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

SUMMARY RECORD OF THE 14th MEETING

Held at Headquarters, New York,  
on Tuesday, 22 April 1980, at 10.30 a.m.

Chairman: Mr. NAGY (Hungary)

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by States Parties concerning rights covered by articles 6 to 9 of the Covenant  
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The meeting was called to order at 11 a.m.

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

Report of the Union of Soviet Socialist Republics (E/1978/8/Add.16)

1. Mr. IVANOV (Union of Soviet Socialist Republics), introducing the report (E/1978/8/Add.16), said that in the time that had elapsed since the International Covenant on Economic, Social and Cultural Rights had come into force, a new Constitution based on the principles formulated by Lenin had been adopted in his country. Millions of people in the Soviet Union had taken part in discussions of the draft prior to its adoption and as a result the new Constitution had the interests of the broad working masses in mind.
2. The Soviet Union had made significant contributions when the Covenant on Economic, Social and Cultural Rights was being drafted and it attached great importance to those rights which were the basis for human rights. It had been the first permanent member of the Security Council to ratify the Covenant. Soviet policy was geared to serving the interests of the workers and Soviet citizens enjoyed full social, economic, political and cultural rights. The socialist system ensured the expansion of such rights and the improvement of living conditions.
3. The right to work was considered a basic human right and unemployment had been completely wiped out. Indeed, it could almost be said that the jobs sought the workers rather than the other way around. Workers also enjoyed the right to free choice of work according to their qualifications, experience and desires.
4. There was an extensive training and retraining system in the country. Enterprises provided the initial training and workers updated their training at the expense of the enterprise. In addition, there was a broad network of productive technical institutes or middle-level schools that provided young people with specific qualifications for work while giving them general education. Education was free at all levels. Improvement of special and general qualifications had long been a standard procedure and all workers were required to enhance their qualifications every five years. According to the law, an individual who enhanced his qualifications without interrupting his work received certain benefits and his work hours were arranged so as to allow him to study. If he did have to interrupt his work his education was paid for and he was paid an established state scholarship. There was another type of training which was possible only in the socialist system, whereby highly qualified workers could volunteer to share their experience and know-how with other less qualified workers in the same workshop so that the latter might become as productive as they were. There were hundreds of thousands of highly qualified workers engaged in such volunteer training and the trade union organizations were encouraging the spread of that procedure.
5. The State was constantly raising the pay given to workers and their real income.

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6. Safe and healthy working conditions were considered of the utmost importance. Quality medical care was provided free of charge by State health care institutions. When a worker had to be hospitalized, not only was he treated free of charge but he also received work benefits during the time he was disabled.

7. With regard to rest, leisure and limitation of working hours, Soviet workers spent their annual leave in rest homes and sanatoriums free of charge. Under the Soviet system a worker could not be compensated for any unused portion of his leave.

8. Special attention was given to the working conditions of women. The principle of equality between men and women was observed. Women had equal access to education and training facilities and had equal working conditions, pay, promotion opportunities and social, political and cultural activities. Women were also being granted additional rights over and above those enjoyed by men.

9. The right to freedom of association was ensured under article 51 of the Constitution. There were over 125 million trade union members in the Soviet Union. The right to establish a trade union was one of the most important civil rights and was unswervingly implemented. Workers participated in management through the trade unions and the latter monitored the compliance of enterprises with labour and health care legislation. The broad trade union rights were due to the fact that there was no antagonistic class system and no exploitation of man by man. The relationship between the trade unions and the enterprises had changed and there was no contradiction between the State and the trade unions. As a result, the right to strike had lost significance and, in fact, during the nation-wide discussions of the new Constitution no one had proposed that that right should be included. However, although the Constitution did not guarantee the right to strike it did not contain any provision prohibiting strikes.

10. It should not, however, be thought that there was never any disagreement between workers and management. Workers could become dissatisfied with the low quality of production, child care facilities or other conditions and, after discussing their grievances at trade union meetings, appropriate decisions were taken. Such decisions were binding on management. Officials and institutions were duty-bound to take the workers' demands into consideration and to inform them of what steps had been taken to meet their demands. The trade unions were free to solve their internal matters.

11. Soviet citizens were entitled to old-age and disability pensions from the State; however, they did not contribute to the funds of such pensions. Men became entitled to an old-age pension at the age of 60 whereas the qualifying age for women was 55. Finally, he noted that improvement of the relations of society was an ongoing process.

12. Mr. DIA (Senegal) congratulated the representative of the Soviet Union on his report and noted that the fact that economic, social and cultural rights had been accepted by the international community was due in large measure to the efforts of the socialist countries.

