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PERIODIC REPORTS ON HUMAN RIGHTS

Reports on economic, social and cultural rights,  
 for the period 1 July 1969-30 June 1973, received  
 from Governments under Economic and Social Council  
 resolution 1074 C (XXXIX)

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BARBADOS

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/2 April 1974/

The following is considered relevant to the outline of headings as indicated:

III. A. The right to work

2. (i) The Sugar Workers' (Provident Fund) (Amendment) Act, 1970 (Act 1970-43) repeals and substitutes section 14 (3) and (8) of the principal Act, Act 1968-54, as follows:

"Section 14 (3) - The receipt of or an entitlement to the payment of an old age contributory grant or pension specified in Section 21 (1) (e) of the National Insurance and Social Security Act, 1966 shall not debar any sugar worker to whom this Act applies from obtaining the grant or payment of a retirement pension under this Act or cause the abatement of any such pension.

...

"(8) A funeral grant may be granted or paid under subsection (6) notwithstanding that a funeral grant is payable in respect of the same deceased sugar worker under section 21 (1) (d) of the National Insurance and Social Security Act, 1966."

- (ii) Severance Payments Act, 1971 (Act 1971-24) provides for the making by employers of severance payments to employees who cease to be employed in circumstances amounting to redundancy:

"Section 3 (1) - Where on or after the appointed day an employee who has been continuously employed for the requisite period,

(a) is dismissed by his employer because of redundancy; or

(b) is laid off or kept on short time to the extent specified in section 6 (1) and complies with the requirements of that section; or

(c) is dismissed by his employer because of a natural disaster,

his employer is, subject to the provisions of this Act, liable to pay him a sum calculated in accordance with the First Schedule.

"Section 4 (1) - An employee who immediately before the relevant date is under the age of 16 years or has attained the age of 65 years is not entitled to a severance payment."

/...

- (iii) Severance Payments (Amendment) Act, 1972 (Act 1972-27) amends the Act 1971-24 with respect to seasonal employment and lay-off or short-time.

New subsection (1 A) - "Where an employee is employed in work of a seasonal nature, his employer is liable to pay him a severance payment under subsection (1) only if the event in respect of which that payment is claimed occurs during the course of season."

...

"Subsection (3) - For the purposes of this section an employee shall not be deemed to be employed in work of a seasonal nature if he is normally employed by the same employer outside the season whether in the same or a different capacity so that the total of the periods of his employment with the employer during any year amount to 35 weeks or more."

"Subsections (1) and (2) of section 6 of Act 1971-24 are repealed and substituted as follows:

Section 6 (1) - Where an employee has been laid off or kept on short-time for -

(a) 4 or more consecutive weeks; or

(b) a series of 6 or more weeks (of which not more than 3 were consecutive) within a period of 13 weeks,

then, if the employee within 4 weeks after the relevant date, gives notice in writing to his employer indicating (in whatsoever terms) his intention to claim a severance payment in respect of the lay-off or short-time (in this section and section 7 referred to as 'a notice of intention to claim') the employee is, subject to this section, entitled to a severance payment for being laid off or kept on short-time.

(2) - For the purposes of this part 'the relevant date' in relation to a notice of intention to claim or a right to a severance payment pursuant to such notice means the date on which the last of the 4 or more consecutive weeks referred to in paragraph (a) of subsection (1) or the series of 6 or more weeks referred to in paragraph (b) of that subsection as the case may be, came to an end."

- (iv) Sugar Workers (Guaranteed Employment) Order, 1971, S.I. No. 61 of 1971. Regulation 2 guarantees employment of not less than 40 hours in each period of 7 days for workers employed in the sugar industry on an hourly basis.

/...

Regulation 3 provides: "The minimum employment to be provided during each period of 7 days in each employment period by employers in the sugar industry for sugar workers who are employed on a task work basis and to whom this order applies shall be such as would enable each such worker to earn not less than the minimum earnings of a sugar worker of the same class as set out in the First Schedule to the Act who is employed on an hourly basis."

5. (i) The Wages Regulations (Shop Assistants) Order 1970 - S.I. No. 47 of 1970 became effective 15/3/70 fixing minimum wages for shop assistants as follows:

Male or female 18 years of age and over - \$25.00 per week.

Male or female under 18 years of age - \$20.00 per week.

- (ii) The Wages Regulations (Shop Assistants) Order 1972 - S.I. 108 of 1972 became effective 3/7/72 fixing minimum wages for shop assistants as follows:

Male or female 18 years of age and over - \$36.00 per week.

Male or female under 18 years of age - \$30.00 per week.

6. The Shops Order, 1969 - S.I. 210 of 1969 regulates the hours of employment for shop attendants. Regulations 15 and 16 provide:

"15. (1) The number of hours, excluding intervals for meals, during which employees may remain or be employed in any shop in any one week shall not exceed forty-two.

"(2) No employee shall be employed in any shop on any day for more than four and one-half consecutive hours calculated from the time of commencing duty without an interval for mealtime, nor for more than nine hours in the aggregate excluding intervals for meals.

"(3) In reckoning the number of hours during which any employee remains or is employed in any shop in any week or on any day for the purpose of this paragraph, account shall not be taken of any extended hours during which such employee is employed in accordance with provisions of the Act or of this Order and for which such employee is paid at a special rate of pay.

"16. There shall be kept constantly exhibited in a conspicuous part of the inner portion of each shop in such a manner that it may be readily seen and read by any person in such shop a list duly signed by the proprietor of the names of every employee together with the hours of employment of each such employee."

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

- (i) The National Assistance Act, 1969 (Act 1969-37) makes provision for National Assistance and Old Age Pension to the poor of Barbados.

Section 2. "National Assistance" means relief in any form granted to a person in accordance with the provisions of this Act and of any regulations made thereunder and unless the context otherwise requires includes Old Age Pensions provided for under Part V.

"Old Age Pension" means a non-contributory old age pension payment of which is provided for under section 12.

