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HUMAN RIGHTS COMMITTEE

Sixth session

SUMMARY RECORD OF THE 136th MEETING

Held at Headquarters, New York,  
on Tuesday, 17 April 1979, at 3 p.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 3.20 p.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 (continued) (CCPR/C/1/Add.33)

1. Mr. LALLAH said that he wished to associate himself with the welcome given to the Romanian representatives, whose excellent introductory statement had thrown a great deal of light on the report before the Committee (CCPR/C/1/Add.33). It would be unhelpful at the present stage for members of the Committee to make individual comments on the report other than those designed to obtain further information with a view to assisting the Government in its implementation of the Covenant. His comments should therefore be understood in that light, and not as an expression of views on the merits or demerits of the Government's legislation.

2. He wished to pay a tribute to Romania's political and social development and to its choice of political system. He fully associated himself with Mr. Bouziri's analysis of the various constitutional mechanisms of the system, and with his question on the extent to which they were consistent with the specific provisions of the Covenant. In examining other systems, he himself had raised the question whether the search for a particular system which responded to the wishes of the people might not in itself provide a somewhat extreme solution. He wished to raise the same question in the case of Romania. Referring in particular to articles 2, 19 and 25 of the Covenant, he wished to know in what ways and to what extent political thought was controlled and to what extent the situation prevailing in that connexion was in conformity with the provisions of the Covenant. Romania's system was that of a single party which was institutionalized in the constitutional order, with the result that the laws had to provide for the protection of that system. He wished to know to what extent such protection went beyond the provisions of the Covenant. Certain structures were, of course, institutionalized in various systems, including democratic monarchies. It was not open to everyone to become a monarch, but provision was made for free political discussion on the system to be adopted by the country or on possible ways and means of improving it. The Committee had to be able to consider whether a particular system had become so rigid that it inhibited peaceful change in the political structure to an extent that was inconsistent with the Covenant.

3. With regard to the right to life, dealt with in article 6 of the Covenant, he shared the concern expressed by other members of the Committee on the question of infant mortality. The right to life required that a State should go beyond the legal provisions in establishing the necessary economic, social and health conditions for bringing into being and preserving infant life. It was equally important to ensure the preservation of life in adulthood. The taking of life by the authorities was an indication of the failure of the system vis-à-vis the individual, and the application of the death penalty in cases other than those involving serious crime was a judgement on the society in which the individual

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(Mr. Lallah)

lived as much as on the individual himself. He was concerned about the situation in Romania in that respect. The cases in which the Covenant allowed for the death penalty were cases of serious crime for which the individual himself bore the exclusive responsibility. The report showed that in Romania the death penalty could be applied for all kinds of offences, including economic and fiscal offences. He wished to know how many executions had been carried out in Romania during the past few years and whether serious consideration was being given to limiting the death penalty to a very small number of serious crimes.

4. He welcomed the generous treatment given in the report to the question of freedom of conscience and freedom of religion (CCPR/C/1/Add.33, pp. 21-25).

5. He had noted that there were various penal and civil legal provisions in Romania to ensure that persons were treated with humanity in accordance with articles 7, 9 and 10 of the Covenant. Information was, however, required on the safeguards resorted to in practice. He wished to have details of the number of persons subjected to various forms of psychiatric treatment, the length of their treatment, and the number of successful and unsuccessful cases of treatment, together with an indication as to whether the State had considered the possibility of studying the results of the methods used, both medically and in terms of restoring the persons concerned to normality. He also wished to have some idea of the number of non-offenders who were subjected to that form of treatment and who might have expressed some dissent with the system in which they were living.

6. Referring to article 17 of the Covenant, he asked whether there were any special regulations which had to be observed by the authorities before they could tap telephones or breach the privacy of correspondence.

