



Economic and Social Council

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APR 30 1984

Distr.
GENERAL

E/1984/WG.1/SR.11
27 April 1984

ORIGINAL: ENGLISH

UN/SA COLLECTION

First regular session, 1984

SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON
THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 11TH MEETING

Held at Headquarters, New York
on Tuesday, 24 April 1984, at 10.30 a.m.

Chairman: Mr. BENDIX (Denmark)

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Consideration of reports submitted in accordance with Council resolution 1988 (LX)
by States parties to the Covenant concerning rights covered by articles 6 to 9
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The meeting was called to order at 11 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (IX)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 6 to 9
(continued)

Report of Peru (E/1984/6/Add.5)

1. At the invitation of the Chairman, Mr. Rivera (Peru) took a place at the table.
2. Mr. RIVERA (Peru) said that under the Constitution, the State was responsible for attempting to establish economic and social conditions which would eliminate poverty and enable all citizens to find a useful occupation; work was the right and duty of all individuals and the basis for national prosperity; and workers were guaranteed healthy and sanitary work conditions.
3. The State encouraged cultural advancement, vocational training and technical specialization for workers in order to improve productivity and contribute to the country's development. It devoted its best efforts to increasing the number of people employed, improving workers' real income and extending social-security coverage. The Constitution established a minimum wage level, and the Government sought to maintain wages in real terms. In order to offset the adverse effects on the purchasing power of workers of the international economic crisis and domestic difficulties, periodic adjustments and collective bargaining had been instituted. Various studies which illuminated the factors affecting the participation of women in the industrial and services sectors had been carried out in co-operation with UNICEF.
4. Technical and financial assistance had been provided in various underprivileged areas of Lima for the purpose of organizing production and services units to improve working conditions and the standard of living. Projects had been drawn up to re-equip vocational training centres, especially in the provinces, and a mobile unit was available to meet the needs of the population in isolated areas. International technical co-operation was playing an important role in those efforts.
5. Labour legislation was constantly being revised to make the system more flexible. The average time needed to process complaints had been reduced from 16 months to six, and it was hoped that it could be further reduced to three. The Ministry of Labour promoted vocational guidance and placement of workers: from August 1981 to June 1982 jobs had been found for over 2,000 workers and approximately 24,000 applications had been processed. The Government was especially concerned with the migration of the labour force, and sought to achieve an appropriate distribution of economic activities in order to mitigate regional imbalances, direct migratory flows towards new settlements and make better use of human and natural resources.
6. The Ministry of Labour and Social Development had been reorganized in 1981 to make it more attentive to the needs of the Indian and aboriginal populations. The Ministry also promoted the integration of the co-operative movement and to that end had granted autonomy to the National Co-operative Institute.

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(Mr. Rivera, Peru)

7. Since the social-security system was affected by such factors as economic development, population growth and rapid urbanization, the Government made periodic adjustments in many fields. The Government was planning to convert the Peruvian Social Security Institute into an autonomous and decentralized body and improve its financial structure.
8. In short, the Government was using all the means at its disposal to overcome the considerable difficulties caused by the international economic situation and domestic inflation so that it could comply fully with the provisions of the Constitution and the Covenant relating to labour and social security.
9. Mr. IYAMA (Japan) pointed out that the annexes referred to in the report were not readily available and that the Government of Peru should keep that in mind when preparing its next report. He asked how many people had benefited from the programmes run by the Employment Service (para. 4) and requested clarification of the term "psychological testing" (para. 4 (b)). With regard to article 6 of the Covenant, he asked how the right to work was guaranteed to the indigenous population. He would also welcome further details concerning Supreme Decree No. 017, which regulated the right of workers in the private sector to strike (para. 14).
10. Mr. JATIVA (Ecuador) asked how long workers had had the right to job security mentioned in paragraph 2 and how far into the future it was guaranteed by Peruvian legislation. Referring to paragraph 7, he asked about the composition of the National Commission on the Minimum Living Wage and how it defended workers' rights. He would also welcome information on the principal trade unions and their affiliation with international trade-union organizations.
11. Mr. TEXIER (France) said that, when the authors of reports annexed statistical tables or legislative texts, they should also summarize that information in the report itself. He requested additional information on protection against arbitrary dismissal, penalties for such dismissal, and the grounds for rescinding contracts of employment (para. 2). He inquired about the functions of the Special Commissions set up to deal with various social and labour issues and how they interacted with labour and management (para. 3).
12. He welcomed the establishment of the National Commission on the Minimum Living Wage (para. 7) and asked what the minimum wage had been over the past few years and whether it differed from one branch of industry or agriculture to another.
13. It would have been useful if the constitutional texts and decrees mentioned in the section on trade-union rights had been summarized. Did government employees have the right to form trade unions, or were they under special restrictions - and if so, what were those restrictions? He would be interested to hear how the right to strike guaranteed in the Constitution was implemented.
14. The section on the right to social security did not give a clear picture of the situation, for it merely referred to legislative texts without going into detail about their content.

