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SUMMARY RECORD OF THE 140th MEETING

Held at Headquarters, New York,
on Thursday, 19 April 1979, at 3 p.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 3.15 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. MIRCEA (Romania) thanked the members of the Committee for their interest in his country's report as reflected in the numerous questions posed. He and his colleagues hoped to reply to those questions in as much detail as possible.
2. Mr. BOLINTINEANU (Romania) said the replies to the various questions would be grouped under different headings. He considered that certain frequently repeated questions reflected a certain degree of prejudice and a tendency to question the very essence of the economic, social and political system forged by the Romanian people as part of the right of any nation to choose its own path of development in accordance with its own will and aspirations. It was not his intention to demonstrate the superiority of one political system over another but only to show how human rights were respected under the Romanian system. The Constitution and laws of Romania had as their main goal the fullest possible realization of human rights and the affirmation of the human personality in the spirit of the new socialist humanism. At the same time, his Government had stressed its respect for and compliance with the international conventions to which it had acceded, including the United Nations Charter and the various conventions relating to human rights.
3. Under article 2 of the Romanian Constitution, which provided the framework for the new society that the Romanian people had elected to build, power belonged to the people and was based on the close association between the working class - the leading class in society - the peasants, the intellectuals and the other categories of workers. The word "travailleurs" used in the French text of the report did not exactly convey the Romanian expression used in the text of the Constitution, which encompassed the active working population as a single entity. In English it would be best translated by the words "working people". Although the working class was considered the leading class in society there was no political discrimination, for the working class was not regarded as being distinct from the rest of the people. In any case, such discrimination could not exist in a State where equality of rights constituted the bedrock on which all the rights and liberties of citizens were founded. With regard to the leading role of the working class, it was only right that those who were primarily responsible for building society, owned the means of production and formed the vast majority of the population should occupy a position corresponding to their contribution to the progress of society.
4. The Romanian Communist Party constituted the expression of the basic interests of the working class, the peasants and all working people and, in a socialist nation which had done away with antagonistic social classes and where general progress was in line with the interests of every different social category and

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individual member of society, the Party had gained the support of the masses as a result of its long struggle on their behalf and because it had always proclaimed Romanian liberty and national independence. The broad support for the Party's internal and external policy could be gauged by the fact that in 1978 it had had nearly 3 million members drawn from every social category and ethnic group. A basic aim of the Party was to establish new methods of mass participation in the direction of society at every level. The leading role of the Party did not and could not confer any privilege on its members, who had the same rights and obligations as other citizens. Article 17 of the Constitution provided that all citizens had equal rights in all spheres, including the political sphere, and that there should be no discrimination on grounds of nationality, race, sex or religion.

5. Since Romanian socialist society was based on free and creative work, where the people was at once the owner and beneficiary of all that was produced, each citizen had the right and the duty to work. That duty was a duty to society, in line with article 29 (i) of the Universal Declaration of Human Rights.

6. Romania was a unitary State, and the numerical size of the co-inhabiting national groups, whose dispersion throughout the country, where they in no place formed a compact mass but lived side by side with citizens of Romanian nationality, did not justify the use of the term "multinational State" employed earlier, or the use of the term "national minorities", which seemed to indicate a kind of inferiority. The situation of the co-inhabiting national groups also militated against any provisions for autonomy. In the spirit of General Assembly resolution 2625 (XXV), the right of peoples to self-determination excluded any action aimed at the dismemberment of a unitary State such as Romania.

7. In Romania, the State power of the people was implemented by a system of bodies consisting of the bodies wielding State power, administrative bodies, legal bodies and the Procurators' offices. That system was based on the Grand National Assembly and the People's Councils - representative bodies elected by universal, equal, direct, and secret voting. The Grand National Assembly, in which supreme constitutional authority was vested, was the parliament through which the Romanian people expressed its sovereign will. All other State bodies were subordinate to it. It elected and recalled the President of the Republic, the State Council, the Government, the Supreme Court, the Procurator-General; it controlled their activities, those of all other central bodies in the State administration, and those of the people's councils. The Grand National Assembly was the sole legislative body of the Republic; it was exclusively competent to adopt or amend the Constitution, a two-thirds majority being necessary for that purpose. The 349 deputies to the Grand National Assembly had the right to put questions to and receive swift answers from the Government or any of its members, the President of the Supreme Court or the Procurator-General. Deputies to the Assembly benefited from parliamentary immunity.

