



Economic and Social Council

Distr.
GENERAL

UN LIBRARY

E/1981/WG.1/SR.16
24 September 1981

DEC 2 1981

ORIGINAL: ENGLISH

~~LIN/SA COLLECTION~~

First regular session, 1981

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

SUMMARY RECORD OF THE 16th MEETING

Held at Headquarters, New York,
on Tuesday, 27 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

CONTENTS

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

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably in the same language as the text to which they refer. They should be set forth in a memorandum and also, if possible, incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room A-3550, 866 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12

Report of the Byelorussian Soviet Socialist Republic (E/1980/6/Add.18)

1. At the invitation of the Chairman, Mr. Nikulin (Byelorussian Soviet Socialist Republic) took a place at the table.

2. Mr. NIKULIN (Byelorussian Soviet Socialist Republic), introducing the report of the Byelorussian SSR, said that history showed that the practical implementation of a broad range of social and economic rights was the best guarantee of true equality and the material basis for the enjoyment of political rights and freedom. The Great October Socialist Revolution had placed the means of production at the service of all people, thus guaranteeing the enjoyment of all human rights. The social and economic rights contained in the Byelorussian Constitution included the right to work, health care, education, housing and material assistance in old age. Furthermore, steps were being taken to consistently raise the material and cultural living standard of Byelorussian citizens. Over the past five years, real per capita income in the Byelorussian SSR had increased by 19 per cent. Approximately 80 per cent of the national income was spent on the needs of workers. The Twenty-sixth Congress of the Communist Party of the Soviet Union had adopted measures to implement a broad social programme. The main task of the eleventh five-year programme was to further improve the welfare of the people on the basis of a stable national economy, increased scientific and technological progress and intensive economic development. The national income of the Byelorussian SSR would increase by 22 to 24 per cent. The dynamic increase in production, stable retail prices, full employment, free education and medical care, and the consistently low rates for rents and communal services provided a dependable basis for raising the living standard of the Byelorussian people. The recent decisions adopted by the Twenty-sixth Congress of the Communist Party of the Soviet Union on measures for further improving the social welfare of the population were an example of the practical implementation of resolutions designed to consistently improve the well-being of Byelorussian citizens. Such concrete measures together with the existing system of protecting the family, motherhood and childhood demonstrated the importance of the family as one of the highest moral values of socialist society.

3. Providing health care to the citizens of the Byelorussian SSR was one of the major tasks and duties of all State institutions. The practical implementation of the right to health care was guaranteed by means of free medical care and a wide range of preventive measures. During the period of Soviet rule life expectancy had doubled. Medical services were constantly expanding. In addition to various medical and specialized institutions a broad network of sport and physical culture facilities served to further improve the health of the population.

(Mr. Nikulin, Byelorussian SSR)

4. Lastly, he stressed that the Byelorussian SSR would continue to contribute to international co-operation in the observance of human rights. The activities of States in ensuring the rights and freedoms of their citizens was essential to such co-operation. His delegation, therefore, would continue to co-operate constructively with the work of the sessional working group.
5. Mrs. JIMENEZ BUTRAGUEÑO (Spain) requested more information with respect to the right to choose one's surname in paragraph 28 of the report and asked how that would apply to the children of the marriage. She also requested further information with respect to the way in which a surname could be changed when a marriage was terminated. More information was requested with regard to the type of assignments mentioned in paragraph 34 of the report. Lastly, her delegation wished further information with regard to the percentage of men and women in the Byelorussian workforce.
6. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) requested further information on the size of the expenditure from the State budget on health care and education. More information was also requested with respect to the dismissal of manual or non-manual workers under the age of 18 (para. 76) and the right to guaranteed employment mentioned (para. 87).
7. Mr. KORDS (German Democratic Republic) said that the report of the Byelorussian SSR provided ample evidence of the practical implementation of articles 10 to 12 of the Covenant. He requested further information on the use of the social consumption funds mentioned (para. 93) and care for the handicapped, especially in the light of the Year of Disabled Persons.
8. Ms. BOSKOVA (Bulgaria) said that the report demonstrated the great success of the social policy of the Byelorussian SSR in providing for the needs of its citizens and ensuring the implementation of their rights and freedoms. In spite of the great destruction and loss of life which it had suffered during the Second World War, the Byelorussian SSR had made enormous gains in social and economic development. She requested further information with regard to new, concrete measures for rendering assistance to families and inquired as to how the birth rate was encouraged and how equality of the sexes was guaranteed in the family and marriage.
9. Mr. SOFINSKY (Union of Soviet Socialist Republics) expressed his delegation's profound satisfaction with the report submitted by the Byelorussian SSR and the great progress which had taken place, especially in view of the enormous destruction and loss of life which that republic had suffered during the Second World War.
10. Mr. BORCHARD (Federal Republic of Germany) said that the report demonstrated the remarkable reconstruction efforts undertaken by the Government since the war. He requested further information regarding the general employment of women, especially with respect to heavy work and inquired whether steps were being taken to employ women in jobs involving lighter work, which was more suitable to their physical capabilities.

