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

Reports submitted in accordance with Council resolution 1988 (LX)  
by States Parties to the Covenant concerning rights covered by  
articles 10 to 12

GERMAN DEMOCRATIC REPUBLIC

/16 October 1979/

Pursuant to the rules of procedure of Economic and Social Council resolution 1988 (LX), the German Democratic Republic in its first report, submitted in 1977, furnished information on the implementation of the International Covenant on Economic, Social and Cultural Rights, relating to articles 6 to 9 (E/1978/Add.8 and E/1978/Add.8/Corr.1). The present report continues from there, focusing on the implementation of articles 10 to 12 of the Covenant. In preparing the report the guidelines submitted in a Note of the United Nations Secretary-General have been followed.

Article 10 - Protection of family, mother and child

1. As socialist society develops in the German Democratic Republic, a new type of family relations is emerging. Creative work free from exploitation, and, on this basis, comradely human relations, equality of women in all spheres of life and educational opportunities for all citizens are important prerequisites for strengthening family ties, for making the family lasting and happy.

In the German Democratic Republic the family plays an important role in society. It is growing into a unit in which such talents and qualities meet with support and encouragement as determine the conduct of the personality in a socialist society.

The great importance which society attaches to a healthy development of the family is reflected in article 38 of the German Democratic Republic (Law Gazette I 1974, No. 47, p. 425), which reads:

"(1) Marriage, family and motherhood are under special protection of the State. Every citizen of the German Democratic Republic has the right to respect for, protection, and promotion of his marriage and family.

"(2) This right is guaranteed by the equality of man and wife in married life and family, by social and state assistance to citizens in promoting and encouraging their marriage and family. Large families, mothers and fathers living alone receive the care and support of the socialist state through special measures.

"(3) Mother and child enjoy the special protection of the socialist State. Maternity leave, special medical care, material and financial support during childbirth and children's allowances are granted.

"(4) It is the right and the supreme duty of parents to educate their children to become healthy, happy, competent, universally educated and patriotic citizens. Parents have a right to a close and trustful co-operation with the social and state educational institutions."

The above-mentioned principles have been elaborated in legislative acts, the most important of which are the following:

- Family Code of 20 December 1965 (Law Gazette I 1966, No. 1, p. 19) in the wording of the Introductory Law to the Civil Code of 19 June 1975 (Law Gazette I 1975, No. 27, p. 517);
- Articles 240 to 251 of the Labour Code of 16 June 1977 (Law Gazette I 1977, No. 18, p. 185);
- Articles 141 to 156 of the Penal Code of 2 January 1968 as amended on 19 December 1974 (Law Gazette I 1975, No. 3, p. 14) and in the wording of the Second Law Amending the Penal Code of 7 April 1977 (Law Gazette I 1977, p. 100) and of the Third Law Amending the Penal Code of 28 June 1979 (Law Gazette I 1979, No. 17, p. 139).

2. The right to enter into marriage and found a family on the basis of the full and free consent of both parties is fully guaranteed in the German Democratic Republic. Thus, article 5 of the Family Code stipulates:

"(1) With the celebration of marriage husband and wife enter into a life-long union based on mutual love, respect and faithfulness, understanding and trust and unselfish help for each other.

"(2) Marriage is to give rise to founding a family which finds its fulfilment in living together, in raising the children and in the joint development of parents and children into universally educated personalities with firm characters.

"(3) The partners should seriously examine whether regarding their character, ideas and interests and their general living conditions the prerequisites are given for concluding a life-long union and founding a family. The will to make this test may be expressed in the form of an engagement.

"(4) Marriage may be contracted if the man and woman have reached the age of eighteen."

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Hence, minimum marriageable age coincides with the attainment of majority. This excludes child marriage just as the marriage of minors still lacking the maturity necessary for taking a responsible decision on marriage.

Article 8, paragraph 4 of the Family Code prohibits the marriage of legally incapacitated persons whose ability to make an independent judgement on the assumption of rights and duties is substantially impaired on account of mental deficiency, the abuse of alcohol, drugs and other intoxicating agents. This provision also protects adults from contracting marriages which do not correspond to their free-will decision.

Article 6 of the Family Code and articles 23 to 26 of the Personal Status Law (Law Gazette I 1966, No. 13, p. 87) regulate in detail the procedure of marriage, which must be performed at the registry office, as well as the formal requirements to be met. Both partners have to make personal statements to the above-mentioned government agency. Marriage by proxy is not admissible.