8. The President of the Socialist Republic of Romania was elected by the Grand National Assembly and his functions included chairing the State Council and where necessary chairing meetings of the Government. At the proposal of the Prime

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Minister, he was empowered to appoint and recall ministers, other members of the Government, heads of central State bodies, members of the Supreme Court and other officials. He had the prerogative of granting citizenship, approving renunciation of citizenship or withdrawing it, and of establishing domicile or asylum in Romania for citizens of other States. He also issued presidential decrees and decisions.

9. The State Council was subordinate to the Grand National Assembly, and was the supreme permanent State body, having certain permanent functions and other functions exercised between sessions of the Grand National Assembly. Its permanent functions included establishing the date of elections to the Grand National Assembly and to the people's councils, and organizing the ministries and other central State bodies. Between sessions of the Grand National Assembly it was entitled to introduce decrees which were placed before the next session of the Assembly. The State Council decided on the legal interpretation of laws in force, controlled their application and that of the decisions of the Assembly, and supervised government activities and the activities of ministries, other central bodies of State administration and the Procurator's Office. It also heard reports by the Supreme Court and controlled the latter's directing decisions and those of the people's councils. In addition, it had the right to grant amnesty.

10. The Council of Ministers was the supreme body of State administration and the chief executive body. It consisted of the Prime Minister and other ministers, together with the heads of other central bodies of the State administration as stipulated by law. Other members of the Government included the Chairman of the Central Council of the General Trade Union Confederation, the Chairman of the National Union of Agricultural Production Co-operatives, the President of the National Council of Women, and the First Secretary of the Central Committee of the Union of Communist Youth.

11. The people's councils were the local bodies of State power and were endowed with important prerogatives and considerable autonomy. They were elective bodies and were responsible for all State activity at the local level. The executive committees of the people's councils were the permanent local bodies of State administration. They were empowered to organize citizens' committees for various purposes, including work of public interest.

12. Community democracy was expressed by various mass bodies, primarily by the Socialist Unity Front, a permanent revolutionary, democratic, and elected political body with a representative character, formed by the Romanian Communist Party and by other public, professional and co-operative organizations, by the councils of the co-inhabiting nationalities and a wide range of community organizations. The objective of the Socialist Unity Front was to provide for mass participation in the major political activities of the country at the national and local levels, and to act as a forum for debate on all economic and social plans. Under the leadership of the Communist Party, it organized electoral campaigns, nominated candidates for elections to various representative bodies of State power, and provided local support for the activities of deputies. It was based on the

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territorial principle and organized according to the principles of democratic centralism. Its supreme forum was a congress convened every five years and composed of representatives appointed by the component organizations or elected by conferences at local levels. The political institutions he had mentioned showed the extent of participation by the people in the management of their country's affairs through direct democracy.

13. In the economic sphere, the organization and management of the economy was based on the principle of worker self-management. In industrial enterprises, the direction of economic and other activities was the responsibility of the workers' councils, management bodies consisting of representatives drawn from all groups of workers and from the Communist Party, the trade unions and the youth organizations. All the activities of each enterprise were supervised by the general assembly of workers, which heard reports from management, took decisions on every subject, and had the power to change managers where the latter failed to carry out their tasks. At the national level there was the National Council of Workers in Industry, Transport and the Construction Industry, which draw its members from the management councils of various ministries and central economic bodies, the General Trade Union Confederation, the Central Council for Workers' Control and other mass bodies. Its members also included about 300 representatives of the workers, elected by the latter. Every five years, the Congress of Workers' Councils met to act as supreme forum for the management of activities relating to industry, construction and transport.

14. In the case of agriculture, activities were directed by the Congress of Management Councils of Socialist Agricultural Units and Peasants, and by the National Council for Agriculture, a permanent body.

