN.4/1155/Add.13, 6 and 15.)

(6) Right to rest, leisure and reasonable limitation of working hours and periodic holidays with pay

103. Developments at the national level in the furtherance of this right are extensively reported by the ILO. (E/CN.4/1156/Add.1.)

104. Many countries report that their constitutions contain provisions protecting this human right. In Bulgaria, Costa Rica and the Arab Republic of Egypt the limitation of working hours is provided in the Constitution. In regard to Bulgaria, a broad system of rest-homes supported by the State is reported to exist for Bulgarian citizens. (E/CN.4/1155/Add.8, 1 and 10.)

105. In Hungary, the right to rest and recreation is enforced by the statutory establishment of working hours, by guaranteeing paid leave and by State support of organized recreation. Article 32 of the Interim Constitution of Iraq states that the State shall endeavour to provide the necessary conditions for the implementation of the right to leisure. Chapter 5 of the Law of Labour is

dedicated to the treatment of the subject of leisure and holidays in Iraq. Romania and Yugoslavia also protect this right by means of their Constitutions and the system of State supported rest-homes exists in regard to these countries. (E/CN.4/1155/Add.5, 10, 15 and 6.)

106. In Afghanistan, an amendment to the 1971 Labour Law, dated 7 October 1971, limits the minimum daily working hours in industrial enterprises, while in Austria, the Hours of Work Act of 11 December 1969, as amended by the Federal Act of 16 June 1971, makes similar provisions. Also relevant in regard to Austria is the Federal Act concerning the Employment of Children and Young Persons which provides for working conditions concerning youth. The Workers' Holidays Act of 1959 is also relevant in regard to Austria. (E/CN.4/1155/Add.8 and 11.)

107. The labour laws of Egypt, El Salvador, Jamaica and Kuwait also protect the right to rest and limitation of working hours. In regard to El Salvador such protection is found in the Labour Code, while in Jamaica the relevant legal measures is the Holidays with Pay Law and Minimum Wage Law which was amended between 1970 and 1973. (E/CN.4/1155/Add.10 and 2.)

108. San Marino reports that its Act No. 30 of 9 June 1969 reduced the working hours on state work sites, while Singapore reports the relevant provisions of its Employment Act, which provides extensively for the right to rest and leisure. (E/CN.4/1155/Add.9 and 13.)

109. The hours of employment for shop attendants are regulated in Barbados by the Shops Order of 1969. In Bulgaria, Decree No. 7 of the Council of Ministers of the Central Council of the Bulgarian trade unions of 13 March 1973 provides for the shortening of working hours and a five-day working week. As regards Poland, shorter working hours are reported to have been introduced for those who work in difficult or hazardous conditions and new regulations in this regard were issued in Poland in the Decree of 14 July 1973. (E/CN.4/1155/Add.1, 8 and 3.)

110. A Decision of 1972 of the Council of Ministers of Romania establishes a working day of less than eight hours for certain occupational categories, while in Syria a Decree of 1970 similarly provides for the right to rest and leisure. In regard to Syria, article 58 of the Law of Labour also provides for this right. In the Ukrainian Soviet Socialist Republic considerable attention is devoted to labour relations in the new Labour Code of 1 July 1972, the purpose of which is to regulate labour relations for all manual and non-manual workers. This Labour Code guarantees earnings in proportion to the quantity and quality of labour contributed, the right to leisure and annual paid leave, the right to training, and the right to participate in the management of production. (E/CN.4/1155/Add.15, 10 and 1.)

111. In the German Democratic Republic on 1 July 1972 a 40-hour working week was introduced for full-time working mothers with several children. Trade unions in the German Democratic Republic provide recreational facilities for workers. (E/CN.4/1155/Add.14.)

112. In its report Israel describes the legal action in which the right of the worker to rest and leisure was upheld. In regard to this right, the Byelorussian Soviet Socialist Republic reports existing constitutional provisions which protect the workers' right to rest and leisure. The Byelorussian Soviet Socialist Republic also reports the existence of a wide network of sanatoria, holiday homes and clubs which are at the disposal of working people and which are paid for by the State. (E/CN.4/1155/Add.14 and 2.)

113. In the Union of Soviet Socialist Republics all workers have the right to leisure and rest in conformity with the law. The normal hours of work do not exceed 41 per week. In addition to this, USSR legislation prescribes shorter hours of work for certain occupations (such as teachers, doctors, workers between 16 and 18 years of age, workers employed in posts where the conditions of work are detrimental to health, and others). Workers in the Soviet Union are entitled to annual leave of not less than 15 working days and up to 48 working days in the case of certain workers. (E/CN.4/1155/Add.5.)

113bis. In 1970, the International Labour Conference adopted the Holidays with Pay Convention. (E/CN.4/1156/Add.1.)

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

114. The ILO, in its report, provides details of developments in this regard at the national level. A number of countries, for instance, enacted new labour codes in the period under review which removed certain restrictive provisions relating to trade unions. (E/CN.4/1156/Add.1.)

115. A number of countries have in their Constitutions specific provisions protecting the right to form trade unions and to join the trade union of one's choice. In this category are the Constitutions of the Byelorussian SSR, Costa Rica, Egypt, Kuwait, the Union of Soviet Socialist Republics and Yugoslavia. In addition, Egypt reports the adoption of two laws in this context, namely Act 58 of 1971 concerning the status of civil servants and Act 61 of 1971 concerning the status of workers in the public sector. (E/CN.4/1155/Add.2, 1, 10 and 6.)

116. With the Law of 1973 for granting control to the Bulgarian Trade Unions over the protection of labour, and with Decree 15 of the Council of Ministers and the Central Council of Bulgarian Trade Unions for further improving of labour protection, complete control over labour protection in Bulgaria was granted to the Bulgarian Trade Unions. In regard to El Salvador, the Labour Code provides the right to associate freely in order to form professional organizations or trade unions. (E/CN.4/1155 and Add.8.)

117. In the German Democratic Republic, chapter 5 of the Labour Code includes the right to unite in trade unions. The trade unions, united in the Federation of Free German Trade Unions, have the right to look after the interests of wage earners by way of comprehensive participation in control of the economy. (E/CN.4/1155/Add.14.)

118. In Iraq the Law of Labour, in chapter 16, deals with trade unions and provides that each sector of labour shall have the right to establish a trade union. In Jamaica the freedom to join trade unions is guaranteed by the Constitution and trade unions are reported to be very active. The right of workers to form trade unions and to join the union of one's choice is contained, in Singapore, in the Employment Act and the Industrial Relations Act. (E/CN.4/1155/Add.10, 2 and 13.)

119. In Syria, Decree No. 250 provides the right to form professional associations and unions in all districts. The Ukrainian SSR reports that its Labour Code of 1 July 1972 lays down this right of workers to form trade unions and, through such unions, to take part in the management of production. In regard to this same right, the Ministry of Justice in Luxembourg instituted a Commission with the special task of preparing texts to revise legislation. The Netherlands reports that no restrictions of any kind exist in the country with regard to trade unions, which may be set up freely. Poland reports that over 95 per cent of all Polish employees are trade union members though, during the period under review, no new laws were enacted in this regard in Poland. And in Romania, trade union activities are also reported to be legal, and such trade unions may combine with international unions. (E/CN.4/1155/Add.10, 1, 2, 13, 3 and 15.)

120. The ILO reports that the Governing Body Committee on Freedom of Association continued, in the period under review, to examine allegations of infringement on Trade Union Rights. The ILO provides details of a number of such allegations and the measures adopted to investigate such charges. The International Labour Conference adopted in 1970 a resolution concerning trade union rights and their relation to civil liberties which recognized that the rights of workers and employers must be based on respect for those civil liberties which are promulgated, in particular, in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights. Two new international instruments relating to trade union rights were adopted during the period in question: the Workers Representations Convention of 1971 and the Workers Representatives Recommendation of 1971. (E/CN.4/1156/Add.1.)

(8) Right to strike

121. Costa Rica and El Salvador report the existence in their Constitutions of provisions protecting the right to strike. In Costa Rica the Constitution provides for both the right of workers to strike and for the right of employers to lock out workers. In El Salvador the Labour Code also guarantees the right to strike. (E/CN.4/1155 and Add.1.)

122. In Yugoslavia no rules or legal measures relate to the right to strike. Yugoslavia reports, however, that workers in Yugoslavia are able to realize their interests without having to resort to strikes. In Fiji, the Trade Disputes Act of 1973 rationalizes the right to strike, with only certain forms of strike action prohibited. (E/CN.4/1155 and Add.6.)

123. Legislation exists too in Iraq, Jamaica, Singapore and the Netherlands protecting the right to strike. In Iraq, labour disputes fall within the direct jurisdiction of the High Labour Court. In Jamaica the relevant provision is the Trade Union Law, while in Singapore it is the Trade Disputes Act. The Netherlands reports the introduction of a Bill in 1966 which was designed to extend the scope of the right to strike. The Netherlands also reports its intention to proceed to the early ratification of the European Social Charter, which recognizes the right to such collective action in labour disputes. (E/CN.4/1155/Add.10, 2 and 13.)

