



Economic and Social Council

Distr.
GENERAL

E/1986/WG.1/SR.27
6 May 1986

ORIGINAL: ENGLISH

First regular session, 1986

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

SUMMARY RECORD OF THE 27th MEETING

Held at Headquarters, New York,
on Thursday, 1 May 1986, at 3 p.m.

Chairman: Mr. RUIZ-CABANAS (Mexico)

CONTENTS

Reports submitted under articles 6 to 9 of the Covenant (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also 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 DC2-750, 2 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 3.10 p.m.

REPORTS SUBMITTED UNDER ARTICLES 6 TO 9 OF THE COVENANT (continued)

Second periodic report of Poland (continued) (E/1984/7/Add.26)

1. At the invitation of the Chairman, Mr. Karwański and Mr. Gorajewski (Poland) took places at the table.
2. Mr. KARWAŃSKI (Poland) said that the workers' protests which had resulted in the 1980 crisis had created a fear that unemployment would rise as a consequence of the attendant economic dislocation, and a number of preventive measures, including early-retirement schemes, had been adopted, with the result that some half-million persons had vacated jobs and thereby created openings for others. Programmes had also been instituted to provide jobs for school graduates. The economic sanctions imposed on the country had resulted in a shortage of raw materials and a huge debt. The economy had therefore been restructured in order to import raw materials from friendly countries such as the Soviet Union, and in the process more jobs had been created. In March 1986, there had been 290,000 job vacancies and only 5,000 job-seekers, so that unemployment was not a real problem.
3. A new scheme for the employment of school graduates had been introduced, under which the Government or enterprises granted stipends to students on condition that after leaving school they would work in a specific job at a specific enterprise. Incentive schemes were in place to ensure that they were employed where they were most needed and could be most easily accommodated.
4. In connection with vocational training, he drew attention to paragraphs 27 and 28 of his country's report (E/1984/7/Add.26), which made clear the distinction between "nominated" employees and those who had not been nominated. The labour market was fully competitive and the labour force was mobile to the extent that measures were currently under consideration to discourage frequent job-changing. Some 90,000 Poles were employed abroad, including 35,000 in the German Democratic Republic and Czechoslovakia and others in the Federal Republic of Germany, the Libyan Arab Jamahiriya, Algeria and a number of other developing countries. Based on 1985 figures, 11.6 million were employed in the socialized sector and 4.8 million in the non-socialized sector, the latter figure including 3.9 million in non-socialized agriculture; 603,000 were employed in handicrafts and some 48,000 in workshops.
5. Turning to the subject of maternity leave and family allowances, he drew attention to paragraphs 18-21 and paragraph 84 of the report, as well as the additional information provided in the informal paper circulated at an earlier meeting, but wished to stress a number of points. Women received maternity allowances regardless of the nature or length of their employment. The allowances, payable throughout the maternity leave, varied with the number of children. If a mother died in confinement they were payable to the father or another family member, even if the mother had been unemployed. Allowances also covered adopted

(Mr. Karwański, Poland)

children and were payable immediately upon application for adoption. A woman could take unpaid leave to bring up her children if she had been employed for at least six months, and such leave could be extended to a maximum of three years. There were special provisions for the care of handicapped children. Women's jobs were guaranteed while they were on maternity leave and maternity allowances were higher for single mothers.

6. Family allowances were payable to workers covered by social insurance in respect of children who had not reached the age of 18 or had not completed their schooling or training, but only to the age of 25. There were special provisions for disabled and foster children. Allowances were not payable when other forms of income or support were available, such as scholarships or survivor's pensions.

7. With regard to remuneration for labour, he drew attention to paragraph 32 of the report and noted that, as part of an incentive scheme, wages could be increased from a remuneration fund set up to reward, and thereby stimulate, increased production. The managers of enterprises, in agreement with the workers, could change the basis of remuneration through various bonuses and privileges, especially in order to adjust it to the cost of living. Wages were partly geared to an enterprise's profits, and hence to productivity.

8. The average minimum wage was 5,200 zlotys, while the average wage was 21,000, with the relatively privileged miners receiving as much as 52,000 zlotys.