Section 12. Every person in whose case the conditions laid down by this Act and in any regulations made thereunder for the receipt of an old age pension are fulfilled, shall be entitled to receive such a pension under this Part so long as those conditions continue to be fulfilled and so long as he is not disqualified under this Act or any regulations made thereunder for the receipt of such pension.

Section 13. Every assignment of or charge on and every agreement to assign or charge a pension under this Part shall be void.

Section 16. The receipt of an old age pension under this Part shall not deprive the pensioner of any right or privilege or subject him to any disability.

- (ii) National Assistance Regulations, 1969 - S.I. No. 144 of 1969

Reg. 2. "assistance in kind" means, assistance other than the grant of cash and includes clothing, house repairs, burials, legal aid, food and household furnishings;

"disabled person" means a person who is certified to the satisfaction of the Chief Welfare Officer to be suffering from some mental or physical disability.

Reg. 6. National Assistance may be provided to a person who is in need by reason of his being prevented by some disability from earning a living, or who has no resources to maintain himself and is unable to find work, and shall normally be given to the person who in the opinion of the Welfare Officer is the head of a family and whose needs shall be deemed to include those of his dependants.

Reg. 7. National Assistance may consist of assistance in cash or in kind provided as a matter of necessity. A cash grant may be awarded for any period of from 1 to 26 weeks duration and any such grant may be renewed on the expiration of such period.

Reg. 26 (a) Subject to the provisions of the Act and of these Regulations the conditions for the receipt of an Old Age Pension by any person are that:

- (i) that person must have attained the age of 68 years or in the case of a blind person or a deaf mute, the age of 25;
- (ii) the person shall satisfy the pension authority that for at least 10 years up to the date of the receipt of any sum on account of a person he has been a Commonwealth citizen and that he has been resident in Barbados, if he is a natural born Commonwealth citizen, for an aggregate period of not less than 12 years since attaining the age of 50 years or in the case of a blind person or a deaf mute 20 years, and if he is not a natural born Commonwealth citizen, for an aggregate period of 20 years;
- (iii) the person shall satisfy the pension authorities that his weekly means so calculated under these regulations do not exceed five dollars.

(b) For the purpose of computing residence in Barbados under paragraph (a) (ii):

- (i) any period spent abroad by any person during which that person has maintained or assisted in maintaining any dependant in Barbados;
- (ii) any periods of absence spent in service on board a vessel registered in Barbados by a person who before his absence on that service was living in Barbados; and
- (iii) any periods of temporary absence not exceeding three months in duration at any one time,

shall be counted as periods of residence in this Island.

(c) The condition as to nationality imposed by paragraph (a) (i) shall not be required to be fulfilled in the case of a woman who satisfies the pension authorities that she would, but for her marriage with an alien, have fulfilled this condition.

(d) For the purposes of these Regulations, "blind person" means a person so blind as to be unable to perform any work for which eyesight is essential and "deaf mute" means a person deaf and dumb as to be incapable of effectively receiving and making verbal communication.

Reg. 27. The following persons shall unless the Chief Welfare Officer otherwise directs, be disqualified from receiving or continuing to receive a pension under the Act and these Regulations:

(a) persons who are for the time being in-patients of any hospital except such as are detained therein only for the purpose of undergoing medical or surgical treatment;

(b) persons for the time being in-patients of the Mental Hospital or the Lazaretto;

(c) persons for the time being detained at any prison in pursuance of the order of any court directing him to be imprisoned without the option of a fine or to suffer any greater punishment.

Reg. 37. Subject to the provisions of the Act, every person who satisfied the conditions prescribed in these Regulations shall be entitled to receive three dollars per week or such other portion thereof as together with his weekly means, calculated in accordance with Regulation 30 shall amount to not more than five dollars.

(iii) The National Assistance (Amendment) Regulations, 1970 - S.I. No. 6 of 1970 amends 1969 National Assistance Regulations by substituting seven dollars for five dollars in regulation 26 (a) (iii) and substituting five dollars and seven dollars respectively for three and five dollars in regulation 37.

(iv) The National Insurance and Social Security (Self-employed Persons) Regulations, 1970 - S.I. No. 1 of 1971

Reg. 5. Subject to these Regulations every self-employed person, who -

(a) is aged 16 and over, but not 65 years;

(b) is ordinarily resident in Barbados; and

(c) is gainfully occupied in employment in Barbados,

shall be insured under the Act in respect of the several contingencies in relation to which funeral grant, old age contributory grant of pension, invalidity benefit and survivors' benefit are provided.

(v) The Employment Injury (Benefit) Regulations, 1970 - S.I. No. 7 of 1971

Reg. 2. "benefit" means any benefit under the Act;

"benefit regulations" means the National Insurance and Social Security (Benefit) Regulations, 1967;

"claimant" means a person claiming benefit and includes in relation to the review of an award or decision a beneficiary under the award or affected by the decision;

"the deceased" in relation to death benefit, means the person in respect of whose death the benefit is claimed or payable;

"invalid" means a person incapable of work as a result of a specific disease or bodily or mental disablement which is likely to remain permanent;

"medical examination" includes bacteriological and radiological tests and similar investigations and references to being medically examined shall be construed accordingly;

"pension" means disablement benefit or a death benefit paid in the form of a pension, as the case may require;

"relevant accident", "relevant injury" and "relevant disease" mean respectively, in relation to any benefit, the accident, injury or disease in respect of which that benefit is claimed or payable, and relevant loss of faculty means the loss of physical or mental faculty resulting from the relevant accident, injury or disease;

"maternity benefit", "invalidity benefit", "sickness benefit" and "old age contributory grant of pension" mean respectively sickness benefit, maternity benefit, invalidity benefit and old age contributory grant or pension payable in accordance with section 21 (1) of the Act.