124. In Dahomey an Ordinance of 19 June 1969 lays down regulations concerning the right to strike, while in Israel this right is also upheld by legislation. Israel, in its report, describes a number of court decisions in which the right to strike was so upheld. In the Federal Republic of Germany the right of employees to strike is also guaranteed; the Law of Labour Conflicts has been developed on relevant occasions in decisions of labour courts, especially those of the Federal Labour Court. Kuwait reports that all its citizens have the right to express their opinions within the limits of the laws in force. Poland reports that the right to strike is not subject in Poland to any legislative acts, though strikes are not prohibited by law. Poland states that it does not consider striking to be the necessary means whereby to regulate the distribution of national income. The USSR reports that strikes are not prohibited by law in the Soviet Union. (E/CN.4/1155 and Add.5, 3 and 6.)

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

125. The right to social security and the protection of livelihood of citizens is enshrined in the Constitutions of a number of reporting countries. A constitutional provision in Bulgaria, implemented by law, provides for a social insurance scheme for all citizens and for special protection of the under-aged, the disabled and the elderly. In the Byelorussian SSR an extensive social insurance scheme protects industrial and office workers, at the expense of the State; it also provides free medical services for the working people. A specific article of the Constitution of the Byelorussian SSR provides for the right to maintenance for the aged and in the case of sickness or disability. The Constitutions of Costa Rica and El Salvador contain provisions whereby social security is regarded as a compulsory public service. Similarly the Constitutions of the Arab Republic of Egypt and Hungary stipulate that the State shall guarantee social and health insurance services as well as disability, unemployment and old-age pensions to all citizens. (E/CN.4/1155/Add.8, 2, 1, 10 and 5.)

126. Iraq, Kuwait, the Ukrainian SSR and Yugoslavia report provisions in their Constitutions under which laws have been passed securing for all citizens of these countries social insurance in cases of unemployment, sickness, reduction in work and old age. The Constitution of the Ukrainian SSR and Yugoslavia make provision for free medical services for working people. (E/CN.4/1155/Add.10, 1 and 6.)

127. Austria reports that amendments to existing legislation make provision for additional benefits, both financial and in terms of duration for all sections of the population of the country. New legislative measures are reported by Bulgaria and Czechoslovakia which aim at improvements in the field of social security. An amendment to the Labour Code and the Decree for Encouragement of the Birth Rate in Bulgaria, provide for increases in that country, in the size of financial compensation for temporary disability, paid leave in cases of mothers looking after children and the establishment of special protection for lone mothers with children up to the age of two. Czechoslovakia reports that during the period under review, Act No. 71/1970, Collection of Laws, and Act No. 106/1971, Collection of Laws were adopted: these new laws provide for increased benefits and pensions for co-operative farmers, individual farmers and self-employed persons. (E/CN.4/1155/Add.11, 8 and 10.)

128. The German Democratic Republic reports that its Labour Code and the Decree of 10 February 1971 provide for social protection in regard to occupational diseases or accident, old-age benefits, disability pensions, as well as nursing facilities for those who are disabled. Social Security is also guaranteed in the case of the death of the breadwinner by way of a unified social insurance scheme. Special attention is also paid in the cases of working women with children. (E/CN.4/1155/Add.14.) In Israel the National Insurance Law (Consolidated Version) of 1968 is reported to have been significantly amended, thus providing unemployment insurance in the context of the national insurance scheme, covering all employees between the ages of 18 and 65. In Israel the State Service (Benefit) Law covers salary, retirement pension and gratuities, gratuities to widows and severance aid. (E/CN.4/1155.)

129. The 1965 National Insurance Act in Jamaica was amended in 1970 in order to provide for unemployment, injury benefits, invalidity and old-age pensions. (E/CN.4/1155/Add.2.) Japan reports that in 1969 the Universal Pension Scheme was adopted; under this scheme all peoples are eligible to join in one of the public pension systems. A number of regulations were also adopted in Japan, during the period under review, providing for increased pensions, free medical services for those under the age of 70 years and allowances for midwifery expenses. (E/CN.4/1155/Add.7.)

130. In Ireland the Social Welfare Act of 1970 introduced schemes of retirement pensions, invalidity pensions and death grants. During the period under review, Algeria, Australia, Gabon, Liechtenstein, Monaco, Swaziland and Switzerland promulgated new laws, or amended existing legislation concerning social security systems. (Yearbook on Human Rights for 1969 and 1971.)

131. The Netherlands reports the ratification in 1969 of the ILO Convention No. 128 concerning invalidity, old-age and survival benefits. New legislation was enacted in 1970 under which death grants are payable to survivors of workers and in January 1973 the General Convention relating to social security was concluded between the Netherlands and Morocco. Also in January 1973 a new law was adopted, providing for assistance to victims of persecution on account of race, creed, or

ideology during the period of 1940-1945 when the Netherlands was occupied by a foreign Power. (E/CN.4/1155/Add.13.)

132. Romania reports that during the period under review certain Decrees were issued, on the basis of decisions by the Council of Ministers concerning increased benefits to working mothers, pensioners and war disabled beneficiaries. In addition, in the period under review, a special pension scheme in Romania for members of agricultural co-operatives was formulated. (E/CN.4/1155/Add.15.) San Marino reports new legislation under which State employees and workers, farmers, tenant farmers and share-croppers receive increased benefits. (E/CN.4/1155/Add.9.)

133. In Barbados the National Assistance Act was introduced in 1969 providing for an over-all national assistance scheme in connexion with social security. Subsequently Regulations emanating from this Act of 1969 were issued, specifically providing for certain sections of the population such as workers who have suffered injury in the course of their work, maternity benefits, social assistance for those who are blind, deaf or dumb and increased pensions for the aged and assistance for the poor. (E/CN.4/1155/Add.1.) By two decrees in 1969 and 1970 Dahomey reports that the rates for family allowances have been increased and that a new general social security scheme has been established. (E/CN.4/1155.)

134. The right to social security in the Federal Republic of Germany, has been implemented by a comprehensive social system which affords protection to almost the entire population regardless of nationality, in cases of sickness, maternity, industrial accidents, invalidity, old age and death. Through a new law of 10 August 1972, 2.4 million independent farmers have been incorporated into the social health insurance system. The Pension Reform Law of 16 October 1972 opened statutory pensions insurance to self-employed persons and housewives. On the other hand, statutory accident insurance in the Federal Republic of Germany has been extended to include 12.6 million children and young persons. In all, the Federal Republic of Germany reports a substantial increase of payments in pensions and social security benefits for the period under review. (E/CN.4/1155/Add.5.)

135. The Syrian Arab Republic reports that Decree No. 206/1969 provides for social services in the context of retirement and pensions and circumstances arising out of military service. Other decrees passed in 1970/1971 and 1972 provide that Government and State employees shall share the same benefits as others in the labour market; they provide also for increased family allowances and the establishment of institutions to take care of the education of handicapped persons, free training and guidance towards appropriate employment. (E/CN.4/1155/Add.10.) In Hungary decrees and regulations based on constitutional provisions were passed and provide for increased pensions and special allowances to workers. (E/CN.4/1155/Add.5.) Poland reports that the years 1969-1973 saw the extension of social security to cover new population groups such as fishermen and bargemen, members of farming co-operatives and persons involved in the newspaper and book distribution trade. The estimated percentage of the population covered by compulsory social security has increased from 78 per cent in 1970 to 84 per cent

in 1973. In the field of public health services, only an estimated 0.4 per cent of the population pay medical expenses out of their own pocket. (E/CN.4/1155/Add.3.)

136. Singapore reports that social security is non-mandatory but that the Department of Social Welfare assists handicapped or disabled persons in finding suitable employment, and that a Central Provident Fund offers financial assistance to those incapable of working as well as to the aged for which institutional facilities are provided. (E/CN.4/1155/Add.13.)

137. The Ukrainian SSR reports that during the period under review a number of measures were taken for the benefit of all people, and that pensions are provided wholly from State and collective farm funds. In 1973 fully paid maternity leave was introduced for all women workers irrespective of their length of service and the network of State social security institutions or old people's homes has been extended. These institutions are maintained free of charge for all persons who are unable to work and live with their families. Special attention is paid to the disabled people who are fully supported by the State social security scheme in residential homes. (E/CN.4/1155/Add.1.) The Union of Soviet Socialist Republics reports that it has developed a system of social security which is an integral part of the programme of the Communist Party and the Soviet Government and which is designed to raise the people's living standard in general. In the USSR pensions are provided entirely by the State and the working people contribute no money at all to pension and insurance funds. Members of collective farms receive the same types of pensions and allowances as workers and office employees. Pension age in the Soviet Union is 60 years for men and 55 years for women. During the period under review the Soviet Union reports that the minimum pension for manual and non-manual workers was increased by 50 per cent and that of collective farm workers by 67 per cent. In all there are 43 million pensioners in the Soviet Union. (E/CN.4/1155/Add.6.)

138. During the period under review the ILO reports that, basing its efforts on the Equality of Treatment (Social Security) Convention of 1962, it continued to stimulate the conclusion of multilateral agreements, in conjunction with regionally based organizations, for the furtherance of social security systems. The ILO mentions in this regard Regulations No. 1408/71 of the Council for the European Economic Community relating to the operation of social security schemes; the European Convention on Social Security of the Council of Europe (1972); the General Social Security Convention of the African, Malagasy and Mauritania Organisations of 1971, and the Social Security Convention of the countries of the Andean Group of 1973. (E/CN.4/1156/Add.1.)

