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on Civil and
Political Rights**

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Sixth session

SUMMARY RECORD OF THE 135th MEETING

Held at Headquarters, New York,
on Tuesday, 17 April 1979, at 10.30 a.m.

Chairman: Mr. KOULISHEV

later: Mr. MAVROMMATIS

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The meeting was called to order at 10.55 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT: INITIAL REPORTS OF STATES PARTIES DUE IN 1977 AND 1978 (continued)

Romania (CCPR/C/1/Add.33)

1. At the invitation of the Chairman, Mr. Mircea and Mr. Bolintineanu (Romania) took places at the Committee table.
2. Mr. BOLINTINEANU (Romania) said that his country, which had ratified the International Covenants on Human Rights in 1974, attached the utmost importance to the need to strengthen the role of the United Nations in the field of human rights and fundamental freedoms, which represented one of the main problems of the modern era.
3. His country sought to give real content to the rights guaranteed by its Constitution and laws, which further developed the provisions of the Covenants, and to ensure that they were exercised effectively and on the basis of equality. The whole evolution of Romania, starting with its liberation from fascism in 1944, had been directed towards the construction of economic, social and political structures that guaranteed its citizens genuine, deeply rooted democratic rights. Romania had initiated the process of overcoming its state of under-development with a view to permanently eliminating man's exploitation of man and, in applying its concept of democracy, it was ensuring its citizens complete political, economic and social equality. Free access to work, to education, to culture and to science, as well as participation in the management of society without discrimination of any kind, had become a reality. In the opinion of his delegation, the community of States should concentrate on those basic rights and not on peripheral or formal matters which diverted attention from the grave social anomalies existing in some countries.
4. Genuine democracy and genuine humanism were incompatible with the persistence of inequality and discrimination. In Romania, concern for the human being, who was regarded as representing society's highest value, had created a new context favourable to the multifaceted development of the human personality; it was definitely a new type of humanism characterized by constant concern to ensure the conditions needed for each citizen to develop his potential and enjoy fully the fruit of his labour.
5. On the basis of the indivisibility of economic, social and cultural rights and civil and political rights, Romania fully guaranteed the right to work, which was a prerequisite for human dignity. Every citizen was guaranteed work that was in keeping with his training and skills as well as just remuneration that increased with the growth of national income. The right to old-age and disability pensions, to free medical care and to free education at all levels was universally implemented and protection was afforded to families, mothers and children. All discrimination on the basis of sex had disappeared. In addition, democracy was constantly expanding in the life of society, and institutional forms of collective leadership and self-management were being extended to all sectors of activity.

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(Mr. Bolintineanu, Romania)

6. The exercise of the rights and freedoms set forth in the International Covenant on Civil and Political Rights was guaranteed by Romanian law not only from the legal standpoint but also through material guarantees which represented an obligation on the part of the State. When Romania had ratified the Covenant, all the rights set forth in it had already been embodied in the Romanian Constitution and ordinary law. In order to perfect the law and take into account the country's rapid economic and social development, new codes and other important regulatory instruments were being elaborated with due regard for the provisions of the Covenant.

7. In order to ensure the effective and universal triumph of human rights, Romania attached primary importance to the exercise of the right of peoples to self-determination, as embodied in article 1 of the Covenant. As the President of Romania, Nicolae Ceausescu, had pointed out, real democracy could be ensured and genuine humanism established only when the people took power into their own hands and became masters of their own destiny. In order to make an active contribution to the attainment of that right, Romania gave full diplomatic, political, moral and material support to national liberation movements. As a socialist developing country, it was steadily increasing its co-operation with developing countries in order to strengthen economic independence and sovereignty over natural resources and was vigorously co-operating in all United Nations activities aimed at abolishing the vestiges of colonialism, neo-colonialism, racism and apartheid.