Reg. 3. For the purposes of this Part the expression "injury benefit period" means in relation to any accident, the period of 52 weeks beginning with the day of the accident, or the part of that period for which, under regulation 7 (2), disablement benefit in respect of the relevant accident is not available to the insured person.

Reg. 4 (1) Subject to these regulations an insured person shall be entitled to injury benefit in respect of any day during the injury benefit period on which, as a result of the relevant injury, he is incapable of work.

Reg. 5. Subject to paragraph (2), an insured person who is eligible for injury benefit shall not be entitled to receive such benefit for the first three days of any continuous period of incapacity for work resulting from the injury but only as from the fourth day of such period.



Reg. 6. Subject to regulations 4 and 5, injury benefit shall be paid so long as the incapacity for work as a result of the accident continues, but shall not be paid for longer than 52 weeks from the date on which the relevant accident occurred.

Reg. 7 (1) Subject to paragraph (2), an insured person shall be entitled to disablement benefit if he suffers as the result of the relevant accident from loss of physical or mental faculty such that the extent of the resulting disablement assessed in accordance with regulation 10 amounts to not less than 1 per cent; and for the purposes of that regulation there shall be deemed not to be any relevant loss of faculty when the extent of the resulting disablement, if so assessed, would not amount to 1 per cent.

(2) Disablement benefit shall not be available to an insured person until after the third day of the period of 52 weeks beginning with the day on which the relevant accident occurred nor until after the last day (if any) of that period on which he is incapable of work as a result of the relevant injury.

Reg. 12 (1) Subject to the provisions of this Part, an insured person shall be entitled to the refund of expenses (hereinafter referred to as medical expenses) incurred by him as a result of the relevant accident in respect of the following:

(a) medical, surgical, dental and hospital treatment, skilled nursing services and the supply of medicines;

(b) to supply, fitting, maintenance, repair and renewal of artificial limbs, dentures, spectacles, and other apparatus and appliances;

(c) the cost of travelling for the purposes of obtaining any of the foregoing.

(2) Any medical expenses refunded under this Part shall not exceed the amount of -

(a) the reasonable expenses reasonably incurred by the claimant; and

(b) the expenses of obtaining treatment which is so provided as to secure maximum effectiveness at minimum reasonable cost.

(3) The fees or charges constituting the aforesaid medical expenses shall not be more than would be properly and reasonably charged to the incurred person if he were paying them himself.

(4) The amount of any such fees and charges which may be refunded under this Part in any case shall be determined by the Director.

Reg. 17 (1) A funeral grant shall be payable to the person who has met or is liable to meet the cost of the funeral of the insured person whose death was due to the personal injury caused by accident arising out of and in the course of his employment.

Reg. 18. Subject to this Part, death benefit shall be paid in the case of death due to employment injury to the dependants of the deceased insured person in the following order of priority and for the following periods:

(a) where the deceased was a man, his widow, if she was wholly or mainly maintained by him at the time of death - for life;

(b) where the deceased was a woman, her widower, if at the date of her death -

(i) he was then invalid; and

(ii) he had been wholly or mainly maintained by his wife at the date of her death;

(iii) he had no income from any source whether, by way of pension or otherwise, and any such benefit shall be payable so long as he continues to satisfy the aforesaid conditions as to invalidity and means;

(c) unmarried children, including adopted children, step-children, and illegitimate children of the deceased who, at the date of death of the deceased, were under the age of 16 years and were living with or were wholly or mainly maintained by the deceased at the time of death, and any such benefit shall be payable in respect of a child until he attains his sixteenth birthday.

(vi) The Employment Injury (Prescribed Diseases) Regulations, 1971 - S.I. No. 77 of 1971. These Regulations prescribe the diseases for which employment injury benefit may be claimed.

(vii) The National Insurance and Social Security (Mariners and Airmen Regulations, 1971 - S.I. No. 78 of 1971. These Regulations make special provisions as to benefit in the case of airmen and mariners.

(viii) The National Insurance and Social Security (Benefit) (Amendment) Regulations, 1971 - S.I. No. 82 of 1971. These Regulations amend the 1967 Benefit Regulations.

New reg. 12. Subject to these regulations, maternity benefit shall be granted to a woman for a period starting from a date not earlier than 6 weeks before the expected date of confinement and continuing until the expiration of -

- (a) 12 weeks; or
  - (b) 6 weeks from the date on which confinement occurs; whichever is the later.
- (ix) The National Assistance (Amendment) Regulations, 1973 - S.I. No. 60 of 1973 amends the 1969 National Assistance Regulations.

New section 7 (1) National Assistance may consist of assistance in cash or in kind provided as a matter of necessity.

- (2) A cash grant may be awarded -
    - (a) in the case of a person who -
      - (i) is so blind as to be unable to perform any work for which eyesight is essential, or
      - (ii) is so deaf and dumb as to be incapable of effectively receiving and making verbal communication, for such period as the Chief Welfare Officer determines;
    - (b) in any other case, for any period of from 1 to 26 weeks duration,
- and may be renewed on the expiration of such period.

(3) A cash grant awarded under paragraph (2) shall be payable at the appropriate rate prescribed by regulation 21 (1) and shall not at any one payment exceed an amount equal to 2 weeks grant.

By the new regulation 37 - the weekly rate is increased to \$8.00.

C. The right to an adequate standard of living

4. National Housing Corporation Act 1973 (Act 1973-8). The National Housing Corporation is established by section 4. The functions are set out in section 9.

Section 9. The functions of the Corporation shall be -

(a) to acquire, hold and manage land and other property of any kind whatsoever and sell, let, lease or otherwise dispose of such land or other property on such terms and conditions as the Minister may determine;

(b) to carry out development, building, maintenance, repair, improvement and other operations;

(c) to provide water, gas, electricity, sewage and other services;

(d) to carry on any business or undertaking in or for the purpose of any housing development;

(e) to make advances to persons on such conditions and securities as may be prescribed for any of the following purposes:

(i) acquiring houses and land or constructing houses,

(ii) acquiring buildings to be converted into houses,

(iii) converting into houses buildings already acquired,

(iv) altering, enlarging, repairing or improving houses;

(f) to execute plans for slum clearance and redevelopment;

(g) generally to carry out the provisions of this Act, together with such other functions as may be conferred upon it by the Minister for the purposes of this Act or by any other enactment.