7. With regard to articles 7, 9 and 10, he wished to have information on the kind of labour used in connexion with various social projects in Romania, such as the Black Sea/Danube project. He noted that both the right to work and the obligation to work were envisaged under the Romanian system, and he found it difficult to understand how the right and the corresponding duty could be invested in one and the same person. The corollary of the right to work was the obligation of another party to provide work. The question of freedom of action, freedom of movement and freedom of choice of work had to be considered. It would be interesting to know the proportion of labour that was employed on the type of project he had mentioned without the free choice of the individuals concerned, the grounds on which relevant court orders or administrative orders for enforcing such employment had been based and the safeguards which had been used to prevent the abuse of such orders.

8. He wished to know to what extent the rights set forth in article 23 of the Covenant were restricted in the case of the marriage of a Romanian citizen to a foreigner and whether there was any discrimination as between men and women in that respect. Did permission for such marriage have to be sought from the State, and if so, on what grounds could it be obtained? Was the marriage of persons

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belonging to the various nationalities referred to in the fifth paragraph of part I of the report subject to any special conditions or difficulties, particularly if the intended spouse was a national of another country?

9. Consideration should be given to the question of the effective participation of women in Romanian society - in the universities, public life and the professions - and to whether their obligations in marriage differed from those of men.

10. Referring to article 12 of the Covenant, he asked in what conditions Romanians could lose their nationality on leaving the country for a temporary period.

11. The CHAIRMAN said that he welcomed Mr. Lallah's explanation of the purpose of the comments and questions put forward by members of the Committee; such comments were advanced with an open mind for the sole purpose of obtaining additional information from government representatives, and did not come within the meaning of article 40, paragraph 4 of the Covenant.

12. Mr. OPSAHL said that the achievements described in part I of the Romanian report were impressive in many ways. He also welcomed the facts and figures quoted in part II of the report, although they were not set forth systematically. In some cases the facts were described without any reference to the laws restricting the rights in question, while in other cases the laws themselves were described without any reference to the facts. More information was required in all such cases.

13. His main concern with regard to part III, in which the Government drew attention to recent changes in the political life of the country, related to the comments made in the last paragraph but one of the report. The Committee's questions and comments did not constitute interference in the internal affairs of States. By ratifying the Covenant, States parties accepted the Committee's competence to receive and study their reports in accordance with article 40. It was a reflection of the essence of current international co-operation that the Committee was able to deal as a body of independent experts with questions which, though formerly at the centre of internal affairs, were no longer essentially within domestic jurisdiction. He was therefore unable to understand the precise meaning of the statement in the paragraph in question 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. It surely could not mean that the Committee should refrain from inquiring into the country's affairs on the basis of the information available to it. That procedure was firmly established in the Committee and had been applied in all other cases. The Committee did not represent States, and its consideration of reports could in no way conflict with the principles referred to by the Romanian Government. He would welcome a further explanation on that point.

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14. He asked whether the Romanian Government did not consider that new forms of co-operation might be developed under article 40 of the Covenant, and whether it might not at an appropriate stage follow the example of two other States, one of which had allowed United Nations observers into its territory and the other of which had expressed its willingness to do so.

15. A study of indicators of implementation of the Covenant was required. As had been shown by comparative analysis of indicators attempted in academic studies, the extent to which constitutional texts conformed to the Covenant, and the number of human rights instruments ratified or accepted by the State concerned, were not the only, or even necessarily the best, indicators. One such study, which had compared the statistics of nearly 100 countries, had shown that there was an inverse ratio between constitutional texts and the number of ratifications of human rights instruments on the one hand and serious human rights problems on the other. Members of the Committee had on many occasions asked for information on possible indicators such as infant mortality, the right to life, the number of executions and the number of public criminal trials compared with trials in camera. The report now before the Committee provided statistics on religious groups and on the publication of books, newspapers, periodicals, and so forth. He hoped that that approach would be further developed not only by Romania but also by other States, so that a study could be made of relevant indicators of the effective implementation of the Covenant and the laws designed for the purpose. Allowance would, of course, have to be made for different economic circumstances and levels of development.