8. With regard to article 2, paragraph 3, of the Covenant, Romanian law and practice included various means of exercising control over the activities of the executive authority so as to ensure that they were in conformity with the Constitution and laws and that the legitimate rights and interests of citizens were respected. Thus, Act No. 1/1967, which was mentioned in the report, provided that any person injured by an unlawful administrative action or by an unjustified refusal to consider a request regarding any of his rights could petition the competent court to declare the unlawful action null and void and to compel the administrative body to take appropriate steps to redress the wrong. Under Romanian law, the decision of the court in question could also be appealed. Furthermore, the question of the illegality of an administrative action could always constitute grounds for entering a demurrer in a case.

9. In addition to means of jurisdictional control like those of other legal systems, in Romania the Grand National Assembly (parliament) exercised general control over the implementation of the Constitution in accordance with article 43, paragraph 14, of the Constitution, the State Council (article 64, paragraph 2) exercised control over the implementation of the laws and decisions of the Grand National Assembly, and either the Assembly or the State Council exercised control over the activities of the Council of Ministers, of ministries and of the other central administrative bodies and over the activities of the Procurator's Office, the competence of which was broader, for example, than that of the Public Prosecutor's Office in France.

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(Mr. Bolintineanu, Romania)

10. Very special attention was being given to the realization of the right of petition and to the settling of claims made by citizens against administrative actions. Act No. 1/1978, adopted recently, established a series of juridical guarantees and measures aimed at settling such claims quickly and legally.

11. The equality of men and women in the enjoyment of the rights set forth in article 3 of the Covenant was being fully achieved in Romania, where women took part in numerous public activities; for example, 55 of the 349 members of the Grand National Assembly were women, as were 15,699 of the 51,441 members of the people's councils (local organs of power), 15,000 members of the workers' councils which implemented the policy of self-management, and 30 per cent of all judges.

12. Act No. 3/1978, dealing with public health, had reorganized the health protection system, which was the principal means of realizing the right to life embodied in article 6, paragraph 1, of the Covenant. The Act was based on the principles of preventing disease and combating its causes, prolonging people's working and biological life, and promoting physically and mentally vigorous generations to come; it stipulated, in accordance with the Constitution, that the State must provide the entire population, without distinction of any kind, with services to protect and improve health and with free medical care and it allocated a large part of the national income for that purpose.

13. Adding to the information on the death penalty contained in the report (chapter II, para. 3), he noted that the sphere of application of the penalty would be considerably restricted under the new criminal legislation, which provided that it should be imposed exclusively as an exceptional means in cases of homicide, treason or espionage committed in especially serious circumstances and for air piracy entailing especially serious consequences.

14. In connexion with article 6, paragraph 3, of the Covenant, he pointed out that, by Decree No. 236/1950, his country had ratified the Convention on the Prevention and Punishment of the Crime of Genocide. Article 357 of the Penal Code, which incorporated those provisions of the Convention stipulating what constituted an offence, made genocide punishable by the death penalty or up to 20 years' imprisonment.

15. With regard to article 7 of the Covenant, the principle that the consent of the patient was required for any medical treatment was embodied in article 124 of the new public health law, articles 131 to 137 of that law, in particular, set forth the conditions governing the removal and transplant of human organs and tissue, which could be done only for therapeutic reasons, not for financial gain. Removal could take place only if it did not endanger the life of the donor and only with his or her consent, given in writing before two witnesses, after the donor had been duly informed of any possible risks by the doctor. The transplant could be effected only if it was the only way of saving the recipient's life and preserving his or her physical state intact, and then only with his or her prior consent. If the recipient was too seriously incapacitated to give such consent, written consent could be obtained from members of his or her family.

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16. Returning to article 8 of the Covenant, he noted that the implementation of article 18 of the Constitution and article 2 of the Labour Code guaranteed every citizen an opportunity to participate in economic, administrative, social or cultural activities in accordance with his or her training, the citizen's remuneration being based on the principle of equal pay for equal work.

17. Romania had ratified the Slavery Convention, 1926, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956. Given the nature of its social system, there were no grounds for the existence of phenomena such as slavery or forced labour in his country.

