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*President:* Mr. Juan I. COOKE (Argentina).

*Present:*

The representatives of the following countries: Argentina, Australia, Belgium, China, Cuba, Czechoslovakia, Ecuador, Egypt, France, India, Norway, Pakistan, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Observers from the following countries: Brazil, Chile, Costa Rica, Dominican Republic.

The representative of the following specialized agency: International Labour Organisation.

**Forced labour: reports of the *Ad Hoc* Committee on Forced Labour (E/2153, E/2276, E/2341, E/2431 and Add.1 to 8, E/L.588/Rev.1) (*continued*)**

[Agenda item 14]

GENERAL DEBATE (*continued*)

Mr. NUÑEZ PORTUONDO (Cuba) recalled that the *Ad Hoc* Committee's report on forced labour (E/2431) referred to the existence of forced labour in the Soviet Union and in certain States associated with it. He himself had quoted from further documentation which had come to light since the publication of the report proving the existence of forced labour in those countries. In reply, the Czechoslovak representative had not denied the facts but had made an unwarranted attack on Cuba.

He well understood the Czechoslovak representative's position, which explained the vehemence of his statement. If the representative of Cuba made a blunder, his Government would merely dismiss him from his post, he would return to his country to resume his profession as a lawyer and there would be no further complications. However, if the representative of Czechoslovakia fell out with his Government, he would certainly meet the fate of his predecessors, Mr. Houdek, the permanent representative of his country, who had sought voluntary exile in the United States of America, and Mr. Clementis, who had been shot.

The Czechoslovak representative had alleged that there were 1 million unemployed in Cuba. But, since it could be assumed that each unemployed worker had a number of dependents, the unemployed and their

families would thus total 5 million. The population of Cuba was only 6 million, which left 1 million not unemployed, of whom only some 200,000 would be productive workers. It was clearly ridiculous to suppose that so few workers could have produced the quantities of sugar, tobacco and other commodities produced in Cuba in the course of a year.

4. The statement that work in the sugar industry was available only during the refining season was false. The reference in the Czechoslovak representative's statement to an accusation made at the Vienna congress of the WFTU that people died every day in Cuban concentration camps was fantastic. Not a single one of the hundreds of thousands of tourists who entered Cuba freely every year had ever seen a shred of evidence to support that statement.

5. The allegation that there was a muzzled Press in Cuba was demonstrably false. Periodicals published in Cuba could be bought freely in New York; they criticized the Government in connexion with the forthcoming electoral campaign, yet there was no ban on their publication or circulation. That accusation, like all the others made by the Czechoslovak representative, was totally false.

6. He announced that his Government was inviting the eighteen representatives of the States which were members of the Council to visit Cuba, with all expenses paid, so they could see whether it was true or false that there were concentration camps in that country. He hoped, however, that the Czechoslovak representative would issue a similar invitation so that it could be seen whether it was or was not true that there indeed were concentration camps and forced labour camps in that country.

**Allegations regarding infringements of trade-union rights (E/2498, E/2529 and Add.1, E/2547)**

[Agenda item 13]

7. The PRESIDENT invited the representative of the International Confederation of Free Trade Unions to address the Council.

8. Miss SENDER (International Confederation of Free Trade Unions) stated that the existence of strong and active trade unions made it much harder for any dictatorship to maintain itself in power; all totalitarian States had therefore endeavoured to suppress trade-union movements.

9. The Franco régime in Spain had abolished the trade unions and replaced them by *sindicatos* organized by the régime and controlled from the top downwards, the key personnel being chosen by the chiefs of the Falange party. That structure alone was sufficient to show that such trade unions were entirely subservient to the dictatorship. The right of workers to organize unions had never been restored in Spain and under article 222 of the Spanish penal code the creation of or affiliation with a union was punishable as sedition. Under such a system there could be no

collective bargaining, so that the government had been able to keep wages down, yet had failed to control prices. Spanish workers therefore found it essential to hold more than one job in order to live.