16. The most serious implementation problem concerned the general attitude towards human beings who were badly adjusted to the society in which they lived. Many victims of human rights violations throughout the world were not heroes or martyrs in good political or social causes, whose cases were usually taken up by sympathizers, but were those who commanded no sympathy and were generally condemned and criticized. The fact that even the worst criminals and maladjusted persons had the same human rights as the rest of society was not sufficiently well recognized. Articles 10 and 14 of the Covenant required such persons to be treated fairly and with humanity. That was a requirement which any society, political system or individual found difficult to accept, and education still had a long way to go in that respect.

17. The explanations given on articles 2 to 5 of the Covenant were somewhat too concise. More information was required as to why some of the grounds on which distinction was prohibited under article 2 of the Covenant, such as language and political or other opinion, were not reflected in the Constitution, which listed only four criteria: nationality, race, sex and religion.

18. He wished to know to what extent the remedies mentioned in the report were available to the individual in law and in fact, and to what extent their application was left to the discretion of the authorities. What was the status of the various decrees in force in Romania compared with the laws or general statutes emanating from the executive?

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(Mr. Opsahl)

19. As to the information on labour instead of imprisonment as a penalty, given in the section on article 9 of the Covenant (p. 8 of the report), he wondered whether it could not more properly be considered in the section on article 8. In any case, he felt that the whole question should be studied more carefully. Obviously, the Romanian approach was in line with the concept of penal reform. However, some clarification was required, for the Committee had also been told that there was no social basis for compulsory labour. He thought the provisions of article 1 of the decree of 17 July 1977, cited in connexion with article 9 of the Covenant, were rather broad and he wished to know the extent to which they were applied.

20. Article 2 of the decree of July 1977 provided that minors who committed offences must be tried by the collectives in which they worked or studied, with the participation of a judge, and that the decision of the judgement commission could be challenged in court within a period of 10 days. He wondered whether the provisions of that article did not relate more closely to article 14 of the Covenant than to article 9.

21. He would also like further information concerning the detention of dangerous mentally ill persons, referred to on page 9 of the report. Who made the decision to confine such persons and what procedures were followed? Also could mentally ill persons who were not dangerous be interned against their will?

22. With reference to article 14 of the Covenant, he observed that though the law prescribed the right of defence at all stages of a trial it was not clear what was the role of the defence at the pre-trial stage. Earlier speakers had referred to prohibitions on contacts between defence counsel and the accused at pre-trial hearings. He wanted to know how that was compatible with the right of a person, under article 14, paragraph 3 (b) and (d) of the Covenant, to communicate with "counsel of his own choosing". How was the exercise of that right provided for under Romanian law?

23. Article 19, paragraph 3, of the Covenant mentioned certain restrictions on the right to hold opinions, and in all countries laws restricting that right existed, which the Governments of the different countries considered justified. However, in the report of Romania the Committee was informed only of the material guarantees of the implementation of the right of freedom of expression and nothing was said about restrictions. He would like to know what restrictions there were. Did the Penal Code limit such freedom of expression, and to what extent? He also sought additional information on how the press law dealt with the same problem.

24. Mr. SADI said he wished to associate himself with the appeal made earlier in the week for the advance submission of the constitutions of all reporting countries. He had found the wording of the portions of the Romanian Constitution that were included in Romania's report somewhat difficult to understand, possibly because they were not from an official translation. Many of the questions which the various speakers had brought up might not have arisen if an official

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translation of the Constitution had been available. By way of example he cited articles 1 and 2 of the Constitution (p. 3 of the report). At first glance, article 2, referring to the working class as being the "leading class in society", would seem to contravene the spirit of the Covenant, as it would imply an absence of equality in the make-up of society. But on a second reading he had noted that the Constitution spoke of "a State of workers of town and country" in article 1 and of "the worker-peasant alliance" in article 2. If the two phrases meant the same thing, there was no conflict. He asked whether the word "worker" covered intellectuals, peasants and other categories.