18. With reference to the procedural guarantees provided for in article 9, paragraph 3, of the Covenant, he pointed out that, according to the Code of Criminal Procedure, the investigating authorities could not order the detention of a person for more than 24 hours. If it proved necessary to extend that period, the detained person was remanded in custody. That could be ordered only by the prosecutor or the court in circumstances for which there was express legal provision, and then only for a period of time specified by law.

19. With respect to article 9, paragraphs 1 and 10, of the Covenant, he observed that in his country there was a consistent trend towards narrowing the sphere of application of penal law. Acts previously punishable under penal law had been eliminated from current legislation, and others had been redesignated as petty offences. The terms of imprisonment for many offences had been reduced, and in some cases a fine had been introduced as an alternative to a prison sentence. Some severe penalties had been abolished, and administrative sanctions had been instituted for offences which did not constitute a serious threat to society. There was provision for serving a prison sentence, without deprivation of liberty, in the form of corrective labour.

20. The fundamental purpose of Romania's penal policy was to prevent criminal behaviour and help to correct it when it occurred. Accordingly, the scope of penalties not entailing deprivation of liberty, but involving re-education through work, would be widened. Criminal penalties as such would be imposed only in the case of offences which constituted a substantial threat to society and were directed against basic values of the social and State order. For young offenders between the ages of 18 and 21 a different code of penalties would apply, and only in the case of serious offences would they be sent to special re-educational and work institutions.

21. With regard to existing laws relating to article 14, paragraph 4, of the Covenant, he noted that a welfare report was prepared on the young offender's background in order to determine the circumstances of his or her upbringing and education. Juvenile court judges were selected from people specially qualified to assess the state of mind and development of minors. The corrective education measures which could be applied to a minor included a warning, release on probation or confinement in a special re-educational or medico-educational institution.

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A criminal sentence was imposed only in cases where a re-educational measure would not be sufficient to rehabilitate the minor.

22. As for the recourse procedures provided for under article 14, paragraph 5, of the Covenant, it had to be borne in mind that under the Romanian legal system there was a two-tier court structure for hearing cases. In addition to the normal appeals procedure, there was also provision for appeal to a supreme court of appeal, application for a review of the sentence or a special appeal which could be lodged by the Attorney-General.

23. The principle set out in article 16 of the Covenant had also been incorporated into Romanian legislation. By Decree No. 31 of January 1954, everyone had the right to recognition as a person before the law, irrespective of sex, race, nationality, religion, level of education, or origin.

24. With regard to the freedom to associate with others in trade unions, for which provision was made in article 22 of the Covenant, trade unions in economic units and institutions, trade-union federations in the various branches of industry and the administration, and the general confederation of trade unions engaged in trade-union activities in Romania. The trade unions fulfilled various functions in the economic and social life of the country, their over-all aim being to ensure optimum working and living conditions for their members and respect for the rights recognized by labour legislation. The trade unions concluded collective labour agreements and defended the rights of their members before the competent bodies. In addition, a trade-union representative served on the commission which dealt with labour disputes, the decisions of which could be challenged in the courts. The trade unions also participated in the drafting and implementation of the provisions of labour law and in the activities of the collective leadership organs of economic units and of the ministries, besides playing a central role in workers' self-management bodies.

25. With reference to article 23 of the Covenant, he noted that, under the Family Code, men and women had equal matrimonial rights and shared in decisions on all questions relating to marriage. The Code also provided for joint ownership of property.

26. Where article 14 of the Covenant was concerned, he pointed out that the principle of non-discrimination was universally applied in Romanian law and practice, affording protection also to children born out of wedlock. The law provided for various measures to protect physically, morally or intellectually handicapped minors by placing them in foster homes, orphanages and children's homes, day-care centres, boarding schools, residential workshops for the partially handicapped, or special homes in the case of those who were permanently handicapped.