15. The participation of working people in government activities and in State affairs was further demonstrated by the fact that the Council of Ministers itself included representatives of workers' organizations such as the trade unions, the youth organization and the National Union of Agricultural Co-operatives. The councils of ministries and other central administrative bodies also included representatives of workers engaged directly in production, in addition to representatives of the above-mentioned workers' organizations. In the context of the efforts to extend and improve the organizational framework for collective management of all types of activity, mention should also be made of the institutionalization of national democratic bodies, such as the Congress for Education and Culture, and of the establishment of permanent management bodies such as the Councils for Workers' Control, and the Councils of Workers of Hungarian Nationality and of German Nationality.

16. Turning from Romania's general political structure to matters of detail, he noted that it had not been necessary to incorporate the provisions of the Covenant themselves into Romanian law for, upon ratification, those provisions had been given the force of law and could therefore be invoked by individual citizens.

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17. There was no political pre-condition for nomination to public office, and refusal to nominate a person on grounds of religious persuasion or political views was prohibited. In the case of such refusal, the citizen could seek redress on the basis of Act No. 1/1967, which laid down in article 1 (2) that "unjustified refusal to comply with a claim related to the exercise of a right, together with the fact that such a claim has not been settled within the period laid down by law, shall be considered as an illegal administrative act". The citizen could also seek redress on the basis of articles 998 and 1,000 (3) of the Civil Code or the considerable body of case law (Supreme Court, Civil Section, Decisions Nos. 1790 of 23 October 1971 and 1319 of 24 May 1973). In the exceptional case of an employment contract being annulled for political or religious reasons, the person concerned could sue for redress under the regular civil procedure (art. 174 B of the Labour Code).

18. With reference to article 12 of the Covenant, which dealt inter alia with freedom to leave one's country, account had to be taken of the fact that Romania, as a developing country, needed all its human potential. The Romanian State invested very heavily in the training and education of the citizen, providing him not only with free education at every level but also with health services. The country's population policy was directed at achieving demographic growth and independent development for Romania. Furthermore, it had been found that many young men or women who had married citizens of other countries and had emigrated, had experienced difficulties in finding work and many had subsequently requested repatriation, which had been granted. It was, in any case, a well-known fact that individuals who left their families and the social environment to which they were accustomed might suffer harmful effects. For all those reasons, Romania did not encourage emigration.

19. At the same time, any request for residence in another country was treated with understanding and in the light of all the circumstances. The emigrant had the right to retain or renounce Romanian citizenship as well as the right to return to the country whenever he wanted, either temporarily or permanently. Minor children of Romanian citizens refusing to return to their country were permitted to retain residence with their parents abroad.

20. Under article 18 of Decree No. 156/1970, applications for business travel abroad were decided on within 30 days and applications for personal travel within 60 days or in a briefer period, in urgent cases. It was always possible to appeal against a refusal to issue a passport or visa. Such appeals were handled by a ministerial commission, acting in pursuance of article 8 (b) of Decree No. 156/1970.

21. The competent Romanian authorities had the right to refuse passports to persons against whom criminal proceedings had been initiated or who had received a criminal sentence, to those in debt if their departure for other countries might occasion non-payment of the debt, and to persons whose departure for other countries might harm the interests of the Romanian State or affect its relations with other States.

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22. Romania had found appropriate solutions to problems relating to the reintegration of families who had suffered as a result of the Second World War. It also attached great importance to the solution of problems arising from marriages between Romanian citizens and nationals of other countries. It took account of the feelings of the partners, of the existence of guarantees that young people leaving the country to join their spouses should have adequate living and working conditions, and of the views and consent of their parents. In that connexion he drew attention to the joint communiqué adopted by President Nicolae Ceausescu of Romania and President Valéry Giscard d'Estaing of France following the latter's official visit to Romania, in which it was stated that each party would continue to examine humanitarian problems, including the reunion of families and marriages, in a spirit of goodwill.