25. He asked how the provisions of article 3 of the Romanian Constitution describing the Romanian Communist Party as the "leading political force of the whole society" could be reconciled with article 4, paragraph 3, of the Constitution (p. 4 of the report) which laid down the role of the Grand National Assembly as the "supreme organ of State power".

26. With regard to the right to vote (p. 31 of the report), he asked whether, in addition to reaching the age of 23 years, citizens had to be members of the Communist Party in order to be elected deputies to the Assembly. Further, he wondered whether the Socialist Unity Front was entitled to nominate only candidates who were members of the Communist Party. He felt that the question of voting rights should be viewed in conjunction with articles 3 and 4 of the Constitution.

27. In article 17 of the Constitution (p. 4 of the report), he noted that there was no mention of political views in the enumeration of grounds on the basis of which discrimination was not tolerated. The same problem existed in respect of article 247 of the Penal Code, mentioned on the same page of the report. What were the reasons for that omission?

28. With respect to the death penalty (p. 6 of the report), he had difficulty in understanding why Romanian law provided for the application of that penalty for such crimes as undermining the national economy and the misuse of public money, which to his mind were not "serious crimes" within the meaning of article 6 of the Covenant. He also wondered what constituted a "crime against peace and humanity". "Undermining the authority of the State" was a loose, vague expression and he asked what the intention behind it was. The way the paragraph was drafted, he felt, contravened the letter and spirit of article 6 of the Covenant.

29. Regarding article 7 of the Covenant (p. 4 of the report), he asked about the provisions of article 358 of the Penal Code punishing "any inhuman treatment or any medical or scientific experiment that is not warranted by medical treatment". What was meant by medical treatment? He requested a clarification, especially as article 7 of the Covenant required the consent of the patient when scientific experiments were being conducted.

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30. As to article 8 of the Covenant, relating to slavery and forced labour, he wondered to whom article 190 of the Penal Code applied. It seemed to apply to private citizens and not the State, whereas article 8 of the Covenant applied to the State.

31. With reference to article 6 of the Constitution (p. 14 of the report), which he felt sure would be taken up by subsequent speakers in greater detail, he felt that not enough information had been provided regarding the independence of the judiciary.

32. He also had questions on religious education in relation to the provisions of article 18 of the Covenant, treated in article 30 of the Constitution. In the last paragraph on page 21 of the report it was stated that religious denominations could maintain educational institutions only for the training of ministers of religion. He felt that the wording was vague and wanted to know how it could be reconciled with the statement in the first paragraph on page 24 of the report to the effect that for all denominations religious education was given to adherents and their children. In the light of the two conflicting statements he would like to know under what circumstances religious education was allowed.

33. With regard to article 166 of the Penal Code, mentioned in connexion with article 20 of the Covenant (p. 26 of the report), he agreed that freedom of the press should not extend to propaganda of a Fascist character. That also appeared to be the opinion of many countries and the consensus within the United Nations, where resolutions had been adopted against propaganda for war or propaganda spreading hatred on a racial or ethnic basis. He had no difficulty with that paragraph, although he thought it might cause difficulty to some others.

34. He had one last question, on equality of voting rights (p. 31 of the report). Did the principle of one man one vote apply? He particularly wanted to know whether electoral districts reflected that principle, which was accepted by the United Nations and many Member States.

35. Mr. TARNOPOLSKY said with reference to the last paragraph but one of the report that while the principle of non-interference in the internal affairs of States certainly applied to the right of people to determine their own destiny and freely to choose their own political, social and economic systems, he failed to see how the current discussion could be called interference.

36. Although the report was a detailed one, it did not indicate clearly the constitutional position of Romania, the position of the Covenant within Romania's political institutions, the relationship between the country's various political institutions, their powers and limitations and the controls to which they were subject. He joined with other speakers in requesting that a copy of the Constitution should be made available to the Committee, if not during the current session then in any case by the time the Committee would next be considering a Romanian report.