11. Mr. SAMSON (International Labour Organisation) said that the indications of the Committee of Experts included a cross-reference to indications given in respect of the Soviet Union because the question of maternity protection and protection of children and young persons in the Byelorussian SSR was partly governed by the same legislation or corresponding legislation. The Committee considered that additional information would be desirable with respect to the conditions governing the participation of children between 10 and 15 years in socially useful work (para. 78) and measures restricting work by young persons in dangerous or unhealthy jobs on collective farms, regulating the hours of work and rest for young persons on collective farms and regulating work by children and young persons performed otherwise than under an employment relationship or membership of a collective farm.

12. Mr. NIKULIN (Byelorussian Soviet Socialist Republic), in reply to the questions raised by the representative of Spain, said that, on the basis of Byelorussian legislation, spouses could select one of their surnames as their common surname, retain their own premarital surnames or adopt a double surname. After the termination of the marriage the spouses had the right to retain the surname chosen at the time of contracting marriage or reassume the surname used prior to the marriage. With respect to the type of assignments referred to in paragraph 34, women were sent on job-related missions to factories or enterprises which were located either in the towns in which they lived or in other areas. In accordance with article 163 of the Labour Code of the Byelorussian SSR, pregnant women, nursing mothers and women with children under one year of age could not be sent on assignments without their consent. Furthermore, their refusal to be sent on assignments would in no way affect their future work situation or job status. With respect to the population of the Byelorussian SSR, the demographic effects of the Second World War were still being felt. The population of the Republic reached its pre-war level only in 1973. Currently its population numbered 9.7 million people. The active working sector of the population was constantly growing and currently numbered more than 4 million people. Current life expectancy compared with that of the pre-revolutionary period had increased by more than two times. The median life expectancy in the Republic was 76 years of age and was particularly high among women.

13. Referring to the question posed by the representative of the Libyan Arab Jamahiriya regarding allocations for cultural and social purposes, he said that such allocations had increased constantly from one five-year plan to the next. For example, expenses for social assistance had increased by 6 billion roubles under the tenth five-year plan. Eighty per cent of the national income went directly for the well-being of the people of the Republic. A major role in that regard was played by the social consumption funds, which had increased by 33 per cent over the last five-year plan and now totalled 4,000 million roubles. On average, the per capita expenditure in 1980 for those purposes had been 415 roubles. Benefits from the social consumption funds represented a large addition to the salaries of manual and non-manual workers and collective farm workers. Additional benefits were also constantly increasing, such as those paid to the disabled and to veterans. There had also been increases in pensions for collective farmworkers. One of the major areas covered by the social consumption funds was that of health services and medical care, as well as the provision of leisure facilities for workers. Under the tenth five-year plan, the number of

(Mr. Nikulin, Byelorussian SSR)

doctors had increased by 4,000 and the average number of medical students by 8,000. Enormous gains had also been made in education, including training at all levels, which was free of charge. There were 462 new schools in the Byelorussian Soviet Socialist Republic and new pre-school institutions were now available for 120,000 children. In 1980, all types of free training and education had been provided to 3,600,000 people. There were more than 1 million specialists with secondary and higher education and 38,000 scientific workers. There were 7,000 mass libraries, which had a stock of approximately 90 million works. Approximately 40 million brochures and books had been published. Under the eleventh five-year plan, the public consumption funds would grow by 24 per cent, or about 1,000 million roubles, and the per capita expenditure would increase to 485 roubles.

