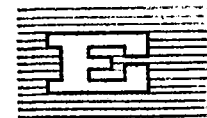


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/1215/Add.2
21 April 1976
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-third session

PERIODIC REPORTS ON HUMAN RIGHTS

Reports on freedom of information, for the period
1 July 1970-30 June 1975, received from specialized
agencies under Economic and Social Council
resolution 1074 C (XXXIX)

| | <u>Page</u> |
|---|-------------|
| International Labour Organisation | 2 |

INTERNATIONAL LABOUR ORGANISATION

[9 April 1976]

[Original: English]

During the period under review, the following developments of significance to freedom of information occurred, which would appear to fall mostly under item V of the Outline of Headings for the report (Action with a view to ensure that freedom of information and access to information is enjoyed by increasing numbers of the population and without distinction of any kind, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth or other status).

Freedom of information and apartheid

1. With reference to the Declaration concerning the Policy of Apartheid of the Republic of South Africa and the ILO Programme for the Elimination of Apartheid in Labour Matters in the Republic of South Africa, both adopted by the International Labour Conference in 1964, and to the special reports on the application of the Declaration submitted annually to the Conference, the latter adopted, on 22 June 1971, a resolution concerning "Apartheid" and the contribution of the ILO to the International Year for Action to Combat Racism and Racial Discrimination. The resolution called, inter alia, for the widest dissemination by the ILO in all countries, including countries and territories under a colonial régime or foreign domination in any form, of information on the evil consequences of the apartheid system in the social and labour field, in particular by giving the largest distribution among employers and workers to the special reports on the application of the Declaration concerning the Policy of Apartheid. The action taken pursuant to this resolution since its adoption has included the printing and distribution of certain ILO publications concerning discrimination and Apartheid in several languages, including Afrikaans, Swahili, Zulu and Arabic.

Freedom of information in relation to the exercise of trade union rights

2. In various cases of complaints of alleged violation of trade union rights in several countries the ILO Governing Body, on the recommendation of the Committee on Freedom of Association, drew to the attention of the governments concerned that the infringement of fundamental human rights can affect the free exercise of trade union rights. It emphasized, for instance, that the right to express opinions through the press or otherwise is one of the essential elements of trade union rights, and that the full exercise of trade union rights calls for a free flow of information, opinions and ideas, and that to this end workers, employers and their organizations should enjoy freedom of opinion and expression at their meetings, in their publications, and in the course of other trade union activities.

3. The vital importance of freedom of information in the trade union field was emphasized once again in the Report of the Fact-Finding and Conciliation Commission on Freedom of Association which had been appointed by the Governing Body to examine complaints on the infringement of trade union rights in Chile. The Commission pointed out that the implementation of the recommendations made in the Report would not suffice to ensure the free exercise of trade union rights. In this connexion, it stated that "Many trade unionists will continue to be pursued by a feeling of constraint, and even of fear, until they are assured that there will be respect for the human rights which are essential to the normal pursuit of trade union activities,

and in particular the right to freedom and personal safety, ... and freedom of opinion and expression". When the Governing Body considered the Report at its 196th Session (May 1975), it included in its decisions on the matter a request to the Government of Chile to take the necessary measures for widest distribution of the Report in Chile. At its 60th Session (1975) the International Labour Conference adopted a resolution concerning human and trade union rights in Chile in which it urged the authorities to implement as early as possible the recommendations of the Commission with respect to human and trade union rights.

Freedom of information and the abolition of forced labour

4. As indicated in the previous report, the question of freedom of information also fails to be considered by ILO supervisory bodies in connexion with the Abolition of Forced Labour Convention, 1957 (No. 105), Article 1(a) of which prohibits forced or compulsory labour

"as a means of political coercion or education or as punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system".

Since this prohibition applies to any form of forced or compulsory labour, including penal labour, the supervisory bodies have made comments on a variety of penal provisions in the national legislation of many States having ratified the Convention, where it has appeared that such provisions (concerning, for instance, limitations on the press or other publications, freedom of speech, etc.) were incompatible with Article 1(a) of the Convention or might be applied in a manner contrary thereto. In several cases, the ILO Committee of Experts on the Application of Conventions and Recommendations took note with satisfaction that the relevant provisions had been repealed or amended as a result of such comments.

Provisions concerning information in ILO standards

5. As a number of earlier ILO instruments, certain Conventions and Recommendations adopted by the International Labour Conference during the period under consideration contain provisions concerning the provision of relevant information, by national authorities, to the segments concerned of the population, especially workers and employers.

6. Article 3 of the Human Resources Development Convention, 1975 (No. 142), adopted by the Conference on 23 June 1975, provides that each Member shall gradually extend its system of vocational guidance, including continuing employment information, with a view to ensuring that comprehensive information and the broadest possible guidance are available to all children, young persons and adults, including appropriate programmes for all handicapped and disabled persons. The accompanying Human Resources Recommendation, 1975 (No. 150), also adopted on 23 June 1975, lays down that the information to be provided includes information on occupations, employment opportunities, trends and objectives in development and the implications of social, technical and economic change for particular fields of work. With reference to the needs of particular categories of workers, it lays down, for example, that members of linguistic and other minority groups should be provided with vocational guidance which would inform them in their own language or in a language with which they are familiar, of prevailing conditions and requirements in employment, of the rights and obligations of all concerned and of assistance available for solving their particular problems.

7. Article 10 of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), adopted by the International Labour Conference on 24 June 1975, provides that each Member for which the Convention is in force undertakes to declare and pursue a national policy designed to promote and to guarantee equality of opportunity and treatment in respect of, inter alia, individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory. The accompanying Migrant Workers Recommendation, 1975 (No. 151), also adopted by the Conference on 24 June 1975, lays down in paragraph 7(1)(a) that in order to enable migrant workers and their families to take full advantage of their rights and opportunities in employment and occupation, the necessary measures should be taken to inform them, as far as possible in their mother tongue, or in a language with which they are familiar, of their rights under national law and practice as regards various social services, conditions of employment, trade union rights, etc.

8. The Rural Workers' Organizations Recommendation, 1975 (No. 149) adopted by the Conference on 23 June 1975, refers to certain measures which should be taken to promote general understanding of the contribution which can be made by rural workers' organizations to economic and social development. In this connexion, it calls for mass information and education campaigns, especially with a view to giving rural workers full and practical information on their rights.