There are no traditions or customs that might impede the free choice of the marriage partner. With the establishment of the socialist society coercive marriage arising from the exploitation of man by man was eliminated.

3. The decisive prerequisite for promoting the foundation of a family is the further development of the advanced socialist society in the German Democratic Republic as set forth in the Programme of the Socialist Unity Party of Germany. Under this programme all citizens are guaranteed the right to employment and material security and, notably through the housing construction programme, favourable material conditions, without precedent in the history of our people, for young couples from all classes and segments have been created and are being further improved. The German Democratic Republic's family policy programme is embodied in numerous laws and regulations.

Particularly important in this connexion is the Decree on the granting of credits at favourable terms to young married couples of 10 May 1972 (Law Gazette II 1972, No. 27, p. 316), under which they may obtain a tied interest-free credit of 5,000. - Marks. This interest-free credit is repayable in monthly installments within eight years. Repayment of the credit is waived at the following rates:

- at the birth of the 1st child 1,000.- Marks
- at the birth of the 2nd child 1,500.- Marks  
a further
- at the birth of the 3rd child 2,500.- Marks  
the remaining

This generous financial support greatly facilitates the establishment of a family.

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4. The Decree on the payment of a government children's allowance and on special assistance to large families and single citizens having three children of 4 December 1975 (Law Gazette I 1976, No. 4, p. 52) stipulates, inter alia, that persons who are citizens of the German Democratic Republic and residing there receive a government children's allowance for the children living in their household (art. 1). To render assistance to families with four or more children and single persons having three children, the local authorities, enterprises and institutions are obligated to look into the working and living conditions of the families concerned to get to know their problems with a view to granting, on this basis, financial assistance and arranging for other appropriate measures, even if there is no application (art. 9).

Article 10 of the Decree also stipulates that priority should be given to large families, where the allocation of housing, notably of newly-built flats, is concerned.

The Decree on pre-school child-care facilities of 22 April 1976 (Law Gazette I 1976, No. 14, p. 201) exemplifies the care of the socialist state for the youngest citizens of our country. It contains uniform regulations for daily and weekly crèches, kindergartens, weekly homes as well as seasonal crèches and kindergartens, and establishes principles of admission to these state-run pre-school facilities.

It also provides for medical care, ways of financing and increasing the capacity of state-run child-care facilities and of making full use of the capacities available.

The 1st Ordinance on the Decree on pre-school child-care facilities of 9 March 1977 (Law Gazette I 1977, No. 7, p. 53) defines in greater detail what is provided for in the Decree. Under the Ordinance children may be admitted to crèches at a minimum age of 20 weeks. However, if the mother is studying or undergoing some other training, admission is possible from 10 weeks of age onwards.

In this context, the following laws and regulations may also be of interest:

- Decree on increased state-financed birth grants and extended maternity leave of 10 May 1972 (Law Gazette II 1977, No. 27, p. 314) in the wording of the Decree on social insurance of 14 November 1974 (Law Gazette I 1974, No. 58, p. 531) and the Decree on extended maternity leave and improved social insurance benefits during motherhood (Law Gazette I 1976, No. 19, p. 269) of 27 May 1976.
- Decree on social insurance benefits of 17 November 1977 (Law Gazette I 1977, No. 35, p. 373).

These regulations will be dealt with in detail in the following chapter on maternity protection.

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### Maternity protection

1. The rights of mother and child are guaranteed in such basic laws and regulations as Article 3, paragraph 3 of the Constitution and the Law on the Protection of Mother and Child and the Rights of Women of 27 September 1950 (Law Gazette 1950, p. 1037).

The latter illustrates that the German Democratic Republic attaches great importance to protecting the health of mother and child, and provides that

- women shall have equal occupational opportunities in industry ..., the civil service, education, the health service ...,
- working conditions shall be adapted to the physical peculiarities of women.

In the years since its adoption this law has been defined in greater detail, for instance, by the Decree on extended maternity leave and improved social insurance benefits during motherhood of 27 May 1976 (Law Gazette I 1976, No. 19, p. 269), under which every woman receives a government grant of 1,000.- Marks for each new-born child.

