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QUESTION CONSIDERED BY THE SECOND EMERGENCY SPECIAL SESSION
OF THE GENERAL ASSEMBLY FROM 4 TO 10 NOVEMBER 1956

Note by the Secretary-General: At the request of the Hungarian Minister of Foreign Affairs, the Secretary-General has the honour to transmit to the Members of the General Assembly the text of a communication dated 16 April 1957 concerning certain recommendations made by the Governing Body of the International Labour Office.

The Hungarian Minister of Foreign Affairs presents his compliments to the Secretariat of the United Nations and has the honour to transmit herewith a document containing the Hungarian Government's observations concerning the resolutions and recommendations of the Governing Body of the International Labour Office on freedom of association in Hungary, adopted at its 133rd and 134th sessions,^{1/} with a request that they should be issued as an official document of the United Nations.

Budapest, 16 April 1957

^{1/} See documents A/3390 and A/3571.

ANNEX

The Governing Body of the International Labour Office at its 133rd and 134th sessions dealt inter alia with the question of freedom of association in Hungary.

In view of the fact that the Governing Body communicated the resolutions adopted on this subject to the Secretary-General of the United Nations and that the resolutions have been issued as official documents of the United Nations, the Hungarian Government deems it necessary to transmit its observations on the matter to the United Nations Secretariat, with the request that they should be circulated to Members of the United Nations as official documents.

In the first place, the Hungarian Government wishes to make some observations on the activities of the Committee on Freedom of Association.

The composition of this Committee does not reflect the international character of the International Labour Organisation. This situation is particularly absurd in connexion with trade union representation. Complaints of violations of freedom of association are submitted to the Committee by the bodies whose representatives consider them in the Committee. In such circumstances, there can be no guarantee of the objectivity of the Committee's activities. Consequently the reports submitted to the Governing Body by the Committee on Freedom of Association do not reflect a position adopted by the States Members of the International Labour Organisation as a whole and cannot therefore be taken by the Governing Body as a basis for objective and factual conclusions or equitable resolutions.

The composition of the Committee on Freedom of Association is reflected in the reports submitted to the Governing Body on the situation of Hungarian trade unions. Accordingly, the resolutions adopted by the Governing Body on the basis of these reports have been founded, in many respects, on one-sided information which is not in accordance with the facts.

With regard to certain statements which appear in the resolutions adopted and the conclusions approved by the Governing Body, the Hungarian Government considers it necessary to make the following comments:

One of the decisions taken by the Governing Body at its 133rd session states that the International Labour Organisation is willing to participate in any arrangements made in pursuance of paragraph 5 of the resolution adopted by the General Assembly of the United Nations on 4 November 1956, i.e., to investigate the situation of Hungarian trade unions on the spot. In its reply in connexion with the above-mentioned resolution the Hungarian Government clearly stated that the

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settlement of the situation which had arisen in Hungary as the result of counter-revolutionary incidents fell exclusively within the domestic jurisdiction of the Hungarian State, and that any resolution adopted by the General Assembly of the United Nations concerning the internal political situation in Hungary, including the provisions of paragraph 5 of the resolution of 4 November, therefore constituted interference in the domestic affairs of Hungary and was contrary to Article 2 (7) of the United Nations Charter. Accordingly, the Hungarian Government could not agree that the International Labour Organisation should conduct an on-the-spot investigation of the situation of trade unions in Hungary. It should be noted, moreover, that the Hungarian Government received no request from the International Labour Organisation to that effect. However, if the Director-General of the International Labour Organisation had wished to visit Hungary with a view to strengthening the ties between the Organisation and Hungarian State bodies and social organisations, the Hungarian Government would have been and would not be willing to accede to a request to that effect.

With regard to the other decision taken at the 133rd session of the Governing Body, the Hungarian Government wishes to make the following observations:

1. In Hungary, workers have the right to form and join trade union organizations without any discrimination whatsoever. This right is guaranteed to Hungarian workers by the Hungarian Constitution and the legal provisions in force in Hungary. In recent years, the Hungarian Government has on several occasions given the International Labour Organisation detailed information on the situation of Hungarian trade unions. It should be borne in mind that the counter-revolutionary incidents which took place in Hungary in October and November 1956 also jeopardized this constitutional right of Hungarian workers. In many places, democratically elected trade union leaders were subjected to savage persecution and attempts were made to destroy trade union organizations.

Thanks to the efforts of the Hungarian Government, constitutional order was restored and in consequence the legal provisions relating to the situation and rights of Hungarian trade unions are again fully effective in practice.

2. Despite the fact that, for the time being, Hungary is under no international obligation, even formal, to apply the Freedom of Association and Protection of the Right to Organise Convention or the Right to Organise and Collective Bargaining Convention, the provisions of those Conventions are already being applied in Hungary. The Hungarian Government will give the International Labour Organisation information on their practical application.

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The Presidential Council of the Hungarian People's Republic will ratify the two Conventions in the near future.

3. The Hungarian Constitution and Hungarian legal provisions guarantee all the civil rights defined in the Universal Declaration of Human Rights. Hungarian legal provisions make it incumbent upon the Hungarian authorities to ensure that these rights are guaranteed.

4. In the Hungarian People's Republic trade unions are completely autonomous: the Acts and Decrees in force do not make their establishment subject to any prior or formal requirements. Nor do they include any provision with regard to their registration.

Legislative Decree No. 18 of 1955, article 15, paragraph 1, specifically states that the "Decree does not apply to trade unions". This provision constitutes formal recognition of the fact that, in Hungary, State organs may not interfere in the domestic affairs of the trade unions.