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

3 and 4 - Health Services Act, 1969 (Act 1969-38) makes provision for the promotion and preservation of the health of the inhabitants of Barbados.

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

2 and 3 - Child Care Board Act 1969 (Act 1969-46) makes provision for the establishment of a Child Care Board and provides for the registration of Voluntary Child Care Institutions.

Section 4. The functions of the Board shall be -

(a) to provide and maintain Child Care Institutions for the safe keeping of children in need of care and protection;

(b) to make grants to voluntary organizations or bodies operating Child Care Institutions.

COSTA RICA

/Original: Spanish/  
/6 April 1974/

The Government is sending this report now in order to comply with the request that it should be submitted by 31 April, but reserves the right to amplify it in the near future, for the following reasons:

(a) According to the Constitution of Costa Rica, the President is elected for a four-year term.

(b) At the conclusion of the said period, both the President of the Republic and the Ministers must present detailed reports to the Legislative Assembly on the developments that have occurred in all fields during that period.

(c) The current term, which ends on 8 May next, covers the years on which we are to report, namely, 1971-1974.

(d) We feel that, as the reports in question are the best source of information for complying with the request of the Secretary-General and will so soon be available, we should wait for them in order to amplify and supplement our report.

With the above reservation, therefore, we would report as follows:

I. The general policy of the Costa Rican Government with respect to guaranteeing the recognition and effective protection of economic, social and cultural rights is set forth in the Constitution, as indicated below.

II. Costa Rica is an enthusiastic and active Member of the United Nations and participates in all its plans; it can be stated that all Costa Rican legislation is based on the principles of the Charter of the United Nations and on the resolutions of all its organs.

III. As was said in the introduction, a detailed account of legal measures and legislative enactments will be given later, after the presidential and ministerial reports have been rendered.

A. The right to work

1. Right to free choice of employment:

Article 56 of the Constitution: Work is a right of the individual and an obligation towards society. The State shall endeavour to ensure that everyone has honourable, useful and properly remunerated employment, and that employment shall not result in the establishment of conditions which in any way detract from the freedom or dignity of man or reduce his labour to the status of a mere commodity. The State shall guarantee the right freely to choose employment.

/...

2. Right to just and favourable conditions of work (article 56 of the Constitution).

3. Right to protection against unemployment and underemployment:

Article 72 of the Constitution: Pending the establishment of unemployment insurance, the State shall maintain a permanent technical organization for the welfare of persons unemployed through no fault of their own and shall endeavour to secure their re-employment.

4. Right of everyone who works to just and favourable remuneration ensuring a decent living for himself and his family (article 56 of the Constitution).

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

Article 57 of the Constitution: Every worker shall have the right to a minimum wage, which shall be fixed periodically, for a normal day's work; this wage shall be such as to secure his well-being and an existence worthy of a human person. Wages shall in every case be equal for equal work, on condition of equal efficiency.

All matters relating to the establishment of minimum wages shall be the responsibility of the technical body designated by law.

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

Article 58 of the Constitution: Normal working hours may not exceed eight hours a day and 48 hours a week. Normal night work may not exceed six hours a day and 36 hours a week. Overtime shall be remunerated at a rate of 50 per cent above the contracted wage or salary. These provisions shall not, however, apply to exceptional and special cases which may be established by law.

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

Article 60 of the Constitution: Employers and workers alike may freely constitute associations among themselves for the exclusive purpose of securing and retaining economic, social or occupational advantages.

Aliens may not control, or exercise authority in, such associations.

8. Right to strike:

Article 61 of the Constitution: The right of employers to lock out workers and of workers to strike is recognized, except in the public services described as such by law and in accordance with the regulations established by law, which shall prohibit any act of coercion or violence.

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

Article 73 of the Constitution: Social security for manual and office workers shall be established under a system of compulsory contributions by the State, employers and workers, in order to protect workers against the risks of sickness, invalidity, maternity, old age, death and other contingencies to be determined by law.

The administration and control of social security shall be the responsibility of an independent institution, named the Costa Rican Social Security Fund (Caja Costarricense de Seguro Social).

Social security funds and reserves may not be transferred or used for purposes other than those for which they were constituted.

Insurance against occupational risks shall be the exclusive responsibility of employers and shall be governed by special regulations.

C. The right to an adequate standard of living

1. Right to adequate food:

Article 57 of the Constitution.

Article 64 of the Constitution: The State shall encourage the establishment of co-operatives as a means of providing better living conditions for the workers.

Article 65 of the Constitution: The State shall encourage the construction of low-cost housing and shall institute the family property (patrimonio familiar) for workers.

2. Right to adequate clothing and housing:

Articles 57, 64 and 65 of the Constitution.

3. Right to necessary social services:

Article 73 of the Constitution.

4. Right to a continuous improvement of living conditions:

Article 74 of the Constitution: The rights and benefits referred to in this chapter may not be renounced. The enumeration does not exclude other rights and benefits derived from the Christian principle of social justice and indicated by law; they shall be applicable equally to all participants in the process of production and regulated by social and labour legislation with a view to realizing a permanent policy of national solidarity.

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

Article 89 of the Constitution: The cultural purposes of the Republic include: the protection of natural beauty, the conservation and expansion of the historical and artistic heritage of the nation and the encouragement of private effort to further scientific and artistic progress.

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

Steps taken to achieve:

1. The reduction of the still birth-rate and of infant mortality and for the healthy development of the child:

Article 51 of the Constitution: The family, as the natural unit and the basis of society, is entitled to the special protection of the State. Mothers, children, aged persons and sick persons without means of support shall likewise be entitled to such protection.