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(Mr. Tarnopolsky)

37. With regard to article 2, paragraph 1 of the Covenant, he said that a constitution which simply declared the equality of rights of its citizens ipso facto prohibited discrimination on any ground whatever. When, on the other hand, some grounds were listed, as in article 247 of the Romanian Penal Code (p. 4 of the report), that raised the question as to whether other grounds were deliberately left out. What significance did that have in the present instance, particularly where those portions of the Constitution that members of the Committee had before them referred to the institutionalization of one particular political view or party?

38. Regarding article 2, paragraph 3, of the Covenant, he would welcome additional information on available remedies. It would be useful to have details of the provisions of Act No. 1 of 1967 (p. 4 of the report) concerning the ruling of the courts "on applications by persons whose rights have been infringed by illegal administrative acts", and of Decree No. 534 of 1966 (p. 5 of the report) governing the receipt, examination and settlement of citizens' claims, complaints and proposals.

39. Like previous speakers, he wished to express his concern at the extent of the applicability of the death penalty. He would like additional information, perhaps in the form of statistics, as it was not clear from the last paragraph of the section on article 6 of the Covenant (p. 6) whether the death penalty might be imposed even in the absence of malice or intent. Was mens rea a required element?

40. With regard to articles 6, 7 and 10, which, taken in conjunction with each other reflected the principle of proportionality of punishment, he felt that deprivation of life in cases other than where the accused was found guilty of depriving another person of his life was a disproportionate penalty. It would be interesting to know whether the principle of proportionality of penalties had been considered.

41. Articles 7 and 10, paragraph 1, of the Covenant required an individual in detention to be treated with humanity. He would like to know what regulations existed in Romania relating to visits by family members. How often were they entitled to visit prisoners and in what circumstances might such privileges be revoked?

42. With regard to the question of compulsory labour, which had a bearing on articles 7, 8 and 9, paragraphs 1 and 10, paragraph 1 of the covenant and possibly others he asked why there were so many references in the report to such labour. On page 7 of the report there were many such references. For example, article 191 of the Penal Code implied that there were cases prescribed by law where a person might be forced to perform labour against his will or to perform compulsory labour. Article 1 of the decree of 17 July 1977 (p. 8 of the report) was concerned with penalties taking the form of work, to be carried out without deprivation of liberty, for acts subject to a penalty not exceeding imprisonment for three years. Similarly, article 2 of that decree referred to minors being

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enrolled in the labour force. Article 8 of the Covenant recognized that "in countries where imprisonment with hard labour exists" the performance of hard labour might be imposed as punishment for a crime, but article 8, paragraph 3 (a), prohibited such labour for other purposes. In no circumstances did article 8 contemplate forced labour other than as punishment for a crime. He asked in what circumstances other than the foregoing a person might be compelled to work in specific places or occupations. He also wished to know what was meant by an order, as referred to in article 1 of the same decree, "that the penalty take the form of work to be carried out, without deprivation of liberty". Could that involve sending the accused away from his family?

43. With reference to Act No. 58 of 1968 on the organization of the judiciary (p. 9 of the report), he asked for clarification on the internment of dangerous mentally ill persons. Did the wording mean that the procurator, as well as the judiciary, had the right to commit a person to a mental institution even before sentencing or in the absence of a court judgement? The first paragraph of both article 18 and article 19 of the Covenant recognized no restriction or limitation on the right to hold opinions and on the right to freedom of thought, conscience and religion. The limitations and restrictions mentioned in the third paragraph of each of those articles referred only to ways of manifesting one's religion or beliefs. He wanted to know whether a person could be committed because of his thoughts or only because he was a danger either to himself or to others or to society as a whole.

44. Turning to article 9, paragraph 5, of the Convention, to which the provisions of article 504, paragraph 1, of the Romanian Code of Criminal Procedure (p. 10 of the report) were relevant, he wanted to know whether compensation was paid only for injuries suffered during detention or for detention itself. Article 9, paragraph 5, of the Covenant, recognized an enforceable right to compensation for any victim of unlawful arrest or detention.

