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THE QUESTION OF HUNGARY Note by the Secretary-General

In accordance with paragraph 6 of article II of the Agreement between the United Nations and the International Labour Organisation,^{1/} and pursuant to a request by the Director-General of the International Labour Office in a letter dated 7 November 1957, the Secretary-General has the honour to distribute to the Members of the General Assembly the text of the following conclusions adopted by the Governing Body of the International Labour Office on 1 November 1957 relating to freedom of association in Hungary. These conclusions are based on recommendations of the Governing Body's Committee on Freedom of Association arising out of its examination of complaints of infringements of trade union rights in Hungary.^{2/}

"The Committee, while noting the ratification by Hungary of the Freedom of Association and Protection of the right to Organise Convention, 1948, recommends the Governing Body:

- (a) To note the endorsement by the General Assembly of the United Nations, by 60 votes to 10, with 10 abstentions, on 14 September 1957, of the findings

1/ Article II, paragraph 6 of said Agreement reads as follows:

"6. Written statements of the Organisation shall be distributed by the Secretariat of the United Nations to all Members of the General Assembly, the Council and its commissions and the Trusteeship Council as appropriate".

- 2/ The text of conclusions adopted by the Governing Body on 22 November 1956 and 6 March 1957 were distributed to Members of the General Assembly in documents A/3390 and A/3571, respectively. The Hungarian Government's observations concerning these documents were distributed to members of the General Assembly in document A/3578.

concerning the trade union situation in Hungary and workers' councils contained in the report of the United Nations Special Committee on the Problem of Hungary;

- (b) To affirm that the principles concerning freedom of association enunciated in the Preamble to the Constitution of the ILO and in the Declaration of Philadelphia and defined in the Conventions relating to freedom of association are not observed in Hungary;
- (c) To draw the attention of the authorities in Hungary to the importance of securing the full application in practice of the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948, in accordance with the solemn obligation undertaken by Hungary and, in particular, of the following principles:
 - (i) Workers shall have the right to establish and join organizations of their own choosing without previous authorization;
 - (ii) Such organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes, and the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof (Art. 3);
 - (iii) Such organizations shall not be liable to be dissolved or suspended by administrative authority (Art. 4);
- (d) To reaffirm the importance which it attaches to the principles:
 - (i) That Governments should not attempt to transform the trade union movement into an instrument for the pursuance of political aims, nor should they attempt to interfere with the normal functions of the trade union movement;
 - (ii) That when trade unionists are accused of political or criminal offences which a Government considers to be outside the scope of their trade union activities, they should be judged promptly by an impartial and independent judicial authority, and that, in such cases, the observance of the guarantee of the non-retroactive application of penal law should be ensured;

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- (iii) That the right to strike is generally regarded as an essential element of the general right of workers and their organizations to defend their economic interests and that, while strikes may be temporarily restricted by law, such restriction should be accompanied by the provision of appropriate impartial and expeditious procedures of conciliation and arbitration;
- (e) To draw the attention of the authorities in Hungary to the request of the International Labour Conference at its 40th Session (1957) that a voluntary report on the position of law and practice in the field of freedom of association in Hungary be communicated in time for examination by the Committee of Experts at its next session;
- (f) To request the Committee of Experts on the Application of Conventions and Recommendations to give special attention to the matter;
- (g) To request the authorities in Hungary to consent to the question of freedom of association in Hungary being referred to the Fact-Finding and Conciliation Commission on Freedom of Association;
- (h) To communicate these conclusions to the General Assembly of the United Nations and to indicate once again to the United Nations the continuing willingness and desire of the International Labour Organisation to participate in any arrangements which might be made in pursuance of the resolutions of the General Assembly to ascertain the facts of the present situation in respect of freedom of association in Hungary."
