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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Italy, Poland* and United States of America: revised draft resolution

1996/... Question of basic workers' rights

The Commission on Human Rights,

Recalling that the Philadelphia Declaration of the General Conference of the International Labour Organization of May 1944, inter alia, reaffirms fundamental and universal tenets, including the freedom of expression and association, the right of collective bargaining, the principle of non-discrimination and adequate protection for the life and health of workers,

Recalling also that in the Copenhagen Declaration and Programme of Action, the World Summit for Social Development, held in Copenhagen in March 1995, called for commitment to safeguard the basic rights and interests of workers by promoting respect for the prohibition of forced and child labour, the freedom of association, the right to organize and bargain

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

collectively, and the principle of non-discrimination as the means of achieving the goal of full employment, a basic priority of economic and social policies,

Recalling further that in its Platform for Action the Fourth World Conference on Women, held in Beijing in September 1995, called on Governments to promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources, to facilitate women's equal access to resources, employment, markets and trade, and to eliminate occupational segregation and all forms of employment discrimination,

Noting that the World Conference on Human Rights supported all measures by the United Nations and its relevant specialized agencies to ensure the effective promotion and protection of workers' rights, and called on all States to abide fully by their obligations in this regard contained in international instruments,

Recalling that the Universal Declaration of Human Rights proclaims that everyone, without discrimination, has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, as well as the right to form and to join trade unions for the protection of his interests,

Recalling also its resolutions 1990/16 of 23 February 1990, 1992/12 of 21 February 1992 and 1994/63 of 4 March 1994, in which it expressed deep concern that in many countries persons exercising their basic workers' and trade union rights were subject to serious violations of their fundamental human rights, including their right to life, and appealed to States to ensure the conditions for the free and full exercise of those basic workers' and trade union rights,

Regretting that serious violations of basic workers' and trade union rights have continued since then in many countries, in some of which the said rights have not been, as of today, legally recognized,

1. Appeals to States to ensure that conditions are such that all persons under their jurisdiction can exercise their rights of freedom of association, to organize and join free and independent trade unions, and to bargain collectively, within the framework of national legislation that is consistent with the principles of the Universal Declaration of Human Rights and International Labour Organization conventions;

2. Calls upon States to consider taking the necessary initiatives to secure, if need be, that the right to work is recognized by their national/federal legislation as a human right and to take all possible steps to secure in practice the realization of that right;

3. Calls upon States that have not yet done so to take the legislative and administrative steps to promote and protect the rights of workers, eliminate forced child labour, eradicate exploitation of child labour and address the issue of child labour through education, social support and alternative income generating activities;

4. Calls upon the international community and States Members of the United Nations to assist and cooperate with countries which have undertaken programmes to promote and protect the rights of workers and the elimination of child labour;

5. Urges States to remove all forms of discrimination in the workplace and to develop provisions for healthy and safe workplaces;

6. Invites States to involve representative trade union organizations in the process of popular participation and as part of the consultative process for formulating government policy that affects their economic and social interests;

7. Invites States to promote the spirit of International Labour Organization tripartitism in the formulation and implementation of government policy, in particular labour issues;

8. Requests all States periodically to examine the possibility of ratifying the international labour covenants adopted by the International Labour Organization, inter alia in the fields of trade union freedom of association, length of the workday, labour safety and hygiene, and social security.