13. Mr. ERDÖS (Hungary) commended the representative of the Soviet Union on his presentation of his country's report pointing out that in the space of a few decades the Soviet Union had been transformed from a poor feudal country into one of the greatest countries in the world in terms of power and the example it set. He drew attention to some of the main points made in the report, noting, inter alia, that the age at which Soviet citizens became entitled to old-age pensions was among the lowest in the world and that a unique feature of the social security system was that it was funded by enterprises rather than by contributions from the workers.

14. Finally, he asked whether young university graduates in the Soviet Union encountered problems as did their counterparts in many other countries when seeking their first job.

15. Mr. JOHNSON (Ecuador), referring to the statement in the report (E/1978/8/Add.16, p. 6), according to which management could annul a contract of employment on its own initiative only on a limited number of grounds which were enumerated in the law, asked what those grounds were, and whether such annulments had, in fact, occurred.

16. Mr. SALMENPERÄ (Finland) said that it appeared from the report that management was responsible for the protection of labour as well as for the over-all economic management of the enterprise. He wondered what happened when the labour protection measure made it impossible to keep to the plan and whether management was able in such cases to decide that production would have to be reduced. Secondly, he pointed out that it was not clear from the statement that the length of collective farmers' working and leisure time was established by their collective farms (E/1978/8/Add.16, p. 15), precisely how long the working hours and leisure time were.

17. Mr. VOLLERS (Federal Republic of Germany) drew attention to the statement in the report (E/1978/8/Add.16, p. 5) that full employment had been achieved in the Soviet Union and that everyone could freely choose his place of work in accordance with his inclinations, abilities and qualifications. In his own country a certain amount of time often elapsed between the time a person terminated his old employment and the time he started his new job since he first had to find one. The rate of "floating unemployment", as it was called, was sometimes as high as 2 per cent of the total labour force. It was difficult to see how there could be no unemployment in the Soviet Union, if employees were free to terminate their labour contract and seek other employment. He wished to know whether unemployment benefits existed and if not what support there was for unemployed persons.

18. It was clear that some of the new areas being developed in the Soviet Union were less attractive than others owing to certain factors such as climate. In view of the fact that the individual could freely choose his place of work, how did the Soviet Union induce members of the work force to take up employment on new projects in such regions?

19. Noting that in the Soviet Union work was considered not only a right but also a duty, he drew attention to the Government's reference, quoted in the ILO report

(Mr. Vollers, Federal  
Republic of Germany)

(E/1979/33, p. 102), to persons "leading a parasitic way of life". He requested a precise definition of such persons and asked what percentage of the population fell into that category.

20. It was interesting to note that about 4,000 women were directors of industrial enterprises and that more than half the directors of enterprises and establishments in the fields of health, trade, public catering and household services were women (E/1978/8/Add.16, p. 7). He wondered what the ratio of female to male directors of industrial enterprises was. He also requested a breakdown of the nationality of directors of industrial and commercial enterprises and inquired whether access to such positions was in any way linked to party membership.

21. He wished to know how opportunities for cultural and educational improvement were made available to workers, particularly with regard to financing and permission to take time off from work.

22. Turning to the issue of trade unions he asked what role trade unions played in determining wages. He had been impressed to hear that there was no collective bargaining and wondered if trade unions participated in the wage-setting process. Noting the statement in the report that Soviet legislation contained no provisions prohibiting strikes (E/1978/8/Add.16, p. 19) and that there was no longer any need for the workers to have recourse to that method of protecting their rights, he wished to know whether, if there was no collective bargaining and if trade unions were unable to take part in determining wages, there was perhaps no possibility of striking.

23. The system whereby decisions concerning local questions taken by the trade union of a given factory were binding on management would give rise to problems if applied in the Federal Republic of Germany and he wondered whether the representative of the Soviet Union could comment further on that question.

24. He noted from the information given in the ILO report (E/1979/33, p. 104) that, under article 51 of the Constitution of the Soviet Union, citizens of that country had the right to associate in public organizations in accordance with the aims of building communism. He wondered whether trade unions could be formed only within or with the consent of the Communist Party, and whether trade union officials had to maintain any special relationship with the Communist Party.

25. The statement that the organization of trade unions on a production basis grouping all workers in one undertaking in one trade union ensured the unity of the trade union movement (E/1979/33, p. 105) appeared to signify that there could be only one trade union in any one factory. Noting that the ILO Committee of Experts seemed a little uneasy with regard to the link established in the Constitution of the Soviet Union between the Communist Party and workers' organizations (E/1979/33, p. 106), he wished to know how other trade unions could be established and whether such trade unions could be independent of the Communist Party.