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15. Mr. KORDS (German Democratic Republic) said it would be useful if, in his reply, the representative of Peru could furnish more information about how the rights set out in articles 6 to 9 were exercised. He asked what the current minimum wage was and how that compared with previous years. He would also appreciate an explanation of why and how the nation was divided into economic regions with wages set for each region on the basis of the cost of living (para. 8). He requested more information on the background and prospective role of the National Co-operative Institute mentioned in the introductory statement.

16. Mr. HAMIDA (Tunisia) requested clarification regarding the composition and powers of the Special Commissions mentioned in paragraph 3. Did they deal with economic activities in general or with specific sectors? Referring to paragraph 5, he asked how many rehabilitation centres were currently operating in the country and in what sectors handicapped persons who had been rehabilitated were employed. Having noted from paragraph 7 that the Ministry of Labour could request the National Commission on the Minimum Living Wage to fix a new minimum wage when it considered that there had been substantial changes in the factors on which it was based, he asked whether the National Commission itself could take that initiative. With regard to trade-union rights, he requested further information on how the right to strike was exercised in both the public and private sectors.

17. Mrs. JIMENEZ BUTRAGUEÑO (Spain) said that she would appreciate further details concerning social-security benefits paid; in particular, she wished to know whether unemployment insurance existed and what the percentage of unemployment was. Given the difficulty in consulting the annexes to the report, she would welcome further details concerning the labour market, including information concerning the employment of women. She hoped that more statistics would be provided in future reports.

18. The CHAIRMAN, speaking as the expert from Denmark, said he agreed that the report of Peru (E/1984/6/Add.5) was too brief and that it was difficult to assess that country's efforts to implement the Covenant, since the statistical data had to be consulted separately. The Working Group should consider the general question of the length of reports and statistical data submitted by States parties.

19. With regard to paragraph 1 of the report, he noticed that no reference was made, in the allusion to article 42 of the Constitution, to guarantees against discrimination on grounds of creed or ethnic origin. He would welcome more information concerning the working conditions of ethnic minorities. He would also appreciate receiving statistical data on the subjects enumerated in paragraph 6 of the report. Noting that paragraph 9 stated that the annex to the report referred to statistics concerning the city of Lima, he wished to know whether all the statistical data in the annex referred primarily to that city, or whether figures were provided for the rest of the country as well. He inquired whether the Employment Service referred to in paragraph 3 was a central body, or whether it also had regional offices.

20. He hoped that further details would be provided to permit a more complete assessment of the situation in Peru and that future reports would be more thorough.

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21. Mr. RIVERA (Peru) said that his delegation would do its utmost to provide the information requested and that his Government would keep the Working Group's remarks in mind when preparing future reports.

22. Mr. Rivera (Peru) withdrew.

Report of Chile (E/1984/7/Add.1)

23. At the invitation of the Chairman, Mr. Suárez (Chile) took a place at the table.

24. Mr. SUAREZ (Chile), introducing his Government's second periodic report concerning the implementation of articles 6 to 9 of the Covenant (E/1984/7/Add.1), said, with regard to labour legislation and individual rights, that legislation which had been in effect in Chile for the past few years had eliminated the traditional distinction between salaried employees and wage-earners, a distinction which had resulted in discrimination against the latter in many areas. There now existed only a single legal status for "workers" and the new legislation introduced measures to ensure their protection. The Constitution and legislation of Chile clearly affirmed the right to work and the freedom of all persons to choose whatever legitimate form of employment they wished.

25. With regard to trade-union organizations (para. 14 of the report), legislation adopted in 1979 guaranteed all workers the right to establish or join any trade-union organization. There were at present 4,401 trade-union organizations in Chile and approximately 120 trade union federations and confederations. Workers had the right to engage in collective bargaining and to strike. In the past few years, collective bargaining had been undertaken in 7,216 cases, and workers had resorted to strikes in about 300 of those cases.

26. On the question of vocational training, he pointed out that the National Training and Employment Service administered a programme of vocational-training fellowships and supervised vocational-training schemes run by undertakings, which were allowed a tax deduction to offset training costs incurred in respect of their workers. Approximately 500,000 workers had been trained in recent years under those two types of programmes.