27. Special provision was made in Romania for the participation of citizens in the conduct of public affairs in accordance with article 25 of the Covenant, and representative and direct democracy functioned in perfect harmony. Through self-management, workers participated directly in the activities and decisions of

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policy-making bodies, from the enterprise and co-operative level right up to the ministries and central organs. Recently, new democratic bodies had been set up at the national level, such as the National Council of Industrial, Construction and Transport Workers and the National Agricultural Council. The Congress of Workers' Councils, the Peasants' Congress and the Conference of Chairmen of People's Councils had also been institutionalized. Electoral law guaranteed all citizens the full exercise of their electoral rights, irrespective of race, nationality, sex or religion. In elections for deputies to the Grand National Assembly and the People's Councils, several candidates could stand for the same seat.

28. With respect to article 27 of the Covenant, he noted that the recently adopted Education Act made provision for the use, study and detailed knowledge of the mother tongues of all the nationalities which co-existed in the country. When embarking on their studies, pupils could choose between institutions which used Romanian and those where courses were given in the language of their respective nationality. Textbooks and other teaching materials were published in the languages of the various nationalities for that purpose.

29. Mr. Mavrommatis took the Chair.

30. Mr. BOUZIRI noted, by way of a general comment, that the Romanian report concluded with the statement that consideration of the problems of human rights in the Committee should take place in strict observance of the principle of non-interference in the internal affairs of States. The Committee's task, however, was to determine whether the domestic legislation of States parties to the Covenant was compatible with the latter's provisions. If the Committee indicated that such compatibility did not exist, that did not imply interference in the internal affairs of a country.

31. Article 2 of the Romanian Constitution stipulated that the working class was the leading class in Romanian society. From that it would appear that the working class stood above all others and that its members were in a different legal category. That situation did not seem to conform to the provisions of article 2, paragraph 1, article 5, paragraph 1, or article 26 of the Covenant.

32. Article 3 of the Romanian Constitution stipulated that the Romanian Communist Party was the leading political force of the whole of society. As a national of a country with a single-party system which had won its independence after many years of struggle against colonialism, he understood how the historical context could bring about the existence of a single political party. However, the Tunisian Constitution, which had been drawn up by representatives of the single political party in existence, did not make any provision for a single-party system, nor did it expressly prohibit the existence of other parties. In Romania, there was a de facto situation in which the political leadership lay with the working class and the Communist Party. In his opinion, that did not present any problems of compatibility with the Covenant; what was incompatible was the institutionalization of that de facto situation. He would therefore like the Romanian delegation to provide further details on the subject.

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33. He believed that article 17 of the Romanian Constitution contained an inconsistency. The first part of the article stated that citizens of the Socialist Republic of Romania, irrespective of nationality, race, sex or religion, had equal rights in all fields of economic, political, judicial, social and cultural life. That wording, which was in keeping with the provisions of the Covenant, was at variance with the provisions of articles 3 and 4 of the Constitution. Furthermore, the last sentence of article 17 mentioned that no restriction or distinction whatsoever was permitted on grounds of nationality, race, sex or religion, and it was clear that all reference to discrimination on political grounds had been omitted. That seemed plainly to indicate that there was a difference between the proclamation and the exercise of the rights provided for in the Covenant; and the exercise of those rights was obviously what was meant by the last sentence of article 17.

34. Article 25 of the Romanian Constitution stipulated that the right to nominate candidates belonged to the Socialist Unity Front. That provision apparently meant that in the Socialist Republic of Romania a group or an individual was not free to stand for election without the consent of the Front. There was therefore a choice between different individuals but not between different ideas. In his opinion, that was not compatible with the provisions of article 25 of the Covenant, which stipulated that every citizen had the right to take part in the conduct of public affairs.