C. The right to an adequate standard of living

(1) Right to adequate food

139. In Costa Rica various constitutional provisions provide for the right to adequate food, among the rights to such other things as adequate clothing, housing, etc. In the Federal Republic of Germany, the right to an adequate standard of living is guaranteed mainly by an economic policy aimed at full employment. Persons not in a position to provide an adequate standard of living for themselves and their families can call on various social security and social assistance payments, which provide for, among other things, adequate food. On the question of adequate food, Dahomey reports that an ordinance of 28 April 1970 establishes subsidization rates and stabilization measures for food prices. In El Salvador, legal provisions were adopted, in the period under review, which relate to the nutrition of rural workers. (E/CN.4/1155 and Add.1 and 5.)

140. In Poland, several new legislative acts were adopted in regard to this right. They include a regulation, by the Minister of Health and Social Welfare, of 30 March 1970 which defines certain maladies as contra-indications to employment in the production and handling of food-stuffs; and a regulation by the Minister of Health and Social Welfare of 17 September 1971 on sanitary standards in food-stuff transport. (E/CN.4/1155/Add.3.)

141. Among the countries which deal with the right to adequate food in the context of other human rights are Czechoslovakia, the German Democratic Republic and the Ukrainian Soviet Socialist Republic. In Czechoslovakia, the right to adequate food is regarded as being closely connected with the right to work, and Czechoslovakia reports social security measures which make provision for this human right. In the German Democratic Republic this right is reported to have been implemented through steady improvement and broadening of food supplies according to plan. In the Ukrainian Soviet Socialist Republic the right to adequate food is dealt with in the context of general living standards. Consequently, the Ukrainian SSR reports considerable improvements in its living standards, which include the supply of adequate food-stuffs and housing, social, cultural and other essential services. (E/CN.4/1155 and Add.14 and 1.)

(2) Right to adequate clothing and housing

142. In the Federal Republic of Germany, a number of laws were adopted with the purpose of providing adequate clothing and housing for all citizens. Such measures included subsidized housing, fiscal and tax provisions for house-building in general, the protection of tenants, and legal rulings on rents. Among these measures are the ordinance on new building land of 14 December 1970; the law to improve rent legislation; the law of protection against notice regarding tenancy of 25 November 1971; the Housing Amendment Act of 17 December 1971; and the ordinance to amend the Industrial Code of 16 August 1972. (E/CN.4/1155/Add.5.)

143. Laws providing for the right to adequate clothing and housing were adopted by Iraq, while in Luxembourg reforms of the existing legislation concerning

/...

housing relief were envisaged. Public housing policy in the Netherlands is reported to be the making available to all sectors of the population rents within their means. Considerable attention was given to the subsidization of housing and more than 80 per cent of the dwellings built there during the period under review were reported to be State-subsidized. A number of legal provisions were also enacted in 1971 with a view to achieving a balanced structure. (E/CN.4/1155/Add.10, 2 and 13.)

144. In Poland, no new legislation was required to safeguard the right to adequate clothing, it is reported. In regard to housing, however, major efforts were made to bring about tangible improvements in the rate of housing construction and standards. In 1972, an act was passed providing for a long-term housing development programme. In regard to housing in Romania, Act No. 4 of 1973 contains extensive provisions, while Decision No. 800 of 1973 concerns the development and sale of dwellings built with State funds. The National Housing Corporation Act of 1973 established in Barbados a Corporation, the functions of which include the acquisition, management, development and improvement of land or property in order to pursue the Government's goal of achieving and maintaining an adequate standard of living. (E/CN.4/1155/Add.3, 15 and 1.)

145. In Bulgaria, a number of orders and regulations were adopted to deal with the problems of housing. These include Order No. 261 of the Bureau of the Council of Ministers of 3 July 1972 which obligates State authorities to allot 50 per cent of new State homes to young families and to workers directly engaged in the production of material goods; Decree No. 26 of the Council of Ministers of 2 November 1970 which gives the right to Bulgarian enterprises to build and sell to their workers flats under special installation arrangements; and Order No. 385 of 24 July 1971 which obliges city and regional authorities to grant priority in regard to housing to post-graduate students and scientific workers. The base of the economic system of the Hungarian People's Republic, as well as in the Byelorussian Soviet Socialist Republic, is reported to be the social ownership of the means of production. As a result, constitutional and administrative regulations in the two countries provide for the right to adequate clothing and housing. Relevant in this regard is article 11 of the Hungarian Constitution and decrees of 1971 which provide for the housing requirements of Hungarian citizens. In regard to Byelorussia, it is reported that between 1971 and 1973, thirteen million square metres of Government subsidized living accommodation was built, while large sums of money were devoted to Byelorussia to the improvement of housing, schools and children's establishments. (E/CN.4/1155/Add.8, 5 and 2.)

146. In Dahomey, a Government Policy Statement of 30 November 1972 provides for the adjustment of housing allowances for eligible recipients. In El Salvador, the Government continued its work of providing adequate housing through the Institute of Urban Housing and the National Housing Finance Corporation. An important development in El Salvador is the establishment of the Social Fund for Housing, the purpose of which is to help solve the housing problems of workers. (E/CN.4/1155.)

147. In the German Democratic Republic the supply of clothing is reported to have

continued satisfactorily and, in regard to housing, an ever-increasing part of the national income is reported to have been allocated. In accordance with the appropriate five-year plan, housing conditions for more than 375,000 citizens of the German Democratic Republic were improved by the construction and improving flats. Finally, both Kuwait and Romania report extensive improvements in their housing situations as a result of the provision of limited income housing and State subsidized dwellings. (E/CN.4/1155 and Add.14 and 15.)

(3) Right to necessary social services

148. Legislative measures adopted, in the period under review, relevant to the right to necessary social services included, in Austria, the new Social Assistance Acts of the Federal Province, which improved the Austrian system of public relief; the Iraqi Law for Social Care No. 26 of 1962; and the ordinance passed in Dahomey on 28 February 1970 which defines the functions of the Social Office of the Ministry of Justice and Legislation. (E/CN.4/1155 and Add.11.)

149. In Poland, the right to necessary social services was further protected, in the period under review, by the adoption of various measures including a decision by the Minister of Health and Social Welfare of 14 December 1971 on the provisional health service to farmers; a decision by the same Minister of 21 January 1972 on the provision of health services to creative workers; an act of 6 July 1972 which raised social insurance sick benefits; and an act of 23 June 1973 concerning social welfare and housing funds. El Salvador reports that all inhabitants are entitled by law to receive the social services provided by the State. In the German Democratic Republic, particularly relevant is the directive of the Eighth Congress of the Socialist Unity Party of Germany which contains provisions for the development of the national economy for 1971-1975. The directive provides for the extension of existing social services, including housing units, schools and nursery facilities. (E/CN.4/1155 and Add.3 and 14.)

(4) Right to continuous improvement of living conditions

150. The Constitutions of Iraq and Yugoslavia both provide for the right to continuous improvement of living conditions. Specifically, articles 29 and 32 of the Interim Constitution of the Republic of Iraq provide for the furtherance of this right by means of a fair distribution of the national wealth. Iraq's Law of the National Development Plan of 1970 is also relevant in this regard. Yugoslavia reports its use of social consumption funds to improve living conditions. (E/CN.4/1155/Add.10 and 6.)

151. In Czechoslovakia, the improvement of living conditions is reported to be facilitated, among other things, by State subsidized loans provided to young married couples under the legal regulations of the Presidium of the Federal Assembly No. 14/1973, Collection of Laws. In Egypt legislation is provided for the care of persons afflicted by the hazards of war or in the discharge of their national duties. The State endeavours to give all citizens in Egypt the highest possible standard of living commensurate with its economic capacity. The Federal

/...

Republic of Germany reports continuous improvements in living conditions largely as a result of the Government's consumer policy. A Consumer Council was set up in the Federal Republic of Germany in May 1972 and a number of relevant regulations are reported to have been adopted by the Federal Republic in the furtherance of this right, in regard to the period under review. (E/CN.4/1155/Add.10 and 5.)

152. A new State subsidy scheme for Community Development came into force in the Netherlands on 28 April 1971, the central aim of which is citizen participation in the community. Byelorussia reports that during the period under review, wages and salaries of medium income employees were raised, as was the minimum wage in Byelorussia. Dahomey reports a partial lifting of the wage freeze in that country, in November 1972, while El Salvador and the German Democratic Republic report their general efforts and success in the improvement of living conditions for their citizens, the latter country through its series of five-year plans. (E/CN.4/1155 and Add.13, 2 and 14.)

153. Poland reports that its economic and social plan provides for the continuous improvement of its standard of living. In Romania, the Social Consumption Fund is reported to have increased, in the period under review, by 58 per cent. The minimum wage scale was also improved during that time. In Syria, syndicates are reported to have been established in the period under review with the purpose of uniting peasantry so as to raise their standards and opportunities in the economic, cultural, social and health fields. (E/CN.4/1155/Add.3, 15 and 10.)

154. The USSR reports that the living conditions of the Soviet people are reported to be constantly improving. Wages are rising, both as a result of the growth of labour productivity and the adoption of legislative measures which provide such improvements as an increase in minimum wages. In the USSR, social consumption funds play an important role in the improvement of living conditions. Such funds are defined as that part of the national income which is allocated to members of society in the form of free material and cultural benefits. In the period under review social consumption funds in the USSR were used to provide for and improve free education, free medical services, pensions, disability allowances, maternity benefits, student grants, and for subsidizing the network of free rest homes and sanatoria. (E/CN.4/1155/Add.6.)