Article 55 of the Constitution: The special welfare of mothers and children shall be the responsibility of an independent institution known as the National Children's Board (Patronato Nacional de la Infancia) in co-operation with other State institutions.

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

Article 66 of the Constitution: Every employer shall in his place of employment take the measures necessary for the hygiene and safety of the workers.

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

The Ministry of Health has adopted all the recommendations made by the World Health Organization and maintains constant control over epidemics. An addendum giving details of the progress Costa Rica has made in this field will be submitted in due course.

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

The Ministry of Health is committed - and draws nearer every day - to the goal of providing medical service for all the inhabitants in the various regions of the country, however remote.



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

1. Right of the family to protection and assistance:

Article 51 of the Constitution.

2. Right of mothers to special care and assistance, including the provision of child care facilities adequate to permit women to pursue careers (article 55 of the Constitution).

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

Article 82 of the Constitution: The State shall provide food and clothing for needy pupils in accordance with the law.

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

In fact, no legislation has been adopted on this aspect. The subject is being openly debated in the country, with a view to informing the public. In a country which follows the Roman Catholic Apostolic religion, birth control encounters many natural difficulties. Nevertheless, the Church has offices where advice is dispensed and attempts are made to encourage responsible parenthood. Other social organizations, which recommend preventive measures, operate freely. It can be said that families, influenced by a well-directed information campaign on the need to achieve an economic population balance, do themselves impose some measure of control with regard to family size and responsible parenthood.

F. The right to education

1. Right to free primary education:

Article 78 of the Constitution (first paragraph): Primary instruction shall be compulsory; primary, pre-school and secondary education shall be free of charge, the cost being defrayed by the nation.

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

Article 78 of the Constitution (second paragraph): The State shall enable persons without financial resources to obtain higher education. Scholarships and assistance shall be awarded by the appropriate Ministry, through an organization to be determined by law.

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

Article 79 of the Constitution: Freedom of education is guaranteed. All private educational centres shall nevertheless be subject to State inspection.

Article 83 of the Constitution: The State shall sponsor and organize adult education with a view to combating illiteracy and providing cultural opportunities for persons who wish to improve their intellectual, social and economic condition.

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:

Article 80 of the Constitution: Private initiative in education shall receive State encouragement in the manner prescribed by law.

Article 83 of the Constitution.

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

Article 47 of the Constitution: Every author, inventor, producer or trader shall enjoy the exclusive ownership of his work, invention, trade mark or trade name, for such period as the law prescribes.

Article 48 of the Constitution: Any person who considers that he is unlawfully deprived of his freedom has the right to the remedy of habeas corpus.

This remedy is within the exclusive jurisdiction of the Supreme Court of Justice; it shall be open to the Court to order production of the petitioner, which may not be refused on grounds of due obedience or other excuse.

For the maintenance or the re-establishment of the enjoyment of the other rights embodied in the present Constitution, every person shall in addition enjoy the remedy of amparo, which shall be within the competence of the tribunals determined by law.

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

Our laws protect all Costa Ricans equally, without discrimination of any kind:

Article 33 of the Constitution: All persons are equal before the law and there shall be no discrimination whatsoever which is contrary to human dignity.

This precept has not given rise to broad and specific legislation in accordance with the Convention on the Elimination of All Forms of Racial Discrimination to which Costa Rica is a party. The periodic reports submitted to

the Committee established under the Convention give details of all the laws which guarantee non-discrimination and of the legal penalties for any violations of them. Costa Rica is proud of the fact that it has never practised racial discrimination, that it has legal measures to combat such discrimination if it should occur, and that it co-operates at the international level in the elimination of discrimination in those countries where such practices unfortunately exist.

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

There have actually been no insuperable difficulties, nor any that were resolved by violent and bloody methods. In all labour disputes which reached the strike stage, government agencies, especially those of the Ministry of Labour, have operated to establish dialogue and mediation which, so far, have had beneficial results for the working classes who need protection. We reserve the right to expand on this point also in due course, when the reports of the Ministry of Labour are completed.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

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The basic economic, social and cultural rights of citizens of the Republic are enshrined in the Constitution of the Ukrainian SSR. The Constitution not only proclaims those rights, but ensures that there is a real possibility of their effective exercise through a complete system of economic, political and legal guarantees.

The basis of the economy of the Ukrainian SSR is the socialist economic system and socialist ownership of the instruments and means of production, principles which have been consolidated as a result of the elimination of the capitalist economic system, the replacement of individual ownership of the instruments and means of production and abolition of exploitation of man by man.

Essential elements of the socio-economic reforms in the Ukrainian SSR are the elimination of the exploitation of hired labour and unemployment, the reconstruction of the health services and social security system in the interests of the working masses, and the introduction of universal and compulsory free education. All this, combined with a steady increase in the well-being of the population, ensures opportunities for the all-round spiritual development of the individual. Economic and social problems in the Republic are solved on the basis of the planned development of the national economy. An important role in the solution of social, economic and cultural problems in the Ukrainian SSR is also played by such public organizations as trade unions, the Komsomol and a number of

other workers' organizations. All this provides a reliable basis for, and guarantees of, the economic and social development of the Republic and the enhancement of the material and cultural level of the working people.

The further development of the economy of science and of culture within the context of the scientific and technical revolution and the improvement of the national education, health and social security services in the period under review had as their final goal the enhancement of the material and cultural level of all strata of the working people of the Ukrainian SSR, and particularly of young people, women and persons of pensionable age. This was accompanied by an improvement in legislation and in other institutions for the protection and guaranteeing of human rights.

The practical exercise and further development of the most important economic, social and cultural rights enshrined in the Constitution of the Ukrainian SSR during the period under consideration is illustrated by the following information:

The right to work. In accordance with the Constitution of the Ukrainian SSR, citizens have the right to guaranteed employment and payment for work in accordance with its quantity and quality. The right to work is ensured by the socialist organization of the national economy, its development in accordance with a single State plan, a steady increase in productive forces, and the exclusion of the possibility of economic crises.