14. Replying to the other question raised by the representative of the Libyan Arab Jamahiriya, on dismissal of employees and the provision of alternative employment, he said that those matters were settled by labour legislation in accordance with article 185 of the Labour Code, which established limitations and restrictions on the dismissal of workers under the age of 18. Dismissal under the initiative of the administration was allowed only with the consent of the district or city board concerned with minors. Dismissal was allowed only in exceptional cases and was prohibited unless alternative employment was provided. In addition, the local committees in enterprises and organizations also monitored hiring and dismissal, especially with regard to young workers. In principle, there were strict procedures regarding hiring and dismissal of all workers, not only young workers, and the trade union concerned was always involved in the process. In principle, of course, unemployment had not existed in the Byelorussian Soviet Socialist Republic since the 1930s. In fact, it could be said that jobs sought out people rather than people seeking jobs.

15. Replying to the question posed by the representative of the German Democratic Republic, who had also asked for additional details on the social consumption funds, he said he trusted that the general information he had already given would be satisfactory. In addition, he wished to point out that social consumption funds provided benefits for each individual family in the form of free education, medical and health care, sick leave, pensions, vacations and resorts, day care and other areas. The costs were entirely borne by the State. In the area of education, for which neither the pupil nor his parents paid anything, the cost for one student was more than 180 roubles; in secondary education, the cost per student was over 160 roubles; for university and higher education, the cost was over 1,000 roubles, and the cost of maintaining one child in a nursery school was over 505 roubles and in kindergarten over 400 roubles. Eighty per cent of all education costs were borne by the State. Over the past 50 years, rents had been stable and represented from 3 to 4 per cent of the family income. The rent included all utilities.

16. Responding to the other question raised by the representative of the German Democratic Republic, he stressed that social security for the disabled was an obligation of the Soviet State and an integral part of its national plan. The handicapped enjoyed all rights granted to other citizens, including the privileges and benefits of education, vocational training and assistance in finding suitable

/...

(Mr. Nikulin, Byelorussian SSR)

employment. There were also special homes and boarding schools for handicapped persons between the ages of 15 and 40, who were enrolled in more than 40 professions. The handicapped were guaranteed work. There were special types of jobs for blind and mute persons and suitable working areas were provided for them or they were allowed to work at home. Prosthetic assistance was provided free of charge, as was special transportation. In addition, special measures were taken to prevent disability. There were still many persons who had been disabled during the Great Patriotic War; over the past 10 years, housing had been provided for 140,000 of them, as well as for families of military personnel.

17. Replying to the question posed by the representative of Bulgaria, he said that assistance to families was extensive and had been dealt with in detail in the report. Services to children were an important area of the general development programme. After the Twenty-sixth Congress of the CPSU, a decree had been enacted to strengthen State assistance to families with children. Beginning in 1981, working mothers would be entitled to a partially paid leave for child care until the child reached the age of one year. In addition, she could have non-paid leave until the child was one and a half years old and in some cases until the child was two years old. Her job would be kept open and there would be no interruption in her period of work. Under the next five-year plan and thereafter there would be further increases in paid and unpaid leave for working mothers. Under the eleventh five-year plan, there would be an increase in expenditures for schooling, including pre-school nurseries and kindergartens for needy families. In 1981, additional benefits would be provided for women with several children. Also, provision would be made for continued paid leave for child care, with additional daily payments. All the measures he had mentioned were new measures with regard to family assistance. As far as specific incentives for increasing the birth rate, to which the Byelorussian Soviet Socialist Republic attached great importance in view of the losses it had sustained during the Great Patriotic War, the code on marriage and the family stated that motherhood was in general esteemed and encouraged by the State and that legal protection, as well as material and moral support, was provided for women with children. Several of those provisions were discussed in the report. The Government constantly monitored implementation of all those measures.