(5) Right to the protection and improvement of the human environment

155. Yugoslavia reports that it included in its Constitution provisions based on the United Nations Declaration on the Environment. (E/CN.4/1155/Add.6.)

156. A number of other countries report the existence or adoption of laws designed to improve and protect the environment. Among those are Afghanistan, Austria, the Byelorussian SSR, Czechoslovakia, the Federal Republic of Germany, Iraq, Romania and the Netherlands. Relevant laws in this regard include, in Afghanistan, the law regulating pasture lands of 4 March 1971; in Austria, the Federal Act of 21 January 1972, establishing a Federal Ministry of Health and the Environment; in the Byelorussian SSR, the Decree entitled "Increased criminal responsibility

/...

for Water and Air Pollution", adopted in 1970 by the Presidium of the Supreme Soviet; in Czechoslovakia, Notices of 1972 and 1973 of the Czech and Slovak Soviet Republics, protecting forestry and water resources against pollution; in the Federal Republic of Germany the comprehensive environmental programme adopted in 1971 which is to be implemented by means of appropriate changes in the Basic Law; in Iraq regulations for the protection of public rivers, and certain provisions of the Criminal Law of 1968, which also deals with various kinds of pollution; in Romania Act No. 9 of 1973 providing for the general protection of the environment; and a decision of the Government of the Netherlands providing for the wide participation of citizens in the framing of environmental policy. (E/CN.4/1155/Add.8, 11, 2, 10, 5, 15 and 13.)

157. In Poland a comprehensive programme of environmental protection was worked out in the period under review and the following measures were taken: a decision of the Council of Ministers of 9 June 1970 providing for cash penalties for harmful pollution of waters; a decision of the Council of Ministers of 9 June 1970 on admissible levels of water pollution; and a decision of the Minister of Health and Social Welfare of 14 July 1972 on pesticide pollution. In San Marino, Decree No. 19 of 23 June 1972 specifies the substances detrimental to the quality of drinking water and prohibits the establishment of polluting industries. Finally, Dahomey reports as significant its participation in the International Conference on Pollution and the Environment held in Sweden, while El Salvador reports that all its inhabitants have the natural right to the protection and improvement of their environment. (E/CN.4/1155 and Add.3 and 9.)

158. UNESCO reports on its plan to help the International Association of Legal Science to organize a symposium to be held in 1974 in Mexico on the developing countries' problems in promulgating and implementing environmental law. Future research plans of UNESCO will also deal with environmental law in three regions of the world. (E/CN.4/1156.)

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

Steps taken with a view to ensuring:

(1) The reduction of the stillbirth-rate and of infant mortality
and for the healthy development of the child

159. Costa Rica and Kuwait report, in this regard, the existence of provisions in their Constitutions. In Costa Rica a National Children's Board also exists, while in Kuwait the relevant health facilities are free of charge. (E/CN.4/1155 and Add.1.)

160. In the case of other reporting countries, while provisions do not necessarily exist in their Constitutions to deal with this right, extensive legal measures are promulgated with the same objective. In this category are Austria, Czechoslovakia, the Federal Republic of Germany and Dahomey. The relevant provision in Austria is

/...

the Family Burdens Equalization Act of 1967, as amended in 1974. In Czechoslovakia it is Notice No. 71/1973, Collection of Laws, as well as Notice No. 72/1973, Collection of Laws of the Slovak Socialist Republic. The relevant provision in the Federal Republic of Germany is the Health Insurance Legislation of 21 December 1970, along with other health regulations which are reported to have considerably reduced infant mortality. In Dahomey a Decree of 17 February 1971 established the Raoul Follereau National Committee with the same purpose. (E/CN.4/1155 and Add. 11, 10 and 5.)

161. In Poland, similarly, infant mortality is reported to have been greatly reduced and the following further measures adopted: a decision of the Minister of Health and Social Welfare of 28 April 1972 on medical care for children; and an Ordinance of 7 January 1971 on dental care. (E/CN.4/1155/Add.3.)

162. Infant mortality is reported to have been reduced in the Byelorussian SSR from 19 per thousand in 1969 to 17 per thousand in 1973. In the German Democratic Republic, implementation of the Law on the Protection of Mother and Child adopted in 1960 resulted, during the period under review, in the continued extension of a network of prenatal and post-natal clinics. Iraq reports comprehensive measures such as increases in the number of health centres and child care clinics, while the Netherlands reports that its infant mortality rate fell, in the period under review, to 12.7 per one thousand live births. Romania reports the development of new medical services in this regard and its child mortality rate was considerably reduced, in the period under review, from 15 per thousand live births in 1969 to 11 per thousand in 1972. (E/CN.4/1155/Add.2, 14, 10, 13 and 15.)

163. In Singapore the Maternal and Child Health Service provides child care through a system of dispersed clinics. Singapore reports a low infant mortality rate; a school health service provides medical examination of school children. In the Ukrainian SSR, on 15 July 1971, a new Health Act was adopted, the primary purpose of which is the general protection of the life and health of the population. As regards the USSR, the Soviet Union reports that its child mortality rate in 1973 was eleven times lower than that of pre-revolutionary Russia. The USSR also reports that allocations from the State budget for public health services in 1973 were 10.2 thousand million roubles. (E/CN.4/1155/Add.13, 1 and 6.)

164. From 1968 to 1972 UNESCO's Department of Social Science was involved in a project in regard to the reduction of the stillbirth-rate in several villages in Upper Volta. UNESCO mentions this project as an example of new methods and approaches towards the implementation of this basic human right (E/CN.4/1156).

(2) The improvement of all aspects of environmental and industrial hygiene

165. In Costa Rica, article 66 of the Constitution requires employers to take measures necessary for the hygiene and safety of workers. In Yugoslavia, hygiene and security in regard to employment is guaranteed by article 162 of the Constitution. (E/CN.4/1155/Add.1 and 6.)

/...

166. In Austria, the Act Concerning Protection of the Employed of 1972 creates the basic conditions for the improvement of industrial hygiene. The Regulation Concerning the Equipment of Enterprises for Effecting Protection of the Employed, dated 30 April 1973, further promotes this right. In Bulgaria in 1971 certain sanitary norms in regard to industrial hygiene were established. The Council of Ministers, furthermore, passed an order for the protection of the environment in 1973. Decisions of the Council of Ministers of 1973 provided in Bulgaria for the further protection of the working environment in regard to miners, those working on night shifts, and workers engaged in the manufacture of harmful products. Also relevant in regard to Bulgaria is Order No. 271 of the Committee for Economic Coordination of 15 July 1969 which determines regulations to be followed in regard to the labour environment. (E/CN.4/1155/Add.11 and 8.)

167. In Czechoslovakia, Notice No. 59/1972, Collection of Laws, and Notice No. 65/1972, Collection of Laws, provided new principles, the objective of which is the protection of the working environment. (E/CN.4/1155/Add.10.)

168. In the Federal Republic of Germany, the improvement of environmental hygiene plays a prominent role in the Federal Government's environmental programme adopted in 1971. Specific legislation was approved during the period under review and wide-ranging research was undertaken. (E/CN.4/1155/Add.5.)

169. In Israel, Romania and San Marino legislative measures were also adopted during the period under review with the purpose of improving and protecting environmental and industrial hygiene. Relevant, in regard to Israel, is the Public Health Ordinance Law of 1970, and in regard to Romania the Act of June 1973 designed to prevent pollution of water, land and air. In San Marino Act No. 42 of 1970 and Decree No. 12 of 1966 deal with the protection of the purity of milk. Act No. 8 of 1971 and Act No. 16 also of 1971 combat disease in livestock in San Marino. (E/CN.4/1155 and Add.15 and 9.)

170. In Singapore, the problem of environmental control is complex due to a warm and humid climate which encourages disease-bearing insects. Singapore reports the creation of a Ministry of the Environment, the updating of public health laws, the establishment of the Environmental Public Health Act of 1968, and the establishment of measures aimed at ending pollution. The USSR reports that rules of environmental protection are written into its law, and that their observance is strictly controlled by a special government service. In May 1973 a new State Sanitary Supervision Act was adopted. (E/CN.4/1155/Add.13 and 6.)

171. In regard to industrial hygiene, the Labour Code of El Salvador lays down the measures which must be adopted and implemented to ensure safety and hygiene in places of work. Iraq reports the implementation of its regulations of 1967 and 1968 designed to combat insect-borne diseases and to improve the surveillance of various elements in order to eradicate pollution. In Poland a verdict of the Supreme Court of 20 February 1971 provided protection against noise pollution. Poland also draws attention to its long-term programme of health care and social welfare for the period 1973-1990. (E/CN.4/1155 and Add.10 and 3.)

/...

172. In the Byelorussian Soviet Socialist Republic effective measures dealing with pollution are worked out at all industrial enterprises. Significant in this regard is the arrangement in Byelorussia by which medical and sanitation measures are written into the collective agreement, annually concluded, between trade unions and administrations of given enterprises. In Fiji emphasis is placed on the supply of pure drinkable water, while in Jamaica the safety, health and welfare of workers is the concern of the Factory Inspectorate Division of the Ministry of Labour and Employment. (E/CN.4/1155 and Add.2.)