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26. With regard to the reference to the rights of members of collective farms to join two existing trade unions (E/1979/33, p. 106), since collective farms were managed by the members of the farms themselves he wondered why trade unions were needed.

27. Lastly, with regard to the social security system, he noted that the ILO Committee of Experts felt that the qualifying conditions and level of benefits in general met ILO minimum standards and, in certain cases exceeded them (E/1979/33, p. 107).

28. Mr. VOICU (Romania) drew attention to the information provided in the report (E/1979/33, p. 8) relating to the right of workers to free vocational training and free advanced training. It well illustrated how the Soviet Union was implementing articles 6 to 9 of the Covenant.

29. Ms. RICO (Spain) observed that, prior to 1976, Spanish trade unions had played a somewhat similar role to that played by unions in the Soviet Union. However, in her country groups of workers had developed spontaneously outside the official trade union system to press for better working conditions or higher wages. She wished to know whether that phenomenon had occurred in the Soviet Union and, if so, how the Soviet Union had dealt with it.

30. Mr. SAMSON (International Labour Organisation), referring to article 6 of the Covenant, said that since the second report of the International Labour Organisation (E/1979/33) had been issued the Soviet Union had ratified further ILO Conventions, including the Human Resources Development Convention, 1975 (No. 142). Also in respect of article 6, the report mentioned certain questions addressed to the Government of the Soviet Union in connexion with application of the Employment Policy Convention, 1964 (No. 122), relating to manpower resources, productivity and developments affecting the placement and free choice of employment of young specialists graduating from universities and specialized secondary schools. It also referred to certain issues raised in connexion with the Forced Labour Convention, 1930 (No. 29), relating to legislation on persons leading a parasitic way of life and to the right of members of collective farms to terminate their membership unilaterally (E/1979/33, p. 102). In March 1980 the ILO Committee of Experts had noted that there had been no further developments in that regard.

31. With regard to article 7 of the Convention, the Committee of Experts had indicated with respect to equal opportunity for promotion that additional information on decisions regarding promotion in employment would be desirable. In that connexion, he drew attention to the Committee's comments in part I, paragraph 18, of the report. With reference to the provisions of article 7 on rest and limitation of hours of work, the Committee had suggested that additional information regarding members of collective farms would be desirable (E/1979/33, p. 104).

32. With reference to article 8 of the Covenant, the Committee of Experts had referred to certain issues relating to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). In connexion with the question

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raised by the representative of the Federal Republic of Germany regarding trade union rights of members of collective farms, article 8, paragraph 1 (a), of the Covenant laid down the right of everyone to form trade unions and to join the trade union of his choice for the promotion and protection of his economic and social interests. The Committee of Experts considered it appropriate for members of collective farms to form or join trade unions since they had such interests to defend. He noted that the Soviet Union had indicated that members of collective farms had indeed been joining the existing trade unions. The questions raised by the ILO Committee of Experts related to the legal rights of members of collective farms to establish their own organizations.

33. A number of questions relating to implementation of Convention No. 87 had been considered by the Committee on Freedom of Association of the ILO Governing Body and the conclusions presented by the Committee in its 197th report had been adopted by the Governing Body. The latter had drawn the Government's attention to the fact that the right of workers to form organizations of their own choosing implied the possibility of forming independent organizations and had noted that the Committee of Experts on the Application of Conventions and Recommendations had considered it desirable that the legislation in force should be amended in order to recognize clearly the right of workers to establish an organization outside the factory, works and local trade union committees.

34. Mr. CHATTERJEE (United Kingdom) said that he wished to reserve his delegation's right to state its position in the plenary meeting.

35. Mr. IVANOV (Union of Soviet Socialist Republics), replying to points raised, said that in a socialist society where there was no exploitation of man by man, it was considered the individual's duty, as well as his right, to work for the benefit of society as a whole. That had been a firm moral principle in the Soviet Union since the inception of the State.

36. The Soviet State, operating on a planned basis, was not faced with the problem of numbers of graduates with inappropriate qualifications. The higher education system was geared to supplying the country's industrial, cultural and State apparatus with the qualified cadres they needed. About 1 million students graduated from higher educational establishments every year and all were found work in keeping with their qualifications and abilities. During their studies students had to choose the direction in which they wished to go after graduation, then, as they completed their courses, they were given information on the number of posts available in each field, the rates of pay for young specialists, the availability of accommodation and so forth, and on that basis they would choose their future employment. There were always more jobs to choose from than there were students. It was in a student's interests to receive a putyovka - an assignment to work in a given enterprise or institution - since the assignment conferred additional rights. For example, the enterprise could not dismiss him for three years. No legislative penalties attached to those who preferred to find work on their own initiative, although such people would not, clearly, be entitled to a putyovka.