9. The system of labour inspection had been in existence for some time, operating under the authority of the Prime Minister's office. That arrangement had been criticized as giving too much power over wage levels to the Prime Minister, and Parliament had decided to assign responsibility for labour inspection to the Council of State instead. The State Labour Inspectorate could halt production at a plant at any time if it felt that conditions there so warranted; it worked in collaboration with the Social Labour Inspectorate, which also had the power to order production stopped, if there was any danger of an accident. Either Inspectorate was entitled to call on specialized institutions for technical advice on matters too complex for its own inspectors to resolve.

10. On the subject of care for the aged, he told the Group that there were many associations of the elderly and retired, and retirees maintained close links with the communities at their former places of work. Retirees banded together for excursions and entertainment purposes. If elderly persons were apparently without means of support and had no one to help them, their local health-service centres could assign nurses to provide daily assistance with shopping, cleaning, and so forth.

11. Until 1980 Poland's law governing the activities of trade unions, dating from 1946, had amounted to no more than a page of general regulations. As a result, the regulations of the new trade unions which had sprung up after the August 1980 agreements had largely been the invention of those unions' members, but were checked to ensure that they did not violate the law. During the preparation of new

(Mr. Karwański, Poland)

legislation on the subject, in 1980 and 1981, the various drafts had been discussed with all the main union groupings, and ILO had been consulted on the final form of the new Act before its adoption by Parliament. Under the new regulations, new unions could be registered at any time once they demonstrated that they conformed to the law.

12. It had been correctly pointed out that some members of the labour force were not permitted to strike: they included people employed at senior and policy-making levels and those in highly confidential jobs. Article 8(2) of the Covenant justified the prohibition of members of the armed forces from forming unions or striking, and prison workers were assimilated to members of the military for that purpose.

13. The Trade Unions Act gave workers the right to strike and trade unions the right to organize strikes, but prohibited strikes in certain occupations and establishments. The Act stipulated that a strike was the measure of last resort in efforts to settle a dispute: all other remedies must have been exhausted before a strike was called. Political strikes were prohibited. A decision to strike must be supported by a majority of all the workers in the establishment concerned, whether or not they were members of a union: a strike was too serious a matter for a minority of workers to be allowed to override the wishes of the majority. Voting on strike calls was conducted by secret ballot to ensure the free expression of the workers' will.

14. He had been surprised by the allegations that certain well-known members of Polish society had been refused permission to participate in May Day celebrations. He had been under the impression that they had not wished to participate. In the past, Mr. Walesa had been quoted as saying that he did not intend to take part, and as advising members of Solidarity (Solidarność) to go on a picnic rather than join the celebrations.

15. Mr. GORAJEWSKI (Poland) said that the discussion of human rights was not conducted in a political void. His Government attached great importance to both International Covenants on Human Rights, as its dispatch of an expert from Warsaw to attend the Working Group's meetings amply demonstrated. The principles cited in paragraph 1 of its report were generally recognized in foreign relations and formed the corner-stone of Poland's foreign policy.

16. Poland was very sensitive to the issue of non-interference in others' domestic affairs, especially in view of recent illegal restrictions on its contacts with other countries. It had been estimated in 1983 that the total cost to Poland of the withholding by some countries of necessary supplies and credit, in violation of existing international agreements, was \$13 billion; the cost had presumably risen since then. The abrupt interruption of supplies of chicken feed from the United States had reduced the meat supply in Poland by an estimated seven kilograms per head, with severe consequences for the welfare of the population. In response to the pressures caused by such interference, Poland had restructured its economy and strengthened its economic ties with its partners in the Council for Mutual Economic Assistance.

/...

(Mr. Gorajewski, Poland)

17. On the subject of his country's debts, he said that, in the aftermath of the oil crisis of the 1970s, international bankers had found plenty of petrodollars in circulation and credit had been easy to obtain. Accordingly, Poland had launched an ambitious programme of economic development. With the changing economic climate, the country had suffered unfavourable terms of trade, its export income had fallen and it had accumulated heavy debts. It was not the only country to have done so. The international community now needed to do something about the situation. Poland considered that debt repayment should not hamper development efforts in the debtor countries. While it was continuing to honour its obligations, it believed that ways should be found of transferring some of the burden to countries which in the past had profited hugely from their exports to Poland.