2. Of special importance for the advancement of women and the healthy development of the family are the stipulations contained in the new Labour Code of 16 June 1977 (Law Gazette I 1977, No. 18, p. 185), under which women receive pregnancy leave for a period of six weeks prior to confinement, plus post-natal leave for a period of twenty weeks after confinement (art. 244). At their request, mothers must be granted release from work until their child is one year old. From the second child mothers are paid a special allowance for the period between the end of post-natal leave and the child's first birthday (art. 246). The allowance is paid at the rate of the sick pay to which the mother is entitled in the case of her own incapacity for work.

Under the social insurance scheme women are granted pregnancy and confinement benefits to the tune of their average net earnings for the duration of pregnancy and post-natal leave. For this purpose 625.5 million Marks were set aside in 1978.

These benefits testify to the care which the family, mothers and children enjoy in a socialist state.

Pregnant and nursing mothers must not be put on night shifts nor are they allowed to work overtime. Likewise, women having children of pre-school age in their household may refuse to work at night or overtime. Women are released from work for consulting pre-natal advisory centres or taking their children to maternity advisory centres. It is not permissible to give notice to pregnant women, nursing mothers and mothers having children under one year of age.

3. In a special directive on care for pregnant women, issued by the Minister of Health on 10 April 1978, earlier regulations in this field were adapted to latest scientific findings. The directive defines the tasks of pre-natal advisory

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centres in advising pregnant women on health, hygienic and social matters. In this context the provisions on medical care for pregnant women play a prominent role.

Enterprises allow nursing mothers two paid 45-minute nursing breaks per day.

In the German Democratic Republic all babies are born in maternity hospitals. Standards in obstetrics have continuously been raised. A system of obstetrical care and neonatal intensive observation and therapy has been set up. Perinatal mortality has steadily declined, the 1977 rate being 1.7 deaths in 10,000 births. Childbirth in hospital is free of charge.

Children of single working mothers are given priority in the allocation of places at child-care facilities. For looking after their sick children these mothers are entitled to paid release from work. During the first two days they are paid 90 per cent of their net earnings.

When their post-natal leave is over, student mothers may claim leave for absence from their studies to look after their second or any further child at home. This also goes for mothers in apprenticeship. In this case student mothers continue to be paid their stipend, while apprentices receive a monthly allowance to the tune of the net apprenticeship pay (Decree on improved maternity benefits for student mothers, post-graduate student mothers and mothers undergoing vocational training of 14 July 1976 (Law Gazette I 1976, No. 27, p. 369)).

For children a state-financed monthly allowance is paid. Depending on the number of children it ranges from 20.- to 70.- Marks.

Large families and single persons having three or more children receive special assistance from the State. They are granted rent subsidies and financial assistance toward the purchase of children's clothing, bedding and furniture. They are allocated housing on a preferential basis and are given assistance in building homes of their own. Medical care for them is ensured through a system of periodic check-ups. They are sent, on a priority basis to spas and health resorts (Decree on the granting of state-financed children's allowances and special assistance to large families and single persons having three children).

Expression of the confidence placed by the German Democratic Republic's citizens in the social, family and health policy of their State is the birth-rate, which has been increasing for years.

#### Advancement and protection of children and youths

1. To ensure participation of the youth in building the advanced socialist society and the all-round advancement and protection of people are basic concerns of the policy of the socialist state. In furtherance of these concerns, on 28 January 1974, the Youth Act of the German Democratic Republic (Law Gazette I 1974, No. 5, p. 45) was adopted. It guarantees such social conditions as enable all young people to develop their talents and skills freely and

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creatively in accordance with the humanistic principles laid down in the Constitution, to realize all potentialities of their personalities and to lead a happy life.

To effectively protect the health of children and youths, annual routine examinations, immunizations according to standard programmes, and other prophylactic measures are carried out and constant medical care is provided at pre-school child-care facilities.

The Decree on the medical supervision of children and youths of 11 April 1979 (Law Gazette I 1979, No. 12, p. 51) provides for a wide range of supervisory measures, comprising periodic assessments of a child's state of development and health from birth until he leaves school.

Special care is given to physically and mentally handicapped children and adolescents. For this purpose special advisory centres have been set up where various medical specialists assisted by psychologists, social workers and educationalists attend to the young peoples' medical and social needs. To provide the best possible schooling also to these children, a wide network of special schools has been set up to enable them, given corresponding performances, to qualify for higher education.