18. The Bulgarian representative had also asked about the equality of men and women in marital and family relations. Such equality flowed from the general constitutional provision regarding equality for men and women and was also reflected in article 3 of the code on marriage and the family. In accordance with the rights established by the Constitution, men and women had equal individual property rights in marriage. They also enjoyed equal rights with regard to the upbringing of the children. All the legislation regarding the obligations and rights of the spouses was worded in such a way as not to specify the sex of the partner, but rather referred to the spouses, parents, citizens or persons.

19. Replying to the question posed by the representative of the Federal Republic of Germany, who had said there was a general tendency for women in the Byelorussian Soviet Socialist Republic to perform heavy physical labour, and who had asked what developments there had been towards eliminating that situation, he

(Mr. Nikulin, Byelorussian SSR)

said that the labour code had been revised in 1972. Section 11, which concerned work of women, and specifically article 160, established that it was prohibited for women to perform heavy labour or to work under hazardous conditions. Underground work was forbidden for women, except in non-physical work such as in services. It was also prohibited for women to transport heavy burdens exceeding the set standards and norms. Women could not work at night either. Violations of those provisions of the labour code could lead to administrative and even criminal prosecution.

20. Mr. Nikulin, (Observer, Byelorussian Soviet Socialist Republic) withdrew.

Report of the United Kingdom of Great Britain and Northern Ireland
(E/1980/6/Add.16, 25 and 26)

21. At the invitation of the Chairman, Mr. Whyte (United Kingdom of Great Britain and Northern Ireland) took a seat at the table.

22. Mr. WHYTE (United Kingdom of Great Britain and Northern Ireland) introducing his Government's report, said that since the United Kingdom metropolitan report had been submitted, there had been no major legislative changes in the field it covered. He would therefore say just a few words to put the report into perspective.

23. Concern for physical and mental health of the population had been a priority of British Governments for a long time. The National Health Service was based on the principle that, as far as resources allowed, everyone should be entitled to the best medical treatment available, irrespective of means. It therefore provided a full range of health services largely free of charge to those normally resident in Britain. Despite current financial constraints, the Government of the United Kingdom remained firmly committed to meeting the needs and expectations of the most vulnerable sections of society. For instance, it was expected that the cash costs of the National Health Service for 1981 and 1982 would be over £11,000 million, whereas 30 years before the cost had been less than £400 million. Inevitably, however, priorities had to be reconciled with the conflicting demands for finite resources, a demand which was constantly increasing. One conspicuous reason for that was the expectation that the coming decades would see a significant increase in the population who were very old and who would consequently make heavy demands on the health service and social security system.

24. One feature of the policy of the United Kingdom Government which the report did not highlight but which might be of interest was the emphasis that was now being placed on co-operation between the statutory and voluntary sectors. It was the Government's objective to maximize the human and financial resources that were available to provide care for people with a wide variety of needs. There existed therefore legislative powers to enable central government departments and local authorities to provide grants in order to encourage and support the activities of voluntary organizations which provided relevant social services. In that way the Government hoped to meet more closely and more fully the different needs of various sections of the population.

(Mr. Whyte, United Kingdom)

25. In connexion with the second section of the report, dealing with the right of individuals to an adequate standard of living, it should be emphasized that while the United Kingdom had no written constitution in which such rights might be embodied, that did not mean that it attached a lesser significance to those rights. The report dealt with various food and housing subsidies. He wished to draw attention to the fact that a person's requirements under the supplementary benefits scheme were calculated on a basis which ensured that everyone, as a matter of right, was entitled to receive supplementary benefits to bring his income up to the level necessary to provide him with adequate food, clothing, heating and housing. The supplementary benefits scheme also contained many provisions for additions to cover special dietary, heating or other similar requirements.