18. Mr. KARWANSKI (Poland) said that approximately 60 per cent of the former members of Solidarity were members of the current trade unions, and some were in prominent positions.

19. Any regulations to be implemented by the Government had to be made available one month in advance to the unions so that consultations could be held with all workers. The trade unions were thus able to represent the interests of all workers.

20. The institution as of 13 December 1981 of a special legal order in the form of martial law had been justified both by Poland's legal provisions and by the situation that had existed. The same applied to the suspension of trade-union activities upon the introduction of martial law and to the subsequent dissolution of the trade unions themselves. Under the Polish Constitution, the Council of State could proclaim martial law on Polish territory in order to safeguard the security of the State. The notion of public security called for protection of the State and its basic political machinery against attacks on its system and sovereignty. The events that had taken place in Poland prior to 13 December 1981 had given rise to a public emergency that threatened the life of the nation and the existence of its institutions. The proclamation of martial law had been in full accordance with international law, particularly article 4(1) of the Covenant.

21. In the circumstances, the serious threat to Poland's security had taken the form of an intensification of the confrontation that had been leading the country to the brink of civil war. The extremist forces within Solidarity, whose influence had been growing, had endeavoured to destroy the socialist system in Poland. There had been no way of reversing the course that events had been taking. The economic chaos brought about largely by the political struggle unleashed in Poland's work establishments and the abuse of the right to strike had been particularly dangerous during an economic crisis. The strikes had led to a breakdown of social discipline and the legal order. Solidarity had obstructed efforts to introduce economic reforms and exploited the workers' self-management bodies as an instrument in the struggle for economic power. Failure by the Government to take action in those circumstances would have exacerbated the economic crisis and led to anarchy. Proclamation of martial law had been the only way to avoid economic collapse.

(Mr. Karwański, Poland)

22. The leaders of Solidarity had displayed a negative attitude towards Poland's socialist legislation. On the pretext of safeguarding the rule of law and the judiciary's independence, they had been trying to place themselves above the law. Since their activities had been undermining the socialist legal order, it had been essential to take appropriate action to prevent Poland's international position from deteriorating. The situation in Poland had constituted a threat to world peace and had been a matter of concern to the States linked to Poland by mutual alliances.

23. All possible ways of defusing the conflict through agreement had been exhausted prior to the introduction of martial law. Upon the proclamation of martial law, the Council of State had decided to authorize the Chairman of the Council of Ministers to suspend the activities of the trade unions and certain civic organizations while martial law remained in effect.

24. A committee for the management of trade-union assets had been established in order to take over the former trade unions' assets for a transitional period. The Committee had begun to operate in January 1983 and had completed its work in October 1985, following the final transfer of assets to the revived trade-union movement. It had drawn up an inventory of the assets and taken steps to prevent them from being destroyed and to ensure that they served the interests of the working people. The All-Polish Trade Union Consensus had become the owner of the assets. The assets of trade-union organizations in the establishments that still had no trade unions had been deposited in separate bank accounts in the name of the All-Polish Trade Union Consensus, which would be obliged to transfer them to the relevant newly-established trade-union organizations upon request.

25. He wished to confirm that a trade union in a given establishment could transfer its membership from one union federation to another. There were currently 133 registered trade unions operating on a nation-wide basis.

26. In 1970, there had been 11,069,000 insured persons in Poland, whereas the figure had risen to 19,041,000 in 1984. In 1980, the average monthly old-age pension, excluding that of farmers, had amounted to 3,286 zlotys; by 1984 it had been raised to 9,532 zlotys. In 1984, the average monthly pension for disabled persons had amounted to 6,854 zlotys and the average independent farmers' pension had amounted to 5,088 zlotys. The breakdown of expenditure on pensioners was the following: 42 per cent on old-age pensioners; 25.0 per cent on disabled persons; and 9.2 per cent on farmers, with the remainder being accounted for by various other types of pensioners. In 1984, total insurance income had amounted to 15,219.5 million zlotys and total insurance benefits had amounted to 13,923.6 million zlotys.