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37. On the question raised by the representative of Ecuador, he said that an enterprise was entitled to terminate a work contract with an employee only in certain circumstances laid down by law: when the enterprise was closing down; when the worker was unable to perform the tasks required of him, generally because of ill health; when, without good reason, he failed to carry out his responsibilities (in that case, however, dismissal was permitted only if the enterprise had already taken disciplinary measures against the person concerned), when he was absent from work for more than three months; or when a person who had been doing a job temporarily was replaced by a permanent appointee.

38. Labour protection was governed by a series of strict provisions that were binding on the management of enterprises. The law required that one worker in each enterprise and department should be assigned responsibility for labour protection and for instructing other workers in safety matters.

39. Concerning the question put by the representative of Finland about working hours on collective farms, no one could become a member of a collective farm, or indeed of any co-operative enterprise, without accepting its charter, which provided that working hours and conditions were fixed under the farm's internal rules. Those were approved at a general meeting of the farm workers. The start and end of the working day, holiday entitlements and other such matters were set with due regard for the seasonal nature of agricultural work.

40. In contrast with the system of "floating unemployment" described by the representative of the Federal Republic of Germany, a worker in the Soviet Union wishing to change jobs normally chose his new place of work before leaving his old job; he then gave two weeks' notice, after which the management was obliged to release him. He could opt to rest before taking up his new employment, but would not be paid for that period.

41. In a socialist State of workers, people who chose to live a parasitic way of life could not be morally tolerated; the Soviet State took steps to ensure that people who systematically avoided working were offered some kind of employment. Criminal charges could be pressed, but only after a district executive committee of the Party had offered jobs to the person concerned.

42. There was complete equality between men and women in the Soviet Union: women were appointed to senior posts solely on the basis of their abilities and qualifications. Membership of the Party was not a prerequisite for such an appointment.

43. A minimum wage was established by the State; trade unions were involved with management in setting wage levels in accordance with an established scale of rates for workers in different categories. The unions were mass organizations representing the interests of the workers and had been set up in all enterprises and institutions; it would make no sense to create additional unions for the reasons suggested by the Spanish representative since Soviet legislation guaranteed that working conditions would be the same in all branches of a given industry, wherever they were located. The rights of trade unions were extensive and allowed workers' interests to be fully protected.

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44. The Constitution assigned a leading role to the Communist Party in all spheres of Soviet life: the Party set the trend for the development of the country. It was not, however, divorced from or set above the people, representing rather the avant-garde of Soviet society whose chief concern was the welfare of the people and workers. It did not interfere in union activities. Unions' work was based on charters and on decisions taken at union conferences and mass meetings.

45. Collective farms set up unions of agricultural workers, organized on a regional basis. Those unions successfully protected the interests of agricultural workers in their respective areas.

46. Mr. VOLLERS (Federal Republic of Germany) remarked that the Soviet representative had not supplied complete answers to some of his questions. How, for example, could he explain the fact that people in the Soviet Union chose to work in climatically very difficult regions? What was the legal definition of "parasitism"? How many people lived what was regarded as a "parasitic" life and what exactly were the penalties that could be applied to them? Finally, what proportion of senior managerial posts were held by women?

47. He also asked whether the comment that it would "make no sense" to create additional unions in the USSR implied that such unions could not, in fact, be formed.

48. Mr. IWANJABALA (United Republic of Tanzania) asked whether the existence in the Soviet Union of pharmacies selling medicines to the public was compatible with the claim that all medical treatment in the country was supplied free of charge.

49. Mr. IVANOV (Union of Soviet Socialist Republics) said that, under Soviet legislation, workers in climatically difficult regions received additional benefits such as higher salaries and longer periods of leave.

50. Parasitism was a matter for consideration by the Executive Committee of Peoples' Deputies of the Soviet Union. If a person accused of parasitism was taken to court, the court would decide what penalties to apply.

51. The Soviet authorities were not concerned with the exact proportion of women in senior posts; women occupied positions ranging from the directorships of educational institutions and enterprises right up to the ministerial level.

52. The contradiction seen by the representative of the United Republic of Tanzania was apparent rather than real. Under the Soviet system, all medical assistance and advice given by doctors was free; so, too, was all hospital treatment and all medication supplied in that connexion. For some categories of people, medicaments obtained at pharmacies were also free. For everyone else they were available for a token fee which bore no relation to the actual costs of manufacture and supply.

53. The CHAIRMAN said that the Working Group had concluded its consideration of the report of the Soviet Union.