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

173. In regard to the prevention, treatment and control of epidemic, endemic, occupational and other diseases in the German Democratic Republic, laws and measures are reported to proceed from the World Health Organization's definitions of health as a state of complete physical, mental and social well-being. The directors of enterprises are responsible for the health protection of their workers in accordance with the Labour Code. (E/CN.4/1155/Add.14.)

174. In the Federal Republic of Germany a highly developed system is reported to exist for the preventing and combatting of infectious diseases. This system has its legal foundation in the Law on the Prevention and Control of Communicable Diseases, and similar laws. The Federal Republic of Germany also reports on its implementing of international health regulations. (E/CN.4/1155/Add.5.)

175. In Singapore, legislation adopted in the period under review includes the Quarantine and Prevention of Disease Act of 1970. In the USSR the rights of citizens in the field of health protection are written into the Constitution, the Principles of the Labour Legislation of the USSR and the Union Republics. In addition, the Principles of Legislation of the USSR and of the constituent republics on health services were adopted in December 1969. Each industrial enterprise in the USSR has a section of safety and industrial hygiene. In Costa Rica the Ministry of Health, it is reported, has adopted all the recommendations made by the World Health Organization in this regard. (E/CN.4/1155/Add.13, 6 and 1.)

176. Poland, Romania and Japan also report legislative measures taken with the aim of implementing this human right. Relevant legislation includes, in Poland, a decision of 1 December 1969 on the registration of occupational diseases; in Romania, a decision of 1969 concerning the combatting of communicable diseases; and in Japan the extension of the Social Insurance System to cover the medical expenses of those injured as a result of their occupation. (E/CN.4/1155/Add.3, 15 and 7.)

177. In Austria, the Federal Ministry of Health and the Environment is reported to be preparing a law which seeks to prevent the import of epidemic diseases from abroad. Also relevant is the Act concerning Protection of the Employed of 1972 which deals with occupational hazards. In the Byelorussian Soviet Socialist Republic health legislation and regulations are reported to deal extensively with hygiene and safe working conditions. In Iraq, relevant measures

adopted, include comprehensive vaccination programmes and vaccination follow-up programmes which are mandatory by law. In Romania extensive prophylactic measures exist to maintain the health of the community through preventive measures, and trade unions play a major role in drawing up programmes of occupational health. In the Ukrainian SSR, considerable success is reported to have been achieved in the struggle against various diseases. The Ukrainian SSR provides statistics in its report of the number of medical specialists and medical institutions available to its citizens during the period under consideration.
(E/CN.4/1155/Add.11, 2, 10, 15 and 1.)

(4) The creation of conditions which would assure to all medical services and medical attention in the event of sickness

178. Constitutional provisions exist in a number of countries with the purpose of creating conditions of available medical services for all. In Bulgaria article 47 of the Constitution contains such provisions, while in Hungary this right is provided for in article 57 of the Constitution. In both countries medical treatment is free. In Iraq, article 33 of the Interim Constitution provides free medical services also, and a number of legislative measures have been adopted in this context, such as the Law of Popular Clinics No. 192 of 1973.
(E/CN.4/1155/Add.8, 5 and 10.)

179. Article 120 of the Constitution of the Union of Soviet Socialist Republics provides the right to maintenance in old age and also in case of sickness or disability. This right is ensured by the extensive development of social insurance, at State expense. In Yugoslavia, article 186 of the Constitution states that everyone has the right to protection of his health. A general sickness insurance scheme exists to provide for this purpose at the expense of social funds. In Austria the population is also covered by compulsory social insurance while in the Byelorussian SSR the adoption in 1970 of the Public Health Act is particularly relevant in this connexion. (E/CN.4/1155/Add.6, 11 and 2.)

180. In Czechoslovakia, legislative measures guarantee to all citizens medical care, free of charge. The Arab Republic of Egypt reports in this regard that many laws have been enacted in Egypt with the purpose of providing for the health of citizens. In Israel, the Parallel Tax Law of 1973 prescribes the payment of contributions by employers to employees' sick funds, parallel to the contribution paid by the employers for themselves, and in the Ukrainian SSR a Health Act of 15 July 1971 states that the protection of the health of the population is the obligation of all State agencies, enterprises and institutions. Medical care in the Ukraine is free of charge and available to all through an extensive network of hospitals and other clinics. (E/CN.4/1155 and Add.10 and 1.)

181. In Barbados, the Health Services Act of 1969 makes provision for the promotion and preservation of the health of all the inhabitants of Barbados. Costa Rica reports that its Ministry of Health is committed to the goal of providing medical services for all its citizens in the various regions, however remote. In Dahomey, attempts are reported to be in progress to assure to all, medical services and medical attention. Significant in this regard is the

/...

Agreement between the Government of Dahomey and the Military Order of Malta for the establishment of a leper hospital in Djougou. Medical services in Fiji are available to all citizens, irrespective of their ability to pay. Particular emphasis is placed in Fiji on the provision of such services to rural areas. In the German Democratic Republic all economic branches are reported to bear a share of responsibility in fulfilling the statutory tasks of health protection and health education. (E/CN.4/1155 and Add.1 and 14.)

182. Comprehensive measures are reported to have been adopted in Iraq with the purpose of ensuring that medical and health services reach all citizens, regardless of how remote their domicile. Medical care in rural areas of Iraq is nationalized and all citizens are reported to be equally and adequately treated. In the Netherlands an even dispersal of medical units and personnel is reported to exist throughout the country. Access to medical services is also guaranteed by a health insurance system which at present covers over 70 per cent of the Dutch people. In Poland the entire working population is eligible for free medical care and Poland reports a reorganization of its public health service with a view to improving its availability. In Romania, under the legislation in force, pregnant women and children up to the age of sixteen are entitled to medical attention free of charge, while in Singapore medical attention is reported to be easily available by means of a comprehensive system of clinics which exists throughout the country. (E/CN.4/1155/Add.10, 13, 3 and 15.)

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

(1) Right of the family to protection and assistance

183. The Constitutions of Bulgaria, Costa Rica, Egypt, El Salvador, Hungary and Iraq, contain provisions which provide for the right of the family to protection and assistance. In the case of Hungary, Decree No. 27 of 8 February 1971 also provides social welfare allowances to families with children as well as to newly married couples. In Iraq article 11 of the Interim Constitution provides specifically for the family as the nucleus of society. (E/CN.4/1155 and Add.8, 1, 10 and 5.)

184. The Constitutions of Romania, the USSR and Yugoslavia also contain provisions designed to protect the family. The USSR reports in addition, that women in the Soviet Union are accorded all rights on an equal footing with men in all spheres of economic, governmental, cultural, political and social activities. The USSR also provides, in its report, details of its social services designed to protect the interests of the family and in particular the rights of the mother and child. (E/CN.4/1155/Add.15 and 6.)

185. In Afghanistan a new marriage law of 8 August 1971 further strengthens and protects the family relationship within the framework of Islamic law. (E/CN.4/1155/add.8.)

186. In Austria, the Federal Act of 30 October 1970 has materially improved the legal status of the illegitimate child in Austria. Article 6 of the Basic Law of the Federal Republic of Germany affords the institution of marriage and family special protection by the State. The Federal Government's family policy places priority on the educational side of family life, the provision of living accommodation and the development of a desirable environment. The Federal Republic of Germany reports the adoption on 19 August 1969 of the Law of the Legal Position of the Illegitimate Child. The Federal Republic also provides details on its family allowances scheme, under the terms of the Federal Family Allowance Law. (E/CN.4/1155/Add.11 and 5.) In Luxembourg, both relevant measures were adopted during the period under review, namely the Law of 12 November 1971 concerning the Protection of Youth and the Law of 12 December 1972 concerning the Rights and Obligations of Spouses. (E/CN.4/1155/Add.2.)

187. A number of other countries report on their family allowances schemes. Relevant in this regard as concerns Israel is the National Insurance Law of 1968. In Japan on 1 January 1972, the Child Allowances Law came into force. In Kuwait the relevant measures include the Public Assistance Act of 1962 as amended in 1968 and 1971. (E/CN.4/1155 and Add.7.)

188. Family policy is reported to be an important part of State policy in the German Democratic Republic. Provisions in this respect are guided by the socio-political programme adopted by the Government. A number of decrees also provide for the payment of State grants to families and to children. In the Netherlands the Employment of Young People Decree of 21 November 1972 prohibits the employment of young people in work that is detrimental to their health or spiritual well-being. In the Netherlands the right of the family to special care and assistance is also guaranteed by the subsidization of family welfare agencies. (E/CN.4/1155/Add.14 and 13.)

189. No social security insurance scheme exists in Fiji, although a Fiji National Provident Fund was set up in 1966. The Family Assistance Scheme in Fiji also provides for family benefits in addition to the above-mentioned benefit. In Singapore the law governing the institution of marriage is codified in the Women's Charter. And in the Ukrainian SSR a number of measures exist providing for the right of the family to protection and assistance. These include extensive provisions for maternity leave and for free medical observation for mothers and children. (E/CN.4/1155 and Add.13 and 1.)