10. The lack of freedom in Spain had obliged the *bona fide* trade unions to operate clandestinely and there had been mass arrests of former labour leaders. An organization of exiled Spanish trade-unionists had revealed that workers had been arrested in February 1954 for assisting political prisoners, and had been tortured in an attempt to gain information. A group of twenty people had recently been tried in Vittoria on a charge of sedition and illegal association in connexion with the alleged leadership of a strike movement in the Basque country in April and May 1951. The Basque Workers Confederation had asserted that the trial had in fact been conducted by the Falange. Some of the accused had been released, but a number had been detained, among them Tomás Centeno, who had been arrested on 15 February 1954 and had died in custody on 20 February. The cause of death had been notified to his brother as internal hæmorrhage, but his body had borne injuries indicative of torture. Other members of the clandestine Spanish General Workers' Union, arrested at the same time as Centeno, were awaiting trial on a charge of distributing pamphlets received from abroad.

11. The free world should demand that Franco release all those imprisoned because of their loyalty to *bona fide* trade unions, as a first step towards the restoration of the right to strike, collective bargaining and the general civil liberties and democratic rights of the Spanish people. No aid should be given to Spain until those liberties were restored.

12. The fact that Spain was not a member of the International Labour Organisation or a Member of the United Nations could be no justification for ignoring such flagrant violations of human rights. Since the same difficulty arose with other countries, not members of ILO but Members of the United Nations, which had not replied to the questionnaire sent to them, the Council should set up a committee, in co-operation with ILO, in order to extend the law of nations to the totalitarian states.

13. The PRESIDENT invited the representative of the International Federation of Christian Trade Unions to address the Council.

14. Mr. THORMANN (International Federation of Christian Trade Unions) said that the right of man to associate freely with his fellowmen was a basic right of society itself, and of lesser societies with a more limited goal. The right to existence of those lesser societies was not conferred by the State, but was a natural right. Consequently, workers had to be free to create trade-union organizations of their choice, since such unions were essential to their welfare and to the welfare of the society of which they formed an important part. It was understood that that right included the right of workers not to join a trade-union organization. His Federation had consistently defended those principles in the International Labour Organisation and the United Nations and had openly denounced the actions of several governments which had replaced free trade unions by government-controlled puppet organizations.

15. Commendable progress had been made since the Second World War with the creation of the special

fact-finding and conciliation procedure established by ILO. However, the agenda item before the Council referred to several countries which were not members of ILO. Allegations of infringements of trade-union rights in such countries could not be transmitted to the Fact-Finding and Conciliation Commission of ILO without the consent of the governments concerned. In such cases the Council was empowered by its resolution 277 (X) to take any appropriate action to safeguard the rights relating to freedom of association involved in the case.

16. In his view, Council action under that resolution had not been as effective as that taken by ILO on complaints submitted to it. Consequently, he wished to draw the Council's attention to a suggestion previously made by his Federation that an *ad hoc* committee of the Council should be set up to examine allegations concerning infringements of trade-union rights in countries not members of ILO and to formulate recommendations for subsequent action by the Council.

17. It should be clearly understood that such examinations should be conducted in the interests of the workers concerned, with the sole aim of re-establishing trade-union rights; they should be divorced from any general political debate. He was well aware that some countries which were not members of ILO were not Members of the United Nations either. Nevertheless, there were legal precedents for the proposed action and there was the overriding consideration that the world conscience, as represented by the United Nations, could not remain indifferent to infringements of fundamental human rights.

18. His organization had repeatedly protested against the systems of trade-unionism in several of the countries specifically mentioned in connexion with the agenda item under discussion. In the case of Spain, his organization had consistently deplored the disappearance of free trade unions and the consequent withdrawal of protection from the workers. It had appealed to the head of the Spanish State, but the appeal had gone unheeded. As late as 30 March 1954, his organization had learned that a group of Basques, several of whom were members of a Christian trade-union organization affiliated with his Federation, but outlawed, together with all other free trade unions, by the Franco régime, had been imprisoned without any specific charge being made. Their sole crime had been membership in a trade-union organization not recognized by the State, and participation in a strike in Vittoria in May 1951.