35. With regard to Act No. 57/1976 on the organization and functioning of the People's Councils, after reading articles 1, 4 and 6 of that Act, it was apparent that socialism, in its Marxist-Leninist form, was the only ideology allowed. Of course, every country had a right to choose the political and socio-economic system best suited to the attainment of its particular goals, but the national laws of countries that had acceded to the Covenant should be in line with its provisions, and the articles he had mentioned would seem to be incompatible with the relevant articles of the Covenant.

36. Article 247 of the Romanian Constitution stipulated that if a public official limited any citizen whomsoever in the exercise of his rights or placed the latter in any situation of inferiority for reasons of nationality, race, sex or religion, he would be liable to a penalty of imprisonment for six months to five years. In enumerating those grounds, the Constitution omitted all reference to grounds of a political nature. Accordingly, he would like to know whether that was an oversight or whether it meant that public officials could limit the exercise of citizens' rights for political reasons.

37. He pointed out that article 31 of Act No. 23/1969 on the application of penalties provided for the death penalty only in the case of particularly serious offences. These included offences against State security, and the list was obviously not complete since it ended with the word "etc.". He would therefore like to know what offences had not been mentioned in the report. The same article stipulated that the death penalty could also be applied in the case of certain offences against public property, if they had serious consequences. Those included

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misuse of public funds and embezzlement. However, under most laws, misuse of public funds and embezzlement were punishable by imprisonment or compulsory labour, but hardly ever by death. He would therefore like to know what criterion was used to determine whether the offender deserved the death penalty in such cases.

38. With regard to article 268 of the Penal Code (p. 9 of the report) and article 504, paragraph 1, of the Code of Criminal Procedure (p. 10 of the report), he asked whether persons who were detained and sentenced without good cause albeit in good faith, received any compensation and, if so, what legal instrument covered such cases.

39. The provisions of article 12 of the Covenant seemed to be reflected in Romanian law; for example, Decree No. 156/1970 concerning the passport system provided that Romanian citizens could travel or establish residence abroad, in the cases and according to the conditions mentioned in that Decree (p. 12 of the report). However, it did not specify what those cases and conditions were, nor did it indicate, when part of a family resided abroad, whether the other members of the family could leave the country without difficulty.

40. The report stated that Romanian citizens were also able to travel to any country in the world for personal reasons or as tourists (p. 13). He inquired how many Romanian tourists had traveled abroad during the last year for which statistics were available. It was a known fact that people in countries with non-convertible currencies could not exercise their right to leave the country unless they received foreign currency; it should be ascertained whether provision was made in Romania for a foreign exchange allowance for tourists.

41. Article 290 of the Code of Criminal Procedure stipulated that trials would be public; however, if a public trial might be prejudicial to socialist morality, the court could direct the whole or any part of the proceedings to be held in camera (p. 14 of the report). In that connexion, it would be useful to have a definition of socialist morality, a concept for which no provision was made in article 14 of the Covenant, as well as a definition of the objective and legal criteria applied in that respect.

42. Article 6 of the Act on Organization of the Judiciary (No. 58/1968) stated that "Judges and people's assessors are independent and subject to the law alone" (p. 14 of the report). In that connexion, it was important to know how and by whom judges were appointed, whether they were elected, whether they served for a specific term and whether their term of office could be terminated before it expired. As had been stated frequently in the Committee, the independence of the judiciary was essential to the protection of the civil and political rights of citizens, and it would be interesting to know how that independence was guaranteed.

43. He pointed out that, according to article 172 of the Code of Criminal Procedure "An accused person under arrest may contact defence counsel. Where the interests of the investigation so require, the prosecuting authority may, by an

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order stating the reasons on which it is based, prohibit an accused person under arrest from contacting his defence counsel for a period of not less than thirty days. If necessary, the prohibition may be extended for a further period of not more than thirty days" (p. 18 of the report). Therefore, 60 days could elapse before the accused person could contact his defence counsel), and that did not seem to be compatible with articles 9 and 14 of the Covenant. Furthermore, with regard to the phrase "where the interests of the investigation so require", he asked when that was applicable and whether the accused could appeal to a higher court for a reduction of that period.