(2) Right of mothers to special care and assistance, including the provision of child care facilities adequate to permit women to pursue careers

190. Bulgaria, Costa Rica, Czechoslovakia, Hungary and Yugoslavia report that Constitutional provisions exist in these countries which specifically provide for the protection of this right. In the case of Czechoslovakia it is reported that the State provides special measures for maternity care while encouraging the full participation of women in the life of society. Similar provisions are reported in regard to Hungary. (E/CN.4/1155/Add.8, 1, 10, 5 and 6.)

/...

191. In the German Democratic Republic the Law on the Protection of Mother and Child and the Rights of Women provides for the implementation of this particular human right, and in Israel, the Maintenance (Assurance of Payment) Law of 1972 provides that anyone who has obtained a judgement for maintenance and support for herself and children, is entitled to claim from the National Insurance Institute a monthly payment of the amount awarded. In 1972 provision was made in Poland for the extension of paid maternity leave (Act of 6 July 1972), while in Romania, in accordance with the Labour Code, working mothers are allowed to take special paid leave to look after sick children. (E/CN.4/1155 and Add.14, 3 and 15.)

192. In Bulgaria, the rights of mothers have been extended by an Amendment to the Labour Code, No. 53/1973. This amendment provides mothers of small children with payments from the State Social Insurance Scheme. In Romania Decree No. 411 of 1972 concerns assistance to mothers with a large number of children. In Syria, Decree No. 121 of 1967 established the General Union of Women, an organization which deals with the establishing of child care institutions, literacy programmes and professional training. A number of decisions are also reported by the Ukrainian SSR that provide for the improvement of public education in the context of the right of mothers to special care and assistance.

193. The Byelorussian SSR provides details on its extensive network of women's consultation centres, maternity homes, sanatoria and kindergartens. In the Byelorussian SSR maternity leave is provided by means of payment of a social insurance allowance. Nursing mothers are also provided with leave from work to enable them to care for their children. (E/CN.4/1155/Add.8, 15, 10, 1 and 2.)

194. In El Salvador, the State provides services and care to mothers in the form of day-care centres. In Fiji, while there is no government provision of child-care facilities to enable women to pursue careers, the civil service has generous maternity-leave provisions for its women employees. The Federal Republic of Germany reports measures which grant subsidies and assistance to women working part-time. The "Daily Mother" - an experiment launched by the Federal Government - is also an attempt to augment existing facilities for the care of small children. Provisions are made by Romania to allow women to pursue their careers while engaged in the rearing and educating of their children. The Social Welfare Department in Singapore encourages married women to take up employment, by providing child-care facilities. And in the Soviet Union every future mother is given a paid maternity leave in addition to her regular paid vacation, the money being paid out of social insurance funds. The USSR also reports on its network of women's and children's consultation centres and maternity homes. (E/CN.4/1155 and Add.5, 15, 13 and 6.)

(3) Right of children and young persons to special care and assistance

195. The Constitutions of Bulgaria, Egypt, El Salvador, Hungary and Yugoslavia contain provisions designed to protect youth and to provide for the right of children and young persons to special care and assistance. In Egypt a Ministry of Youth was also established for this purpose. Yugoslavia reports that its Constitution stipulates that children born out of wedlock have the same rights as

/...

those born within marriage; and Hungary reports the adoption in 1971 of a Law on Youth. (E/CN.4/1155 and Add.8, 10, 5 and 6.)

196. In Fiji the Juveniles Act of 1973 provides young people with care and counsel in the case of first offences against the law. The Government also reports special efforts in the context of natural disasters, such as hurricanes and cyclones. In Israel, the Criminal Code Ordinance Law of 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 fourteen years. In Poland an Act of 12 April 1973 determines the task of the State and the nation in the education of young people. (E/CN.4/1155 and Add.1 and 3.)

197. In Singapore, the Adoption of Children Act of 1971 provides for the issuance of ordinary birth certificates to adopted children. A fostering scheme also exists in Singapore to provide care for abandoned and neglected children, while in Venezuela the Law of Adoption of 21 June 1972 contains extensive provisions concerning the problems of adoption. In Barbados the Child Care Board Act of 1969 provides, among other things, for the registration of voluntary child care institutions. Young people in the German Democratic Republic are protected by a number of legal measures, such as the Ordinance on the Permanent Medical Supervision of Children and Young People of February 1954. In Romania, Act No. 3 of 1970 was adopted to ensure the protection of certain groups of minors, while Decree No. 545 of 1970 deals with delinquent minors. And in the Syrian Arab Republic, Decree No. 107 of 1970 was issued to deal with the question of children born out of wedlock. (E/CN.4/1155/Add.13, 6, 1, 14, 15 and 10.)

198. The Byelorussian SSR reports an extensive care programme for children and young people by means of crèches, schools, pioneer camps and other children's establishments. In the Federal Republic of Germany, on 10 July 1970, an Expert Commission was set up to work out the basis of a requirement of the existing Youth Assistance Law. Under this law young people will in future be able to claim the legal right to education in a "defensible" way. In the Ukrainian SSR the State is reported to have assumed a large share of the responsibility for the health and education of the younger generation. The Ukrainian SSR provides statistics on the number of its kindergartens and child-care institutions. In the USSR, it is reported, extensive medical services exist for the purpose of protecting children. Passes for children to rest-homes are also free in the Soviet Union and every summer, it is reported, millions of Soviet children go to health camps and summer houses. (E/CN.4/1155/Add.2, 5, 1 and 6.)

199. In 1969 alone, legal measures concerning the protection of young persons were adopted in Algeria, Barbados, the Central African Republic, Gabon, Hungary, Luxembourg, New Zealand, Norway and the United Kingdom. (Yearbook on Human Rights for 1969.)

200. At its 58th session, held in 1973, the International Labour Conference adopted two new instruments on the minimum age for admission to employment: a Convention (No. 138) and a Recommendation (No. 146). The Convention and Recommendation contain conditions relating to the protection of the health, safety and development of young persons. (E/CN.4/1156/Add.1.)

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

201. In Yugoslavia, Article 191 of the Constitution stipulates that it is the right of every parent to determine freely the number and spacing of his or her children. Costa Rica reports that it has not adopted legislation on this right, although the subject is being openly debated in the country. Egyptian laws, it is reported, do not place any restrictions on the freedom of parents to have children and to practise family planning, though the State provides a special consultation service in this regard. In the German Democratic Republic the Family Code exists which obliges State Authorities to establish Marriage and Family Advisory Centres. (E/CN.4/1155/Add.6, 1, 10 and 14.)

202. In Byelorussia, in the interest of protecting her health, the woman has the right to decide herself whether or not to accept motherhood. In El Salvador parents are entitled to determine freely the number and spacing of their children, and in the Federal Republic of Germany parents are similarly protected in regard to their freedom of choice. In addition, the Federal Government also provides a programme designed to aid the sponsors of advisory services. In Poland, a major role in protecting this right is given to such public organizations as the Society for Family Planning. Furthermore, the State takes special care of families with many children. (E/CN.4/1155 and Add.2, 5 and 3.)

203. In Singapore the control of population is regarded as vital and parents, therefore, are dissuaded from having too many children. In the USSR, the parents themselves determine the number of children and in the interests of her health, the woman has the right to decide whether or not to accept motherhood. (E/CN.4/1155/Add.13 and 6.)

F. The right to education

(1) Right to free primary education

204. UNESCO reports that the Second Consultation of Member States on the Implementation of the Convention and Recommendation against Discrimination in Education was carried out during 1971 and 1972. Thirty-two of the 41 Member States who submitted their report in time are cited by UNESCO as having already instituted de jure free and compulsory primary education. (E/CN.4/1156.)

205. The Constitutions of Bulgaria, Costa Rica, Czechoslovakia, Egypt, El Salvador, Hungary, Iraq, Japan, Kuwait, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics all contain provisions which guarantee this right. In El Salvador, this constitutional principle is implemented by means of the General Education Act, while in Iraq the Interim Constitution also provides for programmes to combat illiteracy. In addition, in Japan, local authorities subsidize the education of handicapped or needy children. In Hungary Law No. 6 of 1969 also delineates the obligations of schools and authorities in regard to the right of free primary education. (E/CN.4/1155 and Add.8, 1, 10, 5, 7, and 6.)

206. Yugoslavia reports similarly that education is compulsory and free at the primary stage. In the German Democratic Republic the Law on the Integrated Socialist Educational System of 1965 also implements the right to free primary education, while in Israel the Compulsory Education (Amendment No. 5) Law of 1969 extends free compulsory education to children aged 5 to 15 years. (E/CN.4/1155 and Add.6 and 14.)

207. In the Netherlands, a Ministerial Order of 30 December 1970 provides a subsidy scheme for children of certain categories, while in Byelorussia similar schemes are reported to exist. In Dahomey, The Government Policy Statement of 30 November 1972 aims at providing a satisfactory solution to the problem of the remuneration of teachers providing primary education in private schools. In Fiji, primary education is free to certain categories of the population, while in the Federal Republic of Germany, the right to free primary education has long been guaranteed by the legislation of the various Länder. (E/CN.4/1155 and Add.13, 2 and 5.)

208. In Madagascar, due to financial limitations, free primary education is not feasible. The State, nevertheless, grants subsidies to private educational institutions. Both Romania and Singapore report that primary education in their countries is free and compulsory, while in the USSR the network of permanently operating free pre-school establishments is reported to embrace 10 million children. (E/CN.4/1155/Add.12, 15, 13 and 6.)