27. The rate of inflation had decreased to 13 per cent in 1985, while wages had risen substantially in both the production and service sectors, at a rate roughly equivalent to pension increases.

28. He said he hoped the answers given had been satisfactory to the members of the Working Group. Some of the questions, particularly those of Mr. Texier, were to have been expected, but the Polish representatives harboured no hard feelings.

7...

29. Mr. HOPPE (Denmark) said that, after listening carefully to the replies of the Polish representatives, he had taken the answer regarding paragraph 1 of the report to mean that Poland agreed that a concern for human rights was a legitimate international concern and did not constitute interference in internal affairs. Regarding the replies on article 8 and the issue of trade-union rights, if the Polish representatives had not been surprised at the questions, he had not been surprised at the answers. He could only say that his Government had a different interpretation of what had occurred.

30. Mr. TEXIER (France) said that he was pleased that the Polish representatives had not evaded the Working Group's questions, even though some of the answers had been predictable, and that a dialogue had taken place. A few questions, however, remained unanswered, especially as to whether the Government intended to restore to Solidarity the possibility of freedom of expression and association in the near future.

31. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the serious and detailed answers of the Polish representatives had satisfied him completely. He observed that the economic boycott of the sovereign State of Poland designed by a group of States to stifle the country economically and financially, and to create hunger among its people, could not be overlooked or countenanced by the Working Group if it had a genuine concern for human rights.

32. The legislation that had established the new trade-union structure in Poland was a very democratic development. It was to be noted that the Working Group had in some instances not raised any questions at all about trade unions in other reporting States, even where there had been instances of police brutality and hunger strikes by trade unionists. A serious democratic transformation had taken place in Poland and it was fully implementing the Covenant.

33. Mr. HOPPE (Denmark) said that he felt he must respond to the references by the Soviet representative to actions by a group of nations to which his own belonged. Mr. Yakovlev had said that certain restrictive economic actions had been designed to create hunger in Poland, but nothing could be further from the truth. The European Economic Community had taken the measures in question because it wanted to bring home to the Polish Government the Western position that a serious human-rights violation had taken place after the imposition of martial law in Poland. The Community failed to see how a trade union which represented the vast majority - according to the figures of the representative of Poland himself - could be a threat to the State, given the fact that Poland was a workers' State.

34. He wished, further, to make it clear that Denmark would not accept any reference in the Working Group's report to the economic measures in question.

35. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that he could not express the feelings he had in hearing the Danish representative attempt to justify an illegal, anti-democratic, improper action that had violated all international norms. Why had the members of the European Economic Community not imposed a blockade against Chile and other major Fascist and racist offenders? Clearly,

/...

(Mr. Yakovlev, USSR)

their concern had not been to protect human rights but to comply with a United States-imposed policy.

36. There was no point in continuing polemics which he had not begun. The initiators had just demonstrated that they had political and ideological motives that had nothing to do with the work of the Working Group.

37. The CHAIRMAN urged the members of the Working Group not to prolong the discussion, which was keeping it from going on to other important work.

38. Mr. HOPPE (Denmark) said he wished merely to observe that he had a very different interpretation of the matter from that of Mr. Yakovlev.

39. Mr. KARWANSKI (Poland), replying to Mr. Texier, said that it was unnecessary to revive memories of a bad experience of unlawful events in Poland. At the time of the trade-union developments, there had been a great debate in his country as to whether Solidarity should be dissolved or instead re-established on some legal basis. It had been concluded that the latter course would inevitably be interpreted as only a cosmetic change regardless of the circumstances, and it had therefore been decided to start anew under a new Trade Unions Act. It was interesting to note that the great majority of the population had, of their own volition, voted in the recent elections. Mr. Texier had expressed sympathy with the Poles, but he wondered with how many of the 37 million he actually sympathized. He urged both Mr. Texier and Mr. Hoppe not to discuss Poland only with those who shared their ideas, but rather to come to the country and speak to the people in the street.

40. He said that he had been glad to take part in even a sharp dialogue with the members of the Working Group, in the interest of peace.

41. The CHAIRMAN said that the Working Group had concluded its consideration of the report of Poland.

The meeting rose at 5.25 p.m.