In connexion with the foregoing, the Hungarian Government wishes to draw attention to the fact that certain "well-informed" circles, including the International Confederation of Free Trade Unions, have concluded from Government Decree No. 3/1957 temporarily transferring responsibility for the supervision, for purposes of the security of the State, of the associations affected by Legislative Decree No. 18 of 1955 to the Minister for the Armed Forces and Public Security, that the trade unions are under State control. They obviously failed to take into account the fact that Legislative Decree No. 18 of 1955 and, consequently, Government Decree No. 3/1957, do not apply to the Hungarian trade unions.

Consequently, the Hungarian trade unions exercise their activities freely without any control on the part of the State: the trade unions draw up their own statutes which are approved by the Congress, the supreme trade union organ. The Hungarian trade unions take decisions on all questions concerning internal trade union matters within their competence.

5. The Hungarian trade unions elect their councils, executive bodies and representatives without any restriction or intervention by the State.

It should be noted that the counter-revolutionary incidents which took place in Hungary last autumn also affected the normal functioning of the trade unions. Trade union councils, works' committees and even trade union leaders were forcibly removed. It was at that time that a provisional executive committee was arbitrarily appointed within the Central Trade Union Council. As soon as the Central Trade Union Council was able, in accordance with the trade union statutes, to meet, at its session on 25 and 26 January 1957 it declared null and void all the decisions taken by that body and appointed replacements on the trade union councils in accordance with trade union democratic processes.

It should be noted that all these events took place within the trade union themselves. The Hungarian Government had no influence over the functioning of the provisional executive committee or the election of the trade union councils. Any allegation that the Hungarian Government dissolved the provisional executive committee is totally unfounded. Furthermore most of the members of the provisional executive committee - after being elected in accordance with trade union democratic processes - now hold responsible positions in the Hungarian trade union movement.

With regard to the resolution adopted and the recommendations approved at the 134th session of the Governing Body, the Hungarian Government considers it necessary to draw attention to the following points:

The report submitted to the Governing Body by the Committee on Freedom of Association was based, on this occasion, on the complaint presented by the International Federation of Christian Trade Unions against the Government of Hungary. The report itself stated in its conclusions that the complaint was "of strictly limited scope" and that "apart from a general charge ... the complainant has not exercised the right to furnish further information in substantiation of the complaint".

It is regrettable that, notwithstanding this fact, the Governing Body approved the recommendations embodied in the Committee's report. Nevertheless these recommendations are based on false and tendentious allegations:

(a) In its reply to the complaint presented by the International Federation of Christian Trade Unions the Hungarian Government emphasized that the workers' councils were economic bodies and that they had not been set up to take over the

activities of trade union works' committees in safeguarding and representing workers' interests. The reply also stated that the workers' councils had been formed at a time when counter-revolutionary elements were active in Hungary and were attempting to overthrow the legal State order and doing their best to infiltrate administrative bodies also. That was how certain elements distinctly hostile to the working class had wormed their way into the workers' councils. Even during that period, however, the workers' councils had not advanced any claims of a trade union nature or exercised trade union functions. In fact the Budapest Workers' Council and the workers' councils that had been influenced by it had advanced exclusively political claims and the strikes which they had organized had been political in nature. That contention was borne out by all the documents which they had issued during that period.

From the foregoing it is evident that the workers' councils cannot be said to have fulfilled or to be fulfilling the functions of a workers' occupational association.

When, in conformity with criminal procedure, the Hungarian authorities initiated proceedings against certain elements who had infiltrated the workers' councils and plotted to overthrow the legal order, they did not take action against persons engaged in trade union activities; still less was trade union activity the reason for the proceedings. The recommendation in paragraph (a) of the report on the Committee on Freedom of Association is not applicable to the arrest of members of the workers' councils because they were not engaged in trade union activities as such.

(b) This observation applies equally to paragraph (b). It should be added that the members of the workers' councils were arrested because they had incited persons to rebel against the State order, had concealed arms etc.; in other words they were arrested for offences which had been considered criminal offences under Hungarian criminal procedure even before October. There was no question therefore in their case of the retroactive application of the penal law.

(c) It follows from the foregoing that the principles set out in paragraphs (a) and (b) do not apply to the arrest of members of the workers' councils.

(d) The Hungarian Government is willing to give the International Labour Organisation full information on the situation and legal status of the Hungarian trade unions.

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As regards the resolution adopted by the Governing Body at its 134th meeting, the Hungarian Government's position is as follows:

The statement in the resolution that "the Hungarian authorities have failed to provide evidence of their willingness to take into account the recommendations formulated by the Governing Body with a view to ensuring full freedom and independence for the Hungarian trade unions" is not in accordance with the facts.

The Hungarian Government has already stressed above that:

(1) The Hungarian Constitution and Hungarian legal provisions guarantee complete freedom of association. The trade unions are completely autonomous.

(2) In Hungary all the provisions of the Freedom of Association and Protection of the Right to Organise Convention and the Right to Organise and Collective Bargaining Convention are fully respected.

These Conventions will shortly be ratified by the Presidential Council of the People's Republic of Hungary.

The Hungarian Government categorically rejects any attempt to intervene in the domestic affairs of Hungary and considers that the wish expressed by the Governing Body to conduct an on-the-spot investigation of the situation of the Hungarian trade unions constitutes such an attempt.

In conclusion the Hungarian Government wishes to emphasize that it seeks, as always, to co-operate to the full with the organs of the International Labour Organisation but that it assumes that the Organisation will base its resolutions only on known facts and trustworthy information.