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

209. The Second Periodic Consultation of Member States reported by UNESCO, requested information on means taken to make higher education accessible to all on the basis of individual merit. In this regard UNESCO provides a comprehensive summary of the varying set of replies received. UNESCO reports, for instance, those countries which state that education is accessible to all within their territories, and those which state that education is accessible to all in certain parts of their territories. (E/CN.4/1156.)

210. In Bulgaria, Costa Rica and Yugoslavia constitutional provisions exist providing for this right to equal access to higher education. In the case of Bulgaria, it is reported that a system of scholarship and financing for students of particular talent exists. (E/CN.4/1155/Add.8, 1 and 6.)

211. In Czechoslovakia, the system of free primary education is being extended to the secondary and university level. Pertinent in this regard are Act No. 186/1960, Collection of Laws, and Act No. 69/1958, Collection of Laws. In regard to Finland, particularly relevant is the Student Aid Act, promulgated on 14 December 1972. The Act on School Councils in the secondary school was promulgated on 10 December 1971 and the Decree implementing this Act on 5 May 1972. In the Federal Republic of Germany, the Law on Vocational Education was passed on 14 August 1969, while in Israel, the Youth Labour Law of 1953 as amended in 1972 deals with compulsory study periods for working youths between the ages of 15 and 18. (E/CN.4/1155 and Add.10, 13 and 5.)

212. In Venezuela, the Law on the Universities of 1970 provides far-reaching provisions in regard to the problems of higher education and access thereto. In Poland, higher education is free, it is reported, and in a Decision of the Council of Ministers on 23 March 1973, provision was made for those seeking special leave in order to study. Decision No. 196 of 1970 of the Council of Ministers of Romania provides for the training of employees and the granting of assistance to Romanian citizens studying abroad. The Soviet Union reports the adoption of such decisions by the Government in this regard as the Measures for the Further Improvement of Higher Education in the Country, and the Completing the Transition to Universal Secondary Education of Youth. The Soviet Union further reports as significant the adoption, in the period under review, of the measure Fundamentals of Legislation of the USSR and Union Republics on Public Education. (E/CN.4/1155/Add.6, 3 and 15.)

213. In Japan, institutions of higher education are reported to be undergoing great expansion, while in the Netherlands legislation of 30 December 1970 provides for the 100 per cent subsidization of non-State universities and other institutions offering higher education facilities. The Act of 6 May 1971 also provides for continued education in certain circumstances in the Netherlands, after the termination of the compulsory education period. The Byelorussian SSR reports that access to higher education is on the basis of merit, as does the Arab Republic of Egypt, El Salvador and Fiji. In the German Democratic Republic, full-time studies at universities, colleges and technical schools are free of charge and access to such education is provided strictly on the basis of merit. Such access on the basis of merit to higher education is also reported by Madagascar, Romania and Singapore. (E/CN.4/1155 and Add.7, 13, 2, 10, 14, 12 and 15.)

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

214. UNESCO reports that a question relating to private schools was put to Member States in the Second Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education. The replies received by UNESCO, it is reported, gave detailed particulars relating to the establishment of such institutions, their legal status and the conditions for admission. (E/CN.4/1156.)

215. The Constitutions of Costa Rica and the Federal Republic of Germany make specific provision for the protection of this human right. In Costa Rica, furthermore, the Constitution provides for State inspection of all private educational centres. In the Federal Republic of Germany, during the period under review, the Federal Constitutional Court dealt with the right of parents to choose freely between the various educational systems that the State makes available, and upheld this right. (E/CN.4/1155/Add.1 and 5.)

216. In Czechoslovakia, the Family Act contains provisions protecting the principle that education is secured by parents, State and public organizations in inseparable unity. The Civil Code of El Salvador stipulates that parents have the right to select a future occupation for their child and to direct his education in the manner they think most appropriate. The Arab Republic of Egypt and Fiji also report that parents in these countries may freely exercise their right to choose the kind of education to be given to their children. (E/CN.4/1144 and Add.10.)

217. In Finland, parents have the right to choose the kind of education to be given their children and under the new comprehensive school system parents now have the right to choose courses of varying length. Israel reports that the Compulsory Education (Amendment No. 5) Law of 1969 provides for the continued safeguarding of the right to choose between State education and State religious education. Israel reports an important legal decision in the period under review which involved the transferring of a child from one school to another. The transfer was opposed by the child's parents, yet the Court dismissed the petition and in its decision elucidated the principle that the private interest must reasonably be accommodated with the public good. (E/CN.4/1155 and Add.13.)

218. Kuwait, the Malagasy Republic, Romania and Yugoslavia also report the protection and implementation of this human right. Romania reports that parents are entitled by law to choose whatever occupation and form of training they consider most appropriate for their children, while Yugoslavia states that parents have the right and obligation to see both to the maintenance and education of their children. (E/CN.4/1155 and Add.12, 15 and 6.)

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

219. UNESCO provides details of its varied activities in the period under review concerning the right to take part in cultural life and to enjoy the benefits of scientific progress. It reports that the Intergovernmental Conference on Institutional, Administrative and Financial Aspects of Cultural Policies (Venice, August 1970) stated that if everyone, as an essential part of his dignity, had the right to share in the cultural heritage and cultural activities of the community, it followed that authorities had the duty to provide him with the means for such participation. The Conference recommended that UNESCO seek ways and means of helping member States to ensure the protection of indigenous cultures against harmful external influences, and further recommended that UNESCO encourage studies that would make it possible to advise strategies for cultural action adapted to the needs of individuals and nations. UNESCO's cultural development programme has, since 1971 and 1972, been based on the recommendations of that Conference. And, since 1973, on those of the Intergovernmental Conference on Cultural Policies in Europe (Helsinki, June 1972). (E/CN.4/1156.)

220. With respect to national developments Bulgaria, Costa Rica, Czechoslovakia, the Federal Republic of Germany, Hungary, Iraq, Kuwait, Romania and Yugoslavia report the existence in their Constitutions of relevant provisions. All of these countries report their commitment to the principle of the wide dissemination to all citizens of the fruits of culture and science. (E/CN.4/1155 and Add.8, 1, 10, 5, 15 and 6.)

221. Other reporting countries have adopted a variety of measures to implement this right. In Venezuela, for instance, the Approving Law of the Andres Bello Covenant concerning the Educational, Scientific and Cultural Integration of the countries of

/...

the Andean region was published in May 1970. The Covenant later subscribed to by Bolivia, Chile, Colombia, Ecuador and Peru aims at the cultural integration and harmonious development of the whole Andean region.

222. In Poland a Decision of the Minister of Culture and Arts of 25 November 1972 recognized certain activities as creative, and a Decision of the Council of Ministers of 9 September 1972 provided leave of absence for the purpose of creative activity. In Romania a Decision of 1970 of the Council of Ministers provides regulations necessary for the further development of science and culture on a broad democratic basis. A Decree of 1971 also established a Council of Socialist Culture and Education. Syria reports its Decree No. 103 of 1969 which established institutions for the purpose of disseminating culture as well as agricultural information and techniques to the peasantry. (E/CN.4/1155/Add.6, 3, 15 and 10.)

223. All cultural treasures in the Byelorussian SSR are reported to have become the property of the people and serve their spiritual needs. In Dahomey efforts for the development of popular culture through the organization of mass literacy in the national languages are reported, while in El Salvador all persons are reported to possess complete freedom to take part in cultural life and to enjoy the benefits of scientific progress and its applications. (E/CN.4/1155 and Add.2.)

224. In Finland, in the period under review, one of the objectives of cultural policy has been to guarantee equal rights to all citizens as regards their participation in cultural life. No significant legislative measures are reported in this context by Finland although preparatory work to this end has been undertaken. The German Democratic Republic reports that great attention is given to the improving of cultural facilities for all citizens and provides comprehensive statistics on the number of theatres, cultural centres, etc., available to citizens. In Singapore such measures as the Public Entertainment Act provide for free participation of citizens in cultural activities. The Ukrainian SSR reports that, during the period under review, the development of drama and music, literature and folk art continued in the Ukraine. The Ukrainian SSR provides statistics of the number of State professional theatres, philharmonic societies, museums, libraries and cultural groups which exist within the Republic. In the USSR the State unions of creative writers, composers and artists of all kinds provide the necessary conditions for artists to work fruitfully. In its report the USSR supplies statistics concerning the considerable network of cultural centres, provided free of charge to citizens. (E/CN.4/1155/Add.13, 14, 1 and 6.)

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

225. In Costa Rica, Fiji, Kuwait, the USSR and Yugoslavia constitutional provisions exist to specifically protect this human right. The USSR reports furthermore, that during the period under review, it acceded to the Universal Copyright Convention, and in this connexion made the appropriate changes in its legislation. In 1973, the All Union Agency of Copyright Property was created in the USSR. (E/CN.4/1155 and Add.1 and 6.)

/...

226. Czechoslovakia reports certain developments in the present review period, including the Decree No. 159/1967, Collection of Laws; Notice No. 90/1970, Collection of Laws, as well as the establishment of a programme designed to protect historic monuments. In this context, protection of culture is reported to have been further secured by fifty-seven new notices of the Ministry of Culture concerning the establishment of protected regions, State parks and similar protected places. Czechoslovakia also reports concluding eight international cultural agreements with the Governments of Mexico, the USSR, Romania, Cyprus, Kuwait, Italy and the Netherlands. In the German Democratic Republic, the Copyright Law of September 1965 guarantees comprehensive protection of the rights of authors, of works of literature, art and science. (E/CN.4/1155/Add.10 and 14.)