The national economy of the Ukraine ensures full employment for all able-bodied members of the population. As in previous years, there was no unemployment. The average number of manual and non-manual workers employed in the national economy of the Republic during the period under review was as follows:

	(in millions)
1969	15.7
1970	16.2
1971	16.6
1972	17.2
1973	17.5

During the period 1969 to 1973, 1,677,000 young specialists with higher and specialized secondary education joined the ranks of those employed in the national economy, as follows:

	(in thousands)
1969	307
1970	326
1971	341
1972	351
1973	352

In all, approximately half of the total population of the Republic was employed in the national economy of the Ukrainian SSR during the above years (apart from persons employed in housework and in private subsidiary agriculture).

The total population of the Republic on 1 January 1974 numbered 48.6 million, compared with 46.8 million on 1 January 1970, representing an increase of 1.8 million.

Material incentives to work were developed during the period under review on the basis of the harmonious combination of the economic interests of the workers at the national, collective and personal levels. Material incentives for workers in the Ukrainian SSR were provided through the introduction of scientifically based forms and amounts of pay, through the widespread use of industrial relations techniques, the employment of collective forms of material incentives, and progressive payment for labour. Moral incentives for workers were also widely used.

The average monthly cash wages for manual and non-manual workers during the period under review is shown in the following table:

<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
(in roubles)				
110.7	115.2	118.6	122	125

With the addition of payments and benefits from the social consumption funds, the average monthly cash wages for manual and non-manual workers during the same period amounted to:

<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
(in roubles)				
150.9	158	162	166	168.5

Through the use of the social consumption funds, the Ukrainian SSR provided free education, medical services, pensions, allowances and other forms of social security and social insurance, paid holidays, student grants and free and subsidized travel to sanatoria and rest-homes, and maintained kindergartens and crèches and other types of social and cultural amenities.

The population received payments and benefits from the social consumption funds as follows:

	(thousand million roubles)
1969	10.9
1970	11.8
1971	12.7
1972	14.0
1973	14.3

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The social consumption funds were of great importance in reducing the differences between the living standards of various family groups. Low-income families and families with a large number of dependants (children and disabled persons) received large payments and benefits from the social consumption funds. In this way, there was a substantial reduction in the differences between the living standards of the various family groups, of urban and rural workers, and of those engaged in intellectual and physical labour.

Special attention was devoted to increasing the minimum wage, as well as the wage and salary rates for middle-income manual and non-manual workers. Thus, in the last three years alone, wages increased in the railway industry and in agriculture. There were increases in the salaries of doctors, teachers and auxiliaries in pre-school institutions. In 1972, student grants were increased by 25 per cent and those for pupils in vocational and technical schools by 50 per cent. It is planned to increase wages in the remaining branches of the national economy in the next few years.

In the Ukrainian SSR, advantage has been taken of scientific and technical progress, together with full employment of the population, to bring about a radical reduction in the work load, shorten the working week, and further limit the use of unskilled labour. The large-scale free specialized and vocational and technical education has guaranteed everyone the free choice of work or profession, due consideration being given to the interests of society. Work has been and is an obligation and a matter of honour for each able-bodied citizen in accordance with the principle of socialism: "From each according to his ability, to each according to his work" (Constitution of the Ukrainian SSR, art. 12).

Considerable attention has been devoted to labour relations in the new Labour Code of the Ukrainian SSR, which came into force on 1 July 1972. The purpose of the new Code is to regulate labour relations for all manual and non-manual workers, to promote the growth of labour productivity, and to increase efficiency in social production and to raise the material and cultural level of living of working people accordingly. In particular, the Code states that the right of every citizen to work is ensured by the socialist organization of the national economy and the steady growth of the productive forces of socialist society.

The Labour Code of the Ukrainian SSR guarantees manual and non-manual workers earnings in proportion to the quantity and quality of labour contributed; the right to leisure and annual paid leave; the right to healthful and safe working conditions; the right to free vocational training and free advanced training; the right to participate in the management of production; and the right to be maintained at State expense under the State social insurance scheme in old age and also in case of illness or loss of ability to work.

The Labour Code prohibits unjustified refusal to give employment and precludes any direct or indirect restriction of rights or the establishment of direct or indirect privileges in the matter of employment on account of sex, race, national origin or attitude towards religion.

Among the basic labour rights of manual and non-manual workers, the Code lays down the right to unite in trade unions and to take part in the management of production through trade unions and other public organizations, etc.

The right to rest and leisure. In the Ukrainian SSR the right to rest and leisure is guaranteed by the Constitution, while the conditions for rest and leisure have been ensured by a reduction of the working day for many categories of workers (to six or seven hours) and of the working week (to five days). In enterprises with arduous working conditions, the working day has been reduced to four hours. The normal working week for all categories of manual and non-manual workers may not exceed 41 hours. For manual and non-manual workers from 16 to 18 years of age, the working week has been reduced to 36 hours, while for those from 15 to 16 years of age, it is 24 hours and for manual and non-manual workers in jobs with harmful working conditions it may not exceed 36 hours. In addition, a reduced working week has been established for teachers, doctors, and other particular categories of workers.

In the period 1969-1973, manual and non-manual workers enjoyed regular annual holidays of not less than 15 working days and from 6 to 36 working days of extra holiday time, depending on the effect of working conditions on the workers' health. Some categories of workers, such as teachers, instructors in higher educational establishments, and scientific workers, enjoy regular holidays lasting approximately 48 working days.

An important role in the organization and exercise of working people's rest and leisure is played by the trade unions, which have an extensive network of sanatoria, rest-homes, clubs and other cultural and educational facilities.

The constantly growing number of stadiums, sports grounds, swimming pools and sports and tourist camps provides the working people with every opportunity to engage in sports.