2. To provide special protection to working youths, Industrial Safety Regulation No. 5 was enacted on 9 August 1973 (Law Gazette I, 1973, No. 44, p. 465), which lists those jobs which young people are not allowed to perform. Employment contracts with young people may be concluded only after they have reached the age of 16. They are entitled to the same pay as adults.

Child labour is prohibited in the German Democratic Republic.

During school holidays young people of 14 years of age or older may, upon their own request, take up temporary employment, not exceeding 4 weeks, in an enterprise at suitable workplaces. The consent of the parents and of the school authorities is required. (Regulation on voluntary productive work of pupils of over 14 years of age during school holidays - Law Gazette I, No. 52, p. 519).

#### Article 11 - The right to an adequate living standard

The GDR citizens' right to the constant raising of their living standard, as provided for in Article 2, para. 1 and Article 9, para. 2 of the Constitution, is ensured by increasing the national income on planned lines. The directive on the development of the national economy for the years from 1976 to 1980 adopted at the Ninth Congress of the Socialist Unity Party of Germany provides for a 12 per cent increase in net monetary income by 1980 as against 1975.

#### The right to adequate food

1. In compliance with the above-mentioned constitutional provisions each citizen of the German Democratic Republic is guaranteed this right through an adequate supply of food-stuffs that is systematically being improved.

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The basic conditions for a stable food supply were created in the land reform of 1945 and by the formation of agricultural production co-operatives in the German Democratic Republic in the period from 1952 to 1960. Consequently, all farm land and farm machinery could be used more effectively and all natural resources used for the welfare of the people and an adequate food production.

2. The German Democratic Republic is making an active contribution to the international co-operation of States in solving the world food problem. At the thirty-second session of the United Nations General Assembly the GDR was elected into the World Food Council for a period of three years. The German Democratic Republic uses its membership in this body to propose feasible ways of eliminating hunger and to effectively assist developing countries, for instance, by

- providing specialists,
- training cadres from developing countries,
- exporting agricultural machinery and appliances, fertilizer and other equipment used in agriculture,
- delivering, free of charge, teaching aids, medicaments, and breeding stock, drawings for the erection of agricultural structures, studies, experts' reports and documents for the construction of training centres, the formation of agricultural co-operatives and the opening of artificial insemination stations, and by providing information on how to combat livestock epidemics and how to improve potato cultivation.

The German Democratic Republic participated in the World Conference on Agrarian Reform and Rural Development and helped prepare the relevant international documents.

#### The right to adequate clothing and housing

In line with the socialist state's central policy of ensuring the increasingly effective satisfaction of material and cultural needs and the continuous improvement of the people's living standard, an ever wider range of clothing and industrial consumer goods is offered.

Under Article 37 of the Constitution of the German Democratic Republic every citizen has a right to dwelling space for himself and his family. The German Democratic Republic's housing construction programme is the lynchpin of the Government's social welfare programme. The housing programme, which has been worked out in detail until 1980, provides that housing will cease to be a social problem by 1990. Details of the systematic and continual construction of new dwelling space are laid down in the laws on the national economic plan. Between 1971 and 1977, 922,000 flats were built or modernized, which improved housing conditions for 3 million citizens.

Under the current five-year plan the relevant figure for the 1978 to 1980 period is 473,500 flats.



An important aspect of the right to dwelling space in the German Democratic Republic are stable and low rents. Mention should be made in this context of the Ordinance of 10 May 1972 (Law Gazette II, 1972, No. 27, p. 318) on improving the housing conditions of workers, office workers and co-operative farmers, which fixes uniform rentals as well as criteria for the allocation of dwelling space.

#### Article 12 - Right to physical and mental well-being

Article 35 of the Constitution of the German Democratic Republic guarantees every citizen the basic right to the protection of health and working capacity.

There is a close-meshed network of outpatient and inpatient medical facilities which are open to everyone and where all patients are attended to free of charge. Specialized and highly specialized medical treatment is also free of charge.

All material conditions have been created in the German Democratic Republic to ensure everybody's right to the protection of his health. There are 579 hospitals with about 178,000 beds, 546 outpatient clinics, 2,117 out patient departments and/or health centres, 2,686 medical and 2,233 dental practices. There are 517 inhabitants to one doctor, and 1,890 to one dentist. The principle of free choice of one's doctor is guaranteed.