45. In connexion with article 58 of the Penal Code (p. 11 of the report), making provision for payment for work performed by convicts, he would be interested in learning more details regarding such matters of working hours and provision for rest.

46. With regard to article 12 of the Covenant, he noted that Decree No. 185 of 1976 (p. 13 of the report) referred to Romanian citizens living abroad "after refusing to return to the country". On what grounds could a person be requested to return? He would also like to know whether there was any provision under that article connected with article 23, paragraph 1, of the Covenant.

47. As previous speakers had noted, there were few details on the independence of the judiciary, which was covered by article 14 of the Covenant. He would like to know what provision was made, with regard to proceedings in camera or in public, for members of the family of the accused to be present during trials.

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(Mr. Tarnopolsky)

48. With regard to article 14, paragraph 2, of the Covenant, concerning presumption of innocence, he noted with concern a reference in article 172 of the Code of Criminal Procedure to "a guilty or accused person" and a reference in the Plenary Supreme Court Decision No. 6/1973, to "a guilty party in the course of a criminal prosecution" (CCPR/C/11/Add.33, pp. 17 and 20 respectively). He wondered how a person could be referred to as a "guilty party" in the course of a trial, given the principle of the presumption of innocence.

49. With regard to article 14, paragraph 3 (e), of the Covenant, referred to in connexion with article 327, paragraph 1, of the Code of Criminal Procedure (p. 18 of the report), he wondered whether the procurator questioned every witness, including the witness appearing on behalf of the accused.

50. Turning to article 14, paragraph 3 (g), of the Covenant (p. 19 of the report), he noted that it was not clear from article 68, paragraph 1, of the Code of Criminal Procedure concerning the use of compulsion whether an accused was compelled to give evidence. Since the purpose of paragraph 3 (g) was to ensure that a person did not have to testify against himself, he wondered whether there were any provisions which protected the accused in that regard.

51. As to the permissible limitations set forth in article 18, paragraph 3, of the Covenant, concerning freedom of religion, he noted that, under article 30 of the Constitution (p. 21 of the report), the manner in which religious denominations organized and operated was regulated by law. He wondered whether the only law in question was Decree No. 177/1948 (p. 22 of the report), or whether there were other provisions. He also wondered whether that might not be an interference with the freedom set forth in article 18, paragraphs 1 and 2, of the Covenant. More particularly, noting the restriction in the third paragraph of article 30 of the Constitution (p. 21 of the report), he wondered how the operation of religious schools could be contrary to public safety, order, health or morals within the meaning of article 18, paragraph 3, of the Covenant. Even more difficult to accept was the provision in article 10 of Decree No. 177/1948 (p. 22 of the report) under which believers were required to conform to the laws of the country. Did that mean that a person could refuse to serve in the armed forces on the grounds of conscientious objection? In his view, conscientious objection was a freedom to manifest one's religion and, unless there were thousands of such objectors constituting a threat to public safety or order, it was difficult to see how conscientious objection was not protected by article 18, paragraph 3, of the Covenant.

52. Referring to articles 19, 21 and 22 of the Covenant, he observed that the restrictions which they permitted on such grounds as national security or public safety did not seem to cover peaceful dissent. He therefore wondered whether there were penal or other laws which prohibited speech, assembly or association not involving violence, such as criminal libel laws, and how they compared with laws prohibiting the exercise of those freedoms where it involved violence?

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(Mr. Tarnopolsky)

53. In connexion with the report of another State party whose Constitution was also based on the building of socialist society, it had been explained that membership in the Communist Party could often be less a privilege than an onerous duty. Under democratic centralism, persons were free to express their opinions within the Communist Party, but once a decision had been taken, absolute discipline prevailed. If that was the case in Romania, he wondered what the situation would be if a member of the Communist Party - bearing in mind that the overwhelming majority of persons serving in the legislative and perhaps other organs consisted of Party members - wished, after such a decision had been taken, to exercise his rights under articles 19, 21, 22 and 25 of the Covenant. Did the principle of democratic centralism apply in the Romanian context, and in what position did it leave a member of the Communist Party who subsequently disagreed with the decision taken?