227. The Federal Republic of Germany reports that its copyright regulations accord with the minimum demands of relevant international instruments such as the Berne Convention. Under the Copyright Law of 9 September 1965 the Federal Republic provides comprehensive legal protection for the authors of works of literature, science and the arts. This protection includes both the intellectual interests of the author in his work and his material interests deriving from the economic value of his work. In Iraq, the Law for the Protection of the Author's Rights, No. 3, of 1971, was similarly promulgated to ensure the protection of this right. The new Copyright Law of 1970 in Japan is reported to be in agreement with the latest international conventions and considerably broadens protection for authors, stage performers and broadcasters. In the Netherlands, the amended Copyright Act of 1972 provides for the protection of certain works, and amendments to this Act are reported to be partially connected with the ratification of the 1948 Brussels text of the Berne Convention. In Singapore, this right is assured by the Public Entertainments Act, the Cinematograph Films Act, the Undesirable Publications Act, and the Printing Presses Act. (E/CN.4/1155/Add.5, 10, 7 and 13):

228. In Poland, the following measures were taken to protect this right: a Decision of the Council of Ministers of 7 January 1972 on press and royalties for literary works and film scripts; the Ordinance of the Minister of Culture and Arts of 24 November 1971 on the establishment of a Committee of Experts to deal with this question. Relevant in regard to Romania is Decree No. 312/1956 concerning copyright questions. El Salvador reports that this right is afforded to all its citizens. In Finland the Council of State appointed a committee to revise legislation in this regard. (E/CN.4/1155 and Add.3, 15 and 13.)

229. Among the many important activities of UNESCO in this regard was the convening of an International Conference of States held at UNESCO headquarters from 5-24 July 5-24 July 1971 to revise the Universal Copyright Convention (UCC) adopted at Geneva in 1952. The purpose of this revision, which was closely co-ordinated with the concurrent revision of the International Convention for the Protection of Literary and Artistic Works (the Berne Convention), was to extend the basic rights, ensuring the authors' economic interests. The revised Universal Convention, initially proposed by the Ad Hoc Preparatory Committee during its second session in Paris in September 1970, was adopted on 24 July 1971. Ten States have ratified or acceded to the revised Convention. The adoption of the Paris and the Berne Conventions revived interest in the development of one or more model laws of copyright in developing countries. Details in this regard are provided by UNESCO in its reply (E/CN.4/1156).

/...

230. UNESCO also mentions the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (The Rome Convention). In this regard, the third session of the Inter-governmental Committee of the Rome Convention approved the idea of the preparation of a draft model law to facilitate the application of the Rome Convention or accession to it. UNESCO refers to a proposed Convention relating to the distribution of programme carrying signals transmitted by satellites as well as to the International Copyright Information Centre on Books which was established to overcome copyright problems in the development context. The Copyright Division of UNESCO constitutes an information centre capable of providing up-to-date information on international covenants and laws in regard to the problems of copyright. (E/CN.4/1156.)

IV. ACTION WITH A VIEW TO ENSURE THAT THE RIGHTS REFERRED TO UNDER CHAPTER 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

231. Information on the situation in ILO member States, in the fields covered by the Discrimination (Employment and Occupation) Convention and Recommendation, 1950 (No. 111), was analysed by the Committee of Experts on the Application of Conventions and Recommendations in a general survey, which was submitted to the International Labour Conference in June 1971. The Survey examines the various types of measures which have been and are to be taken within the framework of national policies designed to eliminate discrimination in employment and occupation within the meaning of the ILO instrument. Furthermore, within the general framework of the ILO's anti-discrimination programme, the Governing Body in November 1972 decided to introduce a new form of practical action, namely, the preparation of special surveys designed to contribute to the evaluation of the facts and the search for solutions in certain national situations. It was understood that such special surveys might be based on criteria such as those laid down in the Discrimination (Employment and Occupation) Convention of 1958. In addition, missions took place in various countries in 1973 which were aimed at the clarification of issues concerning the application and ratification of Convention No. 111. A seminar was also conducted on the question of equality of opportunity in employment. A study on migrant workers was submitted by the Director-General to the Governing Body in November 1972, and articles on the situation in certain countries and selected issues have been published in the International Labour Review. The ILO also reports other measures, such as the production of a poster and a series of radio broadcasts on the eradication of discrimination in employment. Among the booklets produced by the ILO was one entitled The ILO and Apartheid which was in accordance with the Declaration Convening the Policy of Apartheid of the Republic of South Africa, adopted in 1964 by the International Labour Conference. In relation to discrimination against women, the International Labour Conference in 1972 adopted a resolution concerning women workers in which, among other things, the Governing Body was

invited to work out a coherent programme of activities. The ILO reports developments at the national level, designed to promote the elimination of certain forms of discrimination. A number of countries made legislative changes in this regard and the ILO, in its report, provides details of such changes. (E/CN.4/1156/Add.1)

232. A number of countries report provisions in their Constitutions which provide for action of the kind outlined in the heading of this section. Among these are Austria, Poland and Yugoslavia. Poland reports that its social and political system, as well as its Constitution, precludes such discrimination. The Constitution of Yugoslavia similarly protects citizens from discrimination based on race, nationality, sex, language, religion, education or social standing. (E/CN.4/1155/Add.11, 3 and 6.)

233. In the Byelorussian SSR, the entire basis of governmental action is reported to be the providing of opportunities for achieving the complete material well-being of all members of society without discrimination. El Salvador and Finland report action taken in this regard. For instance, in Finland, the access of minority groups to vocational education in their mother tongue has been emphasized. In the Federal Republic of Germany, certain measures were taken to improve the status of foreign workers. Such foreign workers are protected from discrimination although problems remain in regard to their accommodation needs. The Federal Republic reports efforts on its part to solve such problems, for instance, in regard to integration and schooling. (E/CN.4/1155 and Add.2, 13 and 5.)

234. Relevant in regard to Iraq is the Decree of the Revolutionary Command Council, No. 288 of 1970. This Decree deals with, among other things, the recognition of the national rights of the Iraqi Kurds. Decree No. 251 of 1972 deals with the cultural rights of the Syriac-speaking Iraqis. This and similar decrees emphasize the attention the Government of Iraq pays to the rights of its various minorities including the Iraqi Turkish minority. In Kuwait, some difficulties are reported to have been experienced in this regard as a result of the steadily increasing influx of foreign workers. In Madagascar a Decree of 7 October 1970 established a National Committee for the Advancement of Women and the Protection of Children. An Ordinance of 24 March 1973, furthermore, endeavours to ensure for the people control over its own development programmes. (E/CN.4/1155 and Add.10 and 12.)

235. In the Netherlands, discrimination of any kind is prohibited and as an example, is cited the legislation implementing the International Convention on the Elimination of all Forms of Racial Discrimination. A penal code in this regard entered into force in Romania in 1969. Finally, Singapore reports that the main difficulty in this regard, is the lack of trained staff to render effective social services. To overcome this a Training and Research Section was established in the present review period. (E/CN.4/1155/Add.13 and 15.)

V. DIFFICULTIES EXPERIENCED IN ENSURING THE ENJOYMENT OF
THE RIGHTS REFERRED TO UNDER CHAPTER III ABOVE, AND
METHODS AND MEASURES APPLIED TO OVERCOME SUCH DIFFICULTIES

236. The ILO reports that as a result of the operation of its various procedures for supervising the application of Conventions and Recommendations, an important body of information is available relating to difficulties encountered in ensuring the enjoyment of economic and social rights. This body of information includes measures taken to overcome these difficulties. Information can be found, in particular, in the reports of the Committee of Experts on the Application of Conventions and Recommendations, of the Conference Committee on the Application of Conventions and Recommendations, and of the Governing Body Committee on Freedom of Association. Furthermore, the ILO seeks to assist Governments in overcoming difficulties encountered by the use of such measures as the organizing of regional seminars, the use of direct contacts, and the utilization of various forms of action under the World Employment Programme. Surveys are also carried out in the field of equality of opportunity and treatment in employment. The ILO reports that an integral part of its over-all programme is aimed either directly or indirectly at promoting and extending such human rights to increasing numbers of people. (E/CN.4/1156/Add.1.)

237. UNESCO reports, in this context, that for many Governments main difficulties result from a lack of resources.

238. Costa Rica reports no insuperable difficulties in this regard and states that labour disputes in Costa Rica are solved by negotiation and mediation. (E/CN.4/1155/Add.1.)

239. Dahomey reports that its difficulties are those customary in many developing countries, namely, shortage of financial, technical and qualified human resources. No difficulties are reported to have been encountered by El Salvador in this context, while Madagascar reports difficulties of essentially financial nature. Poland states under this heading that its legislative and administrative provisions aimed at facilitating the realization of economic, social and cultural rights and overcoming difficulties. Yugoslavia reports that, despite considerable success in implementing human rights in Yugoslavia, some difficulties have arisen. The question of providing free primary education for all and the question of protecting the environment presented some problems. Yugoslavia further reports difficulties concerning under-developed regions as well as problems arising out of the processes of accelerated industrialization and urbanization. (E/CN.4/1155 and Add.1, 12, 3 and 6.)