19. Spain was only one of the countries which were known to infringe trade-union liberties, and none of those countries had replied to the official communication from the United Nations Secretariat. That seemed to indicate that there was an urgent need to establish the machinery to which he had referred.

20. The PRESIDENT invited the representative of the World Federation of Trade Unions to address the Council.

21. Mr. DESSAU (World Federation of Trade Unions) said that, although the question of infringements of trade-union rights was on the Council's agenda, under the existing procedure the Council could only discuss certain violations of trade-union rights in countries not members of ILO.

22. The World Federation of Trade Unions attached great importance to the documents concerning Spain

E/2498) and the Saar (E/2529 and Add.1), although they were unfortunately far from giving the Council an accurate picture of the infringements of trade-union rights since its sixteenth session.

25. The WFTU was in agreement with the conclusions in document E/2498, in which the Council was asked to take the necessary steps to protect the trade-union rights that were being systematically violated in the Saar by the Spanish Government. That document confirmed various facts to which the WFTU had already drawn attention in addenda 18, 21, 30, 34, 41 and 48 to document E/2154 and in addenda 4 and 5 to document E/2333. A further complaint from the WFTU concerning Spain had recently been submitted to the Secretary-General and would be placed before the Council if, as he hoped, the question of trade-union rights was kept on the agenda of the eighteenth session.

26. The Government of the Saar, in its reply (E/2529) to the WFTU complaint, had admitted dissolving the *Industrieverband Bergbau* (Miners' Union), but it had contended that its action had been justified because certain union leaders had engaged in political activity, because the Government had promoted the setting up of a new trade union and because its actions had met with the approval of certain other trade-union organizations. In the view of the WFTU a trade-union organization could not be dissolved except at the freely expressed desire of its members and any dissolution of a trade union by a government was contrary to trade-union rights. Approval by other trade unions and the pretext that trade-union leaders had engaged in political activities did not justify government intervention. If trade-union organizations really wished to ensure better living and working conditions for their members—which was their basic and permanent function—they were not only entitled but obliged to try to influence government policy.

27. Contrary to that principle, ILO and particularly the Committee on Freedom of Association of its Governing Body, rejected most complaints of infringements of trade-union rights submitted to the United Nations and forwarded to ILO, on the grounds that political and not trade-union activities were involved. While the WFTU had no objection to the complaint concerning the Saar being transmitted to ILO, it considered that nothing useful would come of it if ILO

maintained its attitude. In any case, all the parties concerned should be guaranteed a hearing.

26. The Council did not seem to be fully aware of the consequences of resolution 277 (X) and the other resolutions in which it had transferred most of its powers in trade-union matters to ILO, thereby giving ILO virtually exclusive competence in a question which should be dealt with jointly by ILO and the United Nations under the auspices of the Economic and Social Council.

27. International action had not prevented infringements of trade-union rights from multiplying in a number of countries. It was because of that situation that the Third World Trade Union Congress had decided to strengthen the position of workers and of their organizations in that respect and, *inter alia*, to prepare a charter of trade-union rights of workers to determine the objectives to be sought by every country in guaranteeing the free exercise of the right of association. It was regrettable that, whereas the United Nations had achieved so much in repressing discrimination and ensuring the protection of women's rights, for example, it had made little progress in regard to trade-union rights. The WFTU was not alone in holding that view. The existing procedure had been seriously criticized at the Council's fifteenth and sixteenth sessions and at the last two meetings of the Governing Body of the International Labour Office. Certain representatives had pointed out that the negative results of that procedure were undermining the authority of ILO. If the Council did not take steps to improve the procedure, its authority might be similarly shaken.

28. The Council should therefore request the Secretary-General to prepare a study on the actions of the United Nations and ILO on trade-union rights, including a historical survey of the action taken on various complaints of infringements of trade-union rights, including complaints transmitted to ILO, and an analysis of the legislation adopted in the various countries since Council resolution 277 (X). The study should be prepared by the Secretariat of the United Nations in collaboration with the international trade-union organizations with consultative status in category A. The study might lead to more positive action to implement General Assembly resolution 128 (II) and Council resolution 194 (VIII).

The meeting rose at 4.20 p.m.