54. In connexion with article 22 of the Covenant, on the right of association, he noted the reference in article 27 of the Constitution (p. 27 of the report) to various organizations, but no reference was made to political organizations. Was it possible to form political organizations, and subject to what conditions? Furthermore, since that article of the Constitution referred to "mass organizations", he wondered whether it was possible for a minority or splinter group to establish an organization. He also wished to know whether trade unions in Romania, in furthering their efforts to improve conditions of work, had the right to strike, and with reference to what kinds of objectives.

55. In connexion with article 25 (c) of the Covenant, he wondered what the conditions were for public service in Romania. What political affiliations were required, and what proportion of those in public service were not members of the leading party?

56. Turning to article 27 of the Covenant, concerning minorities (p. 33 of the report), he said it was very gratifying that Romania was prepared to provide so much government support for the languages and cultures of its co-inhabiting nationalities. On the question of minority schools, he wondered whether there were technical or administrative requirements, such as a minimum number of students, in order to establish a school for one of the minorities. Furthermore, noting from page 35 of the report that there were nearly 8,500 students in higher education from among such nationalities, he wondered what proportion of university students were following courses in their own language, as compared with studies pursued in Romanian.

57. Lastly, with reference to articles 1 and 27 of the Covenant, he inquired how far self-determination could proceed in Romania, whether that self-determination meant some kind of autonomy for an ethnic, racial or religious group, and whether such autonomy had to be constitutionally protected. In pursuance of articles 1, 19, 21, 22 and 27 of the Covenant, he wondered whether it was lawful for one of the co-inhabiting nationalities to raise the matter of autonomy or secession. That appeared to be impossible, since he noted from article 1 of the Constitution (p. 3 of the report) that the territory of Romania was inalienable and indivisible.

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58. Mr. MOVCHAN, noting the reference in the penultimate paragraph of the Romanian report to the principle of non-interference in the internal affairs of States, observed that no reference to domestic law could provide a State party with a pretext for refusing to fulfil its undertakings under the Covenant.

59. With reference to article 6 of the Covenant (p. 5 of the report), he noted that, under the Romanian Penal Code, a penalty of imprisonment was provided for as an alternative to the death sentence. Furthermore, he understood the reference to certain crimes against peace and humanity to cover war crimes and genocide. In that connexion, he asked whether Romania had a statute of limitations.

60. With reference to freedom of religion, provided for in article 18 of the Covenant, he noted from page 23 of the report the large number of religious denominations which were permitted to profess their faith. In that connexion, he inquired whether there was any legislation or generally accepted principle in Romania which prohibited religious propaganda, as in other socialist countries.

61. He also noted in connexion with article 20 of the Covenant (p. 26 of the report) that war propaganda was specifically prohibited, and said he shared the view that the prohibition of Fascist and war propaganda was not a restriction of the freedom of speech. He also noted that in that connexion the reader was referred to article 17, paragraph 2, of the Romanian Constitution, set forth on page 4 of the report. Since, however, that provision referred to the restriction of rights, he wished to know whether the prohibition of anti-war propaganda was a limitation of freedom. Perhaps the representative of Romania could explain that provision. In his own view, the prohibition of Fascist and war propaganda ensured the exercise of civil and political rights.

62. With reference to the rights provided for in article 23 of the Covenant, relating to the family and marriage (p. 27 of the report), he inquired what legal, social, economic, moral and political provisions governed the upbringing of children in the spirit of the Universal Declaration of Human Rights.

63. He wished to have further information about the Socialist Unity Front, referred to in connexion with article 25 of the Covenant (p. 31 of the report), and about the role of public organizations and the people's councils. He also requested further details about the procedure governing elections to the Grand National Assembly.