44. With regard to the secrecy of correspondence and of telephone communications (p. 21 of the report), he would like to know whether there were any exceptions to the protection provided by the Penal Code in the case of persons suspected of murder, espionage or any other serious crime, for example.

45. According to the report, under the Romanian Constitution and Romanian law all religions were respected, and even received material and financial assistance from the State. Although article 318 of the Penal Code provided that obstruction of the freedom of worship of religious denominations would be punishable by imprisonment (p. 22 of the report), the report did not state whether Romania engaged in atheist propaganda.

46. As for freedom of expression, article 29 of the Constitution stated that "Freedom of speech, of the press and of assembly, meetings and demonstrations may not be exercised for purposes hostile to the socialist régime or to the interests of the workers" (p. 25 of the report). The words "socialist régime" and "interests of the workers" were, in his opinion, too vague for legal purposes and could have too broad a scope, thus considerably limiting the freedoms provided for in articles 28 and 29 of the Romanian Constitution. It should be indicated whether there were any specific criteria for defining the socialist régime and the interests of workers, and what authority decided whether hostile purposes were involved.

47. According to article 101 of the Family Code, parents had a duty to care for their children in conformity with the objectives of the State, in order to make them useful members of society (p. 28 of the report). In that connexion it would be interesting to know what the State's objectives were and who defined them. Also, if parents had a duty to bring up their children in the socialist spirit, he would like to know what penalties were applied in the case of failure to do so.

48. Sir Vincent EVANS said that the purpose of the Covenant was to ensure that all the rights enumerated therein were safeguarded and that it was the responsibility of Governments to ensure that everyone under their jurisdiction enjoyed those rights. Clearly, full enjoyment of those rights was connected with economic and social conditions, and the report submitted by Romania rightly emphasized the importance of economic, social and political development to respect for civil and political rights.

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49. Although the report gave information on legislation relating to the various rights set forth in the Covenant, more information was needed on the general constitutional and legal framework within which those rights were implemented. In that connexion, he would like to know whether the socio-political system in Romania presented any special features with regard to civil and political rights which distinguished it from that of other socialist countries.

50. The 1965 Constitution of the Socialist Republic of Romania, mentioned in the report, stated that the Grand National Assembly and the People's Councils constituted the basis of the whole system of State organs and that the Romanian Communist Party was the leading political force of the whole of society. In that connexion, he would like to know what proportion of the population of Romania belonged to the Communist Party, the Grand National Assembly and the People's Councils. He would also like to have information on the prerogatives enjoyed by the Romanian Communist Party within the system, on the existence of other political parties and on any restrictions on the establishment of political parties.

51. With regard to the right to take part in the conduct of public affairs and in elections, he wished to know how the provisions of article 25 of the Covenant were applied under the Romanian system.

52. It would also be useful to have more information on the Romanian judicial system, and especially on the various types of courts in existence, the way in which their independence was guaranteed and the procedures governing the appointment of judges and the termination of their term of office.

53. With regard to the provisions of paragraph 3 (a) of article 2 of the Covenant, he wished to know what remedies were available to a person whose rights or freedoms had been violated by the State authorities, as the information provided in the report was inadequate on that point. It should be noted that the provisions of the Covenant were not incorporated as such into Romanian law, although that country maintained that its domestic law was in line with those provisions. For instance, if a right was defined in different terms from those used in the Covenant, and if an individual considered that the rights provided for in Romanian law were subject to restrictions not envisaged in the Covenant, it would be interesting to know what remedies were available to the individual in such a case and whether he could invoke the Covenant and freely raise the issue with the authorities for public discussion without incurring the risk of being subjected to repressive punitive measures.

54. Paragraph 6 of article 6 of the Covenant referred to the abolition of capital punishment and paragraph 2 indicated that in countries which had not abolished it that penalty should be imposed only for the most serious crimes. According to the Romanian report (page 6), the most serious crimes included undermining the national economy, misuse of public funds, embezzlement, etc. That seemed to be an excessively broad interpretation of the concept. Some indication should therefore be given of the cases in which the death penalty had been applied in recent years,

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the offences involved and whether the possibility of abolishing the death penalty had been considered.