Particular attention is devoted to rest and leisure for children. Thus, during the summer of 1973 alone, 4.3 million children and young people went to country resorts with children's establishments or spent time at Pioneer and school camps, children's sanatoria or holiday and tourist centres.

#### The right to social security and social insurance

The Constitution of the Ukrainian SSR states that:

"Citizens of the Ukrainian SSR have 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 for manual and non-manual workers at State expense, free medical services for working people, and the provision of a wide network of health resorts for the use of the working people" (article 100).

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During the years 1969-1973, a great deal of work was done in the Republic on the practical provision of pension coverage. Pensions are provided wholly from State and collective-farm funds. Men become eligible for old-age pensions at the age of 60 and women at the age of 55. Manual and non-manual workers employed underground, in hot workshops, or in other jobs with arduous working conditions receive a pension from five to ten years earlier. Additional pension benefits for both old age and length of service are given to women who have had five or more children and have reared them until the age of eight.

The number of persons receiving pensions during the period 1969-1972 was as follows:

<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
(in thousands)				
8,619	8,871	9,021	9,142	-

Expenditure on social measures from the State budget and other sources  
 (excluding capital investment)

	<u>1969</u>	<u>1970</u>	<u>1971</u>
	(in millions of roubles)		
Expenditure on health services and physical culture, free medical care, sanatoria and health resorts, physical education, etc.	1,869	1,883	1,970
Expenditure on social security	3,876	4,300	4,707
Including:			
Pensions	2,975	3,210	3,614
Allowances	834	1,020	1,021

For many years, and particularly during the period under review, the Ukrainian SSR has implemented a policy in respect of pensioners which is designed to ensure a relatively high standard of well-being, comprehensive medical services, and the creation of conditions which will facilitate the process of the psychological adaptation of the individual to his new social position and, what is particularly important, allow him to continue living in his customary circumstances.

In the Republic, social security has been, and is, considered as an integral and essential part of an over-all programme aimed at ensuring a steady rise in the material well-being of the people. Social security has been financed and provided solely from State and collective-farm funds in the form of a fixed percentage of annual income.



The planning, development and improvement of this system has been carried out by the appropriate organs of State power with the involvement of a wide range of the public.

The social security system has been extended to all categories of workers.

In the Ukrainian SSR, there have been annual increases in the expenditure for this purpose as a result both of the rise in the number of citizens receiving social assistance and of the improvement of the material security system. Thus, in 1971, the minimum old-age pension for manual and non-manual workers was increased by 50 per cent and that for collective farm workers by 75 per cent. At the same time, there was a 20 per cent increase in pensions for families who had lost their breadwinner and the conditions under which pensions are calculated for manual and non-manual workers were also made applicable to members of collective farms.

With a view to the further development and expansion of State aid to families in the rearing of children, and particularly of children in large families, a number of measures are provided, including, in particular, the introduction of children's allowances for families whose total per capita income does not exceed 50 roubles per month. The number of days absent allowed to care for sick children without loss of pay has been increased to seven and this period may be further prolonged on the recommendation of a doctor. In 1973, fully-paid maternity leave was introduced for all women workers irrespective of their length of service. A reduced tariff for the use of children's institutions and a reduction in income tax rates in proportion to the number of dependants have been introduced for low-income families in the Republic.

Within the Ukrainian SSR, there is an extensive network of State social security institutions or old people's homes, entry to which is voluntary, which maintain free of charge all persons who are unable for one reason or another to live with their families, or who are single, and require care.

There are approximately 47,000 old and disabled people fully supported by the State social security scheme in 253 residential homes. Great attention is given to the provision of material and social amenities for persons disabled in the Great Patriotic War and for the families of those who were killed and of servicemen. The disabled have at their disposal more than 50,000 motor-cars and motorized invalid carriages, a significant proportion of which have been provided free of charge. Measures are being taken to involve pensioners in socially useful work, and medical services for them are being improved; budgetary allocations for treatment in sanatoria and health resorts are increasing, construction of social security facilities is growing, and the range of prosthetic and orthopaedic assistance is being expanded.

Further development of the social security and social insurance system is planned along the following lines.

- (a) An increase in the level of pensions and allowances;

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(b) Development of measures to attract pensioners to productive and social activities suited to their capacities;

(c) Development of a network of social facilities, including medical institutions;

(d) Development of increased initiative on the part of the local organs of State power and public organizations with a view to expanding services and ensuring wider at-home coverage of all needy persons.

The right to an adequate standard of living. The information given above on the average monthly earnings of manual and non-manual workers and on pensions, as well as on the increase in the amounts of payments and benefits from the social consumption funds bears witness to the steady rise in the well-being of the population in the Ukrainian SSR.

Another factor of considerable importance in raising living standards is the improvement made in housing conditions while maintaining rents which are among the lowest in the world. During 1973 alone, the State, collective farms and members of the population completed 397,000 apartments and individual houses with all services and amenities, with a total floor space of 19.7 million square metres. During the past year, there was an improvement in the living conditions of 1.8 million citizens. Steps were taken during the period 1969-1973 further to improve amenities in towns and villages, and to increase the number of centres, combines and enterprises providing social, cultural and other essential services.

The right to the enjoyment of the highest attainable standard of physical and mental health. In the Ukraine, medical care is provided by the State. Protection of the health of the population is regulated by law. On 15 July 1971, the Supreme Soviet of the Ukrainian SSR approved a new Health Act of the Ukrainian SSR, a primary purpose of which is the protection of the life and health of the population.

The health legislation of the Ukrainian SSR regulates social relations in matters pertaining to the protection of the health of the population in order to ensure the harmonious development of the physical and spiritual strength of citizens, their health, a high level of fitness for work and a long active life; the prevention and reduction of morbidity and further reduction in infirmities; and the removal of factors and conditions which have a harmful effect on the health of citizens. The Act states that the protection of the health of the population is an obligation of all State agencies, enterprises, institutions and organizations.