64. In conclusion, referring to the organization of the Committee's work, he suggested that it might facilitate consideration of the reports of States parties if they were grouped according to the social system to which the States belonged. In that way, it might be possible to avoid some of the repetition in questions posed by members of the Committee.

65. The CHAIRMAN said that he had detected at the current session an increasing tendency for members to refrain from asking questions that had already been asked, except where the question had other nuances. Furthermore, without wishing to say

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(The Chairman)

whether he approved of Mr. Movchan's suggestion, he pointed out that reports of States parties could be grouped only if they were received at the same time, which was not the case.

66. Mr. JANCA, noting the references in the Romanian report and in the introductory statement made by the representative of Romania to the transition to higher form of democracy, as well as references in the statement to innovations in the context of self-management, said he wished to have further information about the conduct of public affairs, which he felt should be interpreted as widely as possible to include participation of workers in decision-making, especially in the economic sphere. He therefore requested more information about the composition, working procedures and competence of the new bodies established.

67. Referring to the organization of the judiciary in Romania, he pointed out that the information provided in the report was insufficient to give a clear picture of the judicial organs. He therefore wished to know who nominated the candidates for membership in such organs, who elected the judges and for what period of time they served. Could judges be recalled and, if so, on what grounds?

68. He also requested further information about the judgement commissions referred to in connexion with article 9 of the Covenant (p. 9 of the report), including the procedure for election of members, and the competence and method of work of those quasi-judicial bodies.

69. Turning to the provisions of article 24 of the Covenant, (p. 29 of the report), he wished to have further information about the status of children born out of wedlock, in which the report was lacking. He also requested more details in connexion with article 23 of the Covenant (p. 27 of the report) about State protection of the family, information on whether the number of divorces in Romania had noticeably increased in recent years, as well as details about the legal grounds on which divorce applications were based.

70. In connexion with the second paragraph of the report, which referred to significant achievements in the revolutionary transformation of society, he wished to know to what extent agricultural workers in Romania, whether in public or private enterprises, had access to free medical care.

71. He requested more details about the right of association provided for in article 22 of the Covenant.

72. In conclusion, he inquired, in the light of article 25 of the Constitution, whether there were national branches of international non-governmental organizations, such as a Romanian United Nations Association affiliated with the World Federation of United Nations Associations. If national branches existed, what was the object of their activities and to what extent did they influence public opinion? What role did they have, if any, in the democratization of Romanian foreign policy?

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## ORGANIZATIONAL AND OTHER MATTERS

73. The CHAIRMAN announced that the report of Canada had been received and could be considered at the next session, if the Committee so decided.

74. Mr. BOUZIRI, referring to press release HR/1784, concerning the 134th meeting of the Committee, pointed out that the statement attributed to him referred twice to the word "ethnic", which he had at no time used in his statement. He was seriously concerned about such inaccuracies, and hoped that efforts would be made to avoid them in future.

75. The CHAIRMAN observed that the press release was not an official record of the meeting. However, the Secretariat would do its utmost to avoid such errors.

76. Sir Vincent EVANS suggested that the press release might include a foot-note indicating that the statements attributed to speakers had not been cleared by them. It should, however, be acknowledged that press releases were produced with remarkable speed and that speakers did not always express their views with the necessary precision and clarity to ensure that they were accurately reflected. In those circumstances, it was inevitable that errors should creep in.

77. Mr. MOVCHAN suggested that errors might be avoided if press releases were produced with less speed. In his experience, the staffs of the Permanent Missions were too busy to read the summary records, and gained their impressions from the press releases. In his case, too, the press release containing his statement about the Bulgarian report did not accurately reflect what he had said. He shared the concern expressed by Mr. Bouziri, and suggested that the draft text of each statement in the press release of a meeting might be submitted to the speaker in question to enable it to be checked before issuance of the press release, which played an important role in informing the mass media.

The meeting rose at 6.10 p.m.