27. With regard to social security, there now existed a more equitable, uniform insurance system which allowed a more direct link between a worker's contributions over the years and the benefits he ultimately received. Pensions were payable to women when they reached 60 years of age and to men when they reached 65 years. Individuals who, owing to periods of unemployment, for example, had not made the minimum payments into the pension scheme were nevertheless guaranteed a minimum pension by the Government.

28. The report of his Government and the annexes which it had submitted provided a fuller picture of the situation in Chile. He would endeavour to answer questions raised to the fullest extent possible.

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29. Mr. KORDS (German Democratic Republic) said that the report of Chile should be considered in the light of other information available to the Working Group. The report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Chile (A/38/385) had proved that human rights continued to be systematically violated in Chile. Ten years after the coup d'état and the assassination of President Salvador Allende, a broad popular movement had come into being and was fighting for a return to democracy and freedom. The Government of Chile replied with brutal repression. Members would recall that the Chilean Government had violently suppressed the protests organized by opponents of the régime, in particular trade unions, in May 1983. By enforcing a state of emergency, the régime made every effort to continue its military rule. Trade unions were the main targets of the régime, which imprisoned union leaders and brutally repressed demonstrations and strikes.

30. In 1981, when Chile had submitted a report to the Working Group, his country had rejected it on the grounds that it in no way reflected the real situation in Chile, and had demanded that information which actually reflected the situation should be given to the Working Group. The report now before the Working Group was another attempt to mislead public opinion by creating a picture of social peace and justice. He could not accept the Chilean report.

31. Mr. TEXIER (France) said that anyone who had not been aware of the situation in Chile and had read the report of that country would have believed that it was a country of peace in which human rights were not being daily violated. The United Nations Commission on Human Rights had only recently again urged Chile to respect human rights, including the trade-union rights provided for under the Covenant. In addition, the General Assembly had, by an overwhelming majority, requested the Chilean authorities to respect those rights.

32. The report made no mention of the right to work or the right to pensions, and it was also silent on the violation of trade-union rights. In Chile, trade-union leaders were constantly being arrested and tortured. One needed only to walk in the suburbs of Santiago to see members of the middle class being forced to sell small items and to beg because they could not find work. The same situation obtained in the villages and poor areas around Santiago, where people attempted to eke out a living as a result of the 60 to 70-per-cent unemployment rate.

33. He wished to know what efforts were being taken by the Chilean authorities to ensure genuine trade-union rights, including the right to strike. As a result of the denial of those rights, tens of thousands of Chileans had demonstrated in the streets, and the demonstrations had been brutally repressed.

34. Fortunately, the Working Group had access to reports from the international press and the records of the Commission on Human Rights and the General Assembly, so that it knew the real situation in that country. He therefore wondered whether it was worthwhile asking questions of the representative of Chile.

35. In December 1983, a minimum work programme set up earlier by the Government to combat large-scale unemployment and economic decline had been abruptly terminated,

(Mr. Texier, France)

with the result that people existing at the subsistence level had been plunged into abject poverty. It would therefore be laughable to ask about the right to strike of people who had no jobs. He believed that the representative of Chile should be asked to provide detailed information about the real situation in that country.

36. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that, like other members of the Working Group, he was deeply disturbed about the real situation in Chile and by the fact that the report and the statement by the representative of that country did not truly reflect the situation there. On the contrary, it was designed to hide or embellish it. Recent information showed that human rights continued to be grossly violated in that country. The General Assembly had called on Chile to restore and protect human rights in that country. The statement by the representative of Chile could in no way be regarded as a reply to the General Assembly and the Commission on Human Rights. The Chilean authorities were attempting to cover up a situation in which a third of the population was out of work.

37. He wished to ask the representative of Chile about the situation of women, unemployed persons, the homeless and families in which the major bread-winner had been jailed or killed. The Working Group could hardly discuss trade-union freedom in Chile when union leaders had been jailed and tortured. Accordingly, he condemned the situation in that country. The Working Group had the moral duty to reject the report of Chile and the statement by its representative and to call on the Chilean Government to restore democratic rights and freedoms.

38. In Chile, mass round-ups, arbitrary arrests and enforced disappearances were continuing. Under those circumstances, there was no point in continuing the polemics within the Working Group.

39. Mr. IYAMA (Japan) said that all countries were equally entitled to have a dialogue with the Working Group. He was impressed by the extensive legislative measures referred to in the report, but they did not give a general picture of the legal framework for the implementation of the Covenant. Specifically, he wished to know what difficulties had been encountered in implementing articles 6 to 9 of the Covenant and hoped that the overdue report under the first reporting cycle would soon be submitted.

The meeting rose at 12.50 p.m.