55. Article 7 of the Covenant stated that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Paragraph 1 of article 10 provided that all persons deprived of their liberty should be treated with humanity and with respect for the inherent dignity of the human person. In that connexion, he wished to know what steps were taken in Romania to deal with accusations of ill-treatment made against the police and other security organs. Also, in view of the fact that in some cases solitary confinement could verge on cruelty, it would be useful for the Committee to have information on the rules applicable in that connexion, on the maximum period of solitary confinement, and to know whether a prisoner's family could visit him in prison during that period and whether the prisoner was entitled to see his lawyer.

56. In view of reports that in some countries, sane persons were committed to psychiatric institutions for political or punitive reasons, he wished to know what happened in that connexion in Romania, what safeguards existed and what remedies were open to individuals who believed that they had been wrongly confined in a psychiatric institution.

57. With regard to the rights provided for in article 9 of the Covenant, he asked if, in Romania, there were people who had been detained for political or other reasons without trial, except to ensure that they appeared in court, and what legal rules governed that situation. While in all legal systems there were some circumstances in which an individual could be detained pending trial, the Covenant provided for a number of safeguards (art. 9, para. 3), such as the right of detainees to be tried within a reasonable time or released, or to take proceedings before a court in order that the latter might decide without delay on the lawfulness of their detention and order their release if the detention was not lawful (art. 9, para. 4). The Committee's attention had been drawn to cases of individuals in other countries who had been held in custody by the security forces for long periods, without any possibility of determining the legality of their detention. Since the report submitted by Romania made no reference to the measures taken to implement paragraphs 3 and 4 of article 9 of the Covenant, he wished to know the average length of time for which accused persons could be detained pending trial, and whether they had the right to appeal to a court to determine the legality of their detention.

58. Article 12 of the Covenant referred to the right to freedom of movement. In that connexion, it would be useful to know to what extent people could choose their place of residence in Romania, whether any special permit was required for that purpose, and whether it was customary to transfer individuals to another part of the country for employment purposes or for any other reason. The report indicated that Decree No. 156/1970 allowed Romanian citizens to travel or establish their residence abroad, in the cases and under the conditions mentioned in that Decree (p. 12 of the report). However, it did not indicate the cases and conditions in which permission to leave the country could be obtained and whether such permission could be denied. The existence of restrictions in that connexion would not be in

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conformity with the Covenant. It would also be useful to know what proportion of applications to leave the country had been rejected.

59. The fact that in Romania an accused person could be forbidden to contact his defence counsel for a period of 30 days, which could be extended for a further 30 days, was hard to reconcile with article 14, paragraph 3, of the Covenant. He also wished to know whether there were restrictions on the right of accused persons to secure the appearance of defence witnesses in court.

60. Article 19 of the Covenant provided that everyone had the right to hold opinions without interference and the right to freedom of expression, which included freedom to seek, receive and impart information and ideas of all kinds. Those rights were fundamental to the Covenant, inherent in human dignity and essential to the full development of the human personality. They also allowed the individual to enjoy all the rights laid down in the Covenant and to strive for the improvement of the society in which he lived. No system of government was perfect, and in any democratic society the individual must be free to air his grievances and to propagate his ideas concerning change and improvement, provided that he did so by peaceful means. Accordingly, article 19 of the Covenant provided that the exercise of the right provided for in that article could be subject to certain restrictions necessary for respect of the rights or reputations of others and for the protection of national security or of public order, or public health or morals. In that connexion, he asked what restrictions were imposed in Romania on the peaceful dissemination of opinions and ideas, what controls were imposed on the press and other information media and, if prior authorization was required, how such authorization could be reconciled with the provisions of article 19 of the Covenant.

The meeting rose at 1.10 p.m.