#### On infant and child mortality

With a view to lowering the rate of still-births, of infant and child mortality, the Law on the Protection of Mother and Child and of the Rights of Women, passed as early as on 27 September 1950, provided for the establishment of pre-natal and post-natal advisory centres, sanatoria for expectant mothers and children's departments in outpatient clinics and hospitals.

On account of better pre-natal care the number of still-births per 1,000 births was lowered from 27.1 in 1946 to 7.1 in 1978. Big progress was also made in lowering infant mortality from 131 per 1,000 in 1946 to 13.2 per 1,000 in 1978. Special commissions in districts and counties have since 1957 been giving special attention to the problem of reducing the number of still births and of lowering infant mortality.

The members of such commissions look into the causes of each case of death or still-birth in order to be able to eliminate them in future. From such analyses, which cover the medical and social aspects as well as the parental home, conclusions are drawn and recommendations made to district and county medical officers with the view to improving medical care.

#### Care of physically and mentally handicapped children and youths

It is the declared objective of the GDR's health policy to fully integrate such citizens into societal life through special educational measures and medical care. Special regulations to this effect are contained in the Ordinance on the further improvement of public assistance to very severely disabled and severely disabled citizens of 29 July 1976 (Law Gazette I, 1976, No. 33, p. 76). It provides for integrated rehabilitation measures encompassing medical, educational, social and vocational aspects.

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A special regulation of 31 December 1974 on the promotion of children and youths unfit for schooling defines the tasks of special schools and nursing homes for such children. Other laws and regulations provide for financial assistance and other services to these children.

Measures to maintain and improve environmental and industrial hygiene in all its aspects

1. Article 15 of the Constitution states that the protection of nature, the rational utilization and protection of the land, the purity of the water and the air, and protection of flora and fauna, and the natural beauties of the homeland shall be ensured by the state and society; in addition this is the affair of every citizen. In furtherance of this constitutional principle the Environmental Policy Act was passed on 14 May 1970 (Law Gazette I, 1970, No. 12, p. 67) containing concrete obligations and sanctions for the benefit of environmental protection.

To implement this Act, special regulations on pollution control in urban and rural communities, on protection against noise, on the prevention of air pollution, on the harmless removal of waste products, etc. were passed.

These regulations have stood their test in practice. They are an indispensable and effective instrument in the hands of local government bodies.

2. Another basic legal document is the Ordinance of 11 December 1975 governing the work of government sanitary inspectors (Law Gazette I, 1976, No. 2, p. 17) which gives them wide-ranging powers to ensure observance of elementary and specific sanitary regulations in all spheres of social life.

It is a major concern of these sanitary inspectors to prevent and control communicable diseases. An immunization schedule specifying the dates and age-groups for immunization and vaccination is updated at regular intervals. Immunization is compulsory against small-pox, poliomyelitis, diphtheria, pertussis, tetanus, measles and BCG. As a result of this compulsory immunization, poliomyelitis, tetanus in children and youths and diphtheria were eradicated many years ago, the incidence of tuberculosis was lowered considerably, and measles and pertussis reduced to a few isolated cases. During a special tetanus vaccination campaign run over the past four years most adults have been vaccinated against the disease. Claims arising from damage to a person's health caused by vaccination or immunization are settled according to the applicable liability rules, with the citizen concerned receiving full compensation.

Prophylactic health protection and labour safety

Citizens' constitutional right to the protection of health and working capacity and ways of implementing this right are defined in greater detail in articles 201 to 222 of the Labour Code. Managers of enterprises are required to adapt laws and regulations on health protection and labour safety to the concrete situation prevailing at their respective enterprises by issuing special

labour safety instructions and other relevant documents. Under the rights and duties applying to health protection and labour safety the managers of enterprises are not only responsible for the production process but also for protecting their workers' life and health.

It is one of the principal tasks of factory health centres to combat and cure industrial diseases. A doctor who diagnoses an industrial disease is required to report it immediately to the industrial hygiene inspector. Assessments and studies of the causes of an industrial disease make it possible to initiate requisite measures for combating it.

In cases of industrial accidents or industrial diseases the persons concerned receive their full net pay and are also entitled to indemnification until their ability to work is restored or their invalidity certified.

Prophylactic health protection encompasses above all routine examinations, screen test, the early diagnosis and early treatment of certain principal diseases, the creation of health-promoting working and living conditions, and health education.

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