26. Before concluding, he would like to take the opportunity of welcoming the participation of the specialized agencies in the consideration of the reports under the Covenant. His Government valued highly the collaboration which existed, for example with ILO, in the fields covered by articles 10, 11 and 12.

27. Mr. DIA (Senegal) said that it would have been desirable for the report on the Dependent Territories (E/1980/6/Add.25) to have contained more detailed information on the measures adopted to enforce the rights provided for under the Covenant. In particular, additional information would have been appreciated concerning assistance to needy persons provided by the Social Services Department in Belize and on the steps taken in that country towards instituting the appropriate strategies for the eventual establishment of a sound agricultural base. Further information would also be useful concerning the Parish Assistance Act in Bermuda.

28. With regard to the application of the Covenant in the metropolitan territory of the United Kingdom, he asked what measures had been taken by the Government to ensure an adequate level of living for foreigners.

29. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked whether many complaints of discrimination had been lodged by female nationals of the United Kingdom with the commission of the EEC responsible for ensuring equal opportunities or with any other bodies or tribunals concerned with equal rights.

30. She requested additional information regarding the progression in the benefits payable to widowed mothers in the United Kingdom and she asked whether widowers in similar circumstances had the same entitlements. She also asked whether the system of "child minders" was widespread.

31. Mr. KORDS (German Democratic Republic) asked what percentage of health care costs were borne by the patient and by the State respectively, and whether it was true that the patient had to pay the full cost out of pocket and be reimbursed later. He also asked whether any assistance was provided to unemployed persons or migrant workers who required expensive medical treatment but were unable to pay for it.

(Mr. Kords, German Democratic Republic)

32. He would appreciate receiving background information about the Race Relations Act (1976) and its enforcement and, in particular, about any measures adopted by the Government and local authorities to ensure respect for the rights provided for in it.
33. Mr. MILAMBU (Zaire) observed that British legislation made no distinction between nationals and foreigners with regard to social security entitlements, the right to housing and so on. In practice, however, discrimination seemed to exist and he requested details concerning the situation.
34. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) noted that employers in the United Kingdom were required to offer suitable alternative work to pregnant women but that there were no specific regulations prohibiting the dismissal of pregnant employees. He requested further information on regulations and laws for maternity protection.
35. Mr. BOSKOVA (Bulgaria) asked what kind of assistance the Government provided to migrant workers to ensure an adequate standard of housing. With regard to Northern Ireland, she asked whether any specific measures had been taken or were planned in the housing field, especially in view of the fact that 7 per cent of the population lived in overcrowded dwellings and that civil disturbances in recent years had exacerbated housing problems.
36. Mr. SHAMMA (Jordan), referring to the information in the report concerning adoption orders, asked what would happen if the adoptive parents proved unable after a period of time to meet the requirements specified in the court order, or one of the natural parents subsequently sought to regain custody of the child.
37. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that the report of the United Kingdom was of special interest since it was a country with a highly advanced culture and a sophisticated legal system. However, the plethora of details presented in the report sometimes made it difficult to have a clear picture of the situation in the country.
38. In connexion with article 11 of the Covenant, he asked how many unemployed persons there were in the United Kingdom and what percentage of that number were young people.
39. With regard to housing, he noted that reports appeared in the British press from time to time about people who were unable to pay their rent and, as a result, were put out in the streets. He asked whether such cases occurred and, if so, how frequently. He also asked where the affected individuals went.
40. He requested information regarding the education of children in Northern Ireland. He wished to know specifically whether Catholic and Protestant children were educated in the same schools or in sectarian schools. In the latter case the education received might serve to instil enmity and hostility towards other religions.