Medical assistance in the Ukrainian SSR is available to all and is free of charge. An extensive network of hospitals, polyclinics, outpatient clinics, and, in smaller population centres, of midwifery units, has been established within the Republic to provide such assistance.

Considerable success has been achieved within the Republic in the struggle against various diseases and in their prevention. More effective methods of

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diagnosis are constantly being introduced, the production of medicines and medical instruments, apparatus and equipment has been mastered, and new model buildings have been erected for medical institutions. There has been a significant reduction in the infant mortality rate which was 73 per thousand births in 1950, but was only 17 per thousand in 1970. Average life expectancy is now 72 years.

The number of medical specialists and of medical institutions during the period under consideration was as follows:

	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
Number of doctors in all specialties (in thousands)	125.9	131	135.3	139.3
Number of above per 10,000 head of the population	26.7	27.6	28.3	28.9
Number of intermediate-level medical staff (in thousands)	394.0	411.5	425.5	439.1
Number of above per 10,000 head of the population	83.6	86.6	88.9	91.1
Number of hospital beds (in thousands)	494.9	511.0	524.1	537.1
Number of above per 10,000 head of the population	105.0	107.6	109.5	111.4

The Ukrainian SSR provides State protection for mothers and children. Under the labour laws, female labour may not be used for heavy or harmful work. Pregnant women and mothers of children under one year of age may not be employed on night work.

Women, whether manual or non-manual workers, receive paid maternity leave: 56 days preceding and 56 days following the birth of the child. Since 1969, the same benefits have been granted to female members of collective farms. At the end of maternity leave, women may take one year's leave without pay, after which they are guaranteed the right to return to their former place of employment.

Mothers and children are under constant medical observation (which is free, as it is for the entire population). Approximately 5,000 women's and children's clinics, children's polyclinics and out-patient units operate in the Ukraine, and there are approximately 50,000 beds for maternity cases.

The State has assumed a large share of the responsibility for the health and education of the younger generation. In the Ukrainian SSR, there are approximately 3,000 State and collective-farm dairy kitchens for young children. The number of children being looked after in permanent kindergartens and crèches

was 1,574.4 thousand in 1970, 1,663.7 thousand in 1971, 1,748.2 thousand in 1972 and more than 1,800 thousand in 1973. The State bears 80 per cent of the cost of keeping a child in a pre-school institution.

The right to education. The Ukrainian SSR has become a leading Power in contemporary science and culture. The successes achieved in the development of the national education system have played a vitally important role in this process.

The right of citizens of the Ukrainian SSR to education is enshrined in article 101 of the Constitution, which states:

"Citizens of the Ukrainian SSR have the right to education. This right is ensured by universal and compulsory eight-year education; by the broad development of secondary general polytechnic education, of vocational and technical education and specialized secondary and higher education on the basis of the principle of linking instruction with life and production; by the comprehensive development of evening and correspondence courses; by the provision of all types of education free of charge; by a system of State grants; by instruction in schools in the vernacular; and by the organization in factories and State and collective farms of free practical, technical and agronomic training for the workers."

The fact that all types of education are free, the system of State grants, and the benefits available to those participating in evening and correspondence courses ensure that wide segments of the population have a real opportunity to receive higher or specialized secondary education or to obtain a qualification within the vocational and technical instruction system.

Approximately 15 million people are currently involved in the various types of instruction. The number of students during the period under consideration may be broken down as follows:

Type of instruction	<u>Years</u>				
	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
1 General education school	8,500,000	8,500,000	8,400,000	8,400,000	8,400,000
2 Higher educational establishments	804,000	807,000	803,000	803,000	808,000
3 Technical and other specialized secondary educational establishments	790,000	798,000	797,000	792,000	781,000
4 Vocational and technical schools	418,000	448,000	472,000	493,500	513,300
5 Persons undergoing in-service instruction, or following courses, to train for new occupations or to improve their qualifications or receiving other types of education	3,800,000	4,000,000	4,200,000	4,500,000	4,500,000

Number of teachers

(at the beginning of the academic year)

Academic year	(in thousands)
1969/70	474.5
1970/71	475.5
1971/72	478.8
1972/73	483.9

Number of higher and secondary educational establishments

(at the beginning of the academic year)

	<u>1969/70</u>	<u>1970/71</u>	<u>1971/72</u>	<u>1972/73</u>
Number of higher educational establishments	138	138	138	140
Number of specialized secondary educational establishments	757	760	755	747

During this period, a number of decisions were adopted in the Ukrainian SSR in the field of public education, providing, in particular, for the completion of the transition to universal secondary education, the further improvement of the system of vocational and technical and higher education in the Republic, etc.

These decisions were adopted in the light of the objective need to raise the general educational, cultural and technical level of the working people within the context of the scientific and technical revolution. They will foster the further development of the national economy of the Republic and the enhancement, on that basis, of the material level of living of the people.

The right to participate freely in cultural life. During the period under review, the development of drama and music, literature and folk art continued in the Ukraine. There were 72 State professional theatres, 25 philharmonic societies, 903 national, State and trade-union amateur theatres of various types, and more than 220,000 amateur cultural groups, altogether involving approximately 4 million people operating within the Republic.

The working people of the Ukraine had available to them the services of 27,000 public libraries, with a total stock of 298.3 million volumes. Approximately 40 million readers took advantage of these facilities. The

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population of the Ukrainian SSR received many books from the sister republics, and not a few from overseas. They were distributed by more than 3,000 book shops and over 7,000 kiosks in the State and co-operative trade system and by thousands of popular book shops and social activists and book-lovers. Ukrainian books were exported to more than 100 countries. Ukrainian libraries maintained ties with 2,377 libraries in 72 countries.

There were 141 State museums and approximately 2,500 museums organized by the people themselves active in the Republic.

These figures show that in the Ukrainian SSR all cultural treasures have become the property of the people and serve their spiritual and material needs.

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