(Mr. Chernichenko, USSR)

41. The Protection of Children Act of 1978 protected children under the age of 16 from exploitation in the making, distributing, showing and advertising of pornographic photographs and films. He asked whether there were specific legal provisions protecting young people over the age of 16, especially in view of the requirements of article 10 of the Covenant which prohibited the employment of young people in conditions that were harmful to their morals or health.

42. Lastly, he wished to know whether drug addiction was a social problem in the United Kingdom and would welcome statistics on drug use.

43. As the report did not provide a specific answer, he asked whether women were entitled to pre-natal leave under British law and, if so, for how long. He also requested information concerning the relevant laws and regulations, if any, or the usual practice of employers.

44. Mr. MAYCOCK (Barbados) noted that it was stated in the report that, although there were no specific statutory measures covering self-employed working mothers or those working for their husbands, in case of difficulty the normal social security benefits applied. He asked what machinery there was for determining what constituted a case of difficulty and how long it normally took to make such a determination.

45. He asked whether the Home Purchase Assistance Act had come into force in 1980, as expected, and, if so, what progress had been made in that area.

46. No report had been submitted by the United Kingdom in respect of the so-called "associated States". He wondered whether that was because such States were not really regarded as dependencies. If that was the case, he asked whether the Covenant was applicable to those States and, if so, what method would be adopted for reporting on them.

47. The British Parliament was currently considering a bill referred to as the "Nationality Act", which was causing a great deal of concern in the Caribbean and other parts of the Commonwealth. He asked for information concerning the effects the bill would have on the rights that people should enjoy under the terms of the Covenant.

48. Mr. BORCHARD (Federal Republic of Germany) said that the report of the United Kingdom was the most comprehensive and detailed submitted to the Working Group so far. Not only did it highlight the achievements but it also discussed the problems, and in that respect it was in the best British traditions.

49. He was aware of the fact that discussions were under way in the United Kingdom on how to improve the Government's activities in the field of maternity protection and he would be interested in hearing the views of the Government with regard to possible reforms.

50. He wished to know how the Nationality Act, if adopted, would affect the rights of residents as far as social legislation was concerned.

51. Mr. SAMSON (International Labour Organisation) said that, as indicated in document E/1981/41, the reports by the United Kingdom concerning dependent territories had been transmitted to the ILO after the meeting of the Committee of Experts. Since the responsibility for reporting pursuant to article 18 of the Covenant had in the ILO been entrusted to a committee of independent experts, he would not at the current stage comment on the position of the dependent territories but would limit his remarks to the position in the United Kingdom itself.

52. With regard to maternity protection, the Committee of Experts indicated in its report that there was a right to have maternity leave of 40 weeks and to return to one's job at the end of that period. However, those rights were acquired only after two years' service with the employer, and the Committee had considered that information would be desirable on any further measures adopted to grant a right to leave for a reasonable period before and after childbirth to a woman with less than two years' service. The Committee had also requested information on legislative and other measures to ensure that work assigned to women during pregnancy and after childbirth was compatible with their state of health. Indications for other countries contained in the report of the Committee of Experts illustrated the type of measures which existed in that area.

53. Concerning work by children and young persons, it was to be noted that existing legislative standards were scattered among a large number of laws, regulations and even local authority by-laws, and that responsibility for enforcement was also divided among different authorities. One of the purposes of the Health and Safety at Work Act (1974) was to rationalize legislation and enforcement in that area, and it had been stated in a report to the ILO in 1978 that a review of all age-based legislation would be undertaken by the Health and Safety Commission. The Committee of Experts had considered that information would be desirable on the outcome of that review and on any measures taken as a result of it.

54. With a view to improving enforcement of restrictions on certain forms of employment, particularly of school-age children, an act had been adopted in 1973 to replace local by-laws with central government regulations. The Government had stated that, owing to lack of resources to implement such regulations, the act had not been brought into force. The Committee of Experts had considered that information would be desirable on measures to bring central government regulations into operation on that matter. In view of certain difficulties of enforcement, the Committee had also asked for information on measures to strengthen enforcement of the relevant legislation.

The meeting rose at 1 p.m.