23. Each person's right to choose his domicile freely was observed generally in Romania. Since the State provided each citizen with housing, certain measures had been taken in Decree No. 28/1976 to avoid a population exodus towards certain centres which were already over-populated, in order to avoid the creation of shanty towns. Those restrictions, which were motivated by Romania's constant concern to ensure the best social conditions for all citizens, were in keeping with article 12, paragraph 3, of the Covenant. Neither in law nor in practice was there compulsory establishment of domicile or compulsory exile.

24. Turning to article 13 of the Covenant, he noted that there was no specific legal provision stating that an alien could argue his case against expulsion. Nevertheless, an alien could seek redress by pleading his case before a competent authority. Under Act. No. 25/1969, aliens enjoyed the same fundamental rights as did Romanian citizens, except for political rights, and could therefore use all remedies available to a Romanian citizen.

25. Referring to article 18 of the Covenant, on freedom of conscience and religion, he said that State policy and social life were founded on respect for the will of the people, on freedom of conscience, and on the free manifestation of belief in keeping with the laws of the State. The State gave its citizens wide access to the advances of science and culture and the acquisition of knowledge. There was a continuing dialogue with contemporary philosophical and scientific currents of opinion, and many of their methods were applied, enhancing the philosophical and scientific heritage of Romania and the world. A wide range of classical and contemporary works of philosophy and literature were published in translation.

26. On the question of religious freedom, he emphasized that all forms of worship were permitted without any discrimination. Under the Constitution, there was a separation between Church and State. Persons had the right to express their beliefs, whether religious or atheistic. Theological education was provided in 12 seminaries and 4 university institutes, in 2 of which the instruction was in Hungarian. Under the Constitution, all citizens had the duty to perform military service. The legislation did not permit conscientious objection, a

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restriction recognized under article 8, paragraph 3 (c), of the Covenant. In fact, the members of certain religious denominations performed military service not in operational units but by carrying out administrative work.

27. Replying to questions raised concerning article 19 of the Covenant, on freedom of expression, he said that Romanian legislation contained no provision which restricted the rights of a person to hold an opinion or to express it aloud. There was a broad exchange of opinions among the many mass organizations and criticism was encouraged through unrestricted access to the various mass media. Open debate and criticism were encouraged in all fields of activity. For example, legislative bills were reproduced in the press and debated at length by citizens in an organized manner, through letters to the press and discussion on television, and many amendments were proposed. Of course, once such bills had been adopted they were binding on all citizens.

28. Romanian legislation did not permit abuse of the exercise of freedom of opinion, irresponsible attitudes, attacks on the reputation of others or the dissemination of anti-democratic concepts. The expression "aims contrary to the socialist order and the interests of the workers" contained in article 29 of the Constitution was clarified in article 69 of the Act No. 3/1974, which provided that freedom of the press could not be utilized for purposes contrary to the socialist régime, the legal order established by the Constitution and other laws, or for purposes contrary to the legitimate rights and interests of natural or judicial persons or to socialist ethics. It was prohibited to publish material which was contrary to the Constitution, which contained secret information, false or alarmist information or commentaries that threatened public peace or endangered State security, which encouraged the commission of offences or propagated fascist, chauvinistic or anti-humanitarian concepts, which encouraged racial or national hatred, violence, or offences against decency, which provided information on court cases which were sub judice, or anticipated judgements of judicial organs, or which contained incorrect information that might harm a person's legitimate interests or his dignity, honour, reputation or professional competence, or any insulting or slanderous material. Responsibility for ensuring that article 69 was respected was vested in editorial bodies or the chief editor of each press organ. However, there was no external control of the press or other mass media.

29. The expression "socialist ethics" incorporated and developed the general elements of earlier ethical systems and incorporated new principles of equity, social justice and responsible conduct in society and private life. A continuing objective in Romania was the formation, by means of educational and cultural activities, of persons with a highly developed moral, civic and patriotic conscience, exemplary conduct and respect for the value of the human person, manifesting honesty and dignity in social and family life.

30. In connexion with the exchange of information across frontiers, many new measures had been taken to increase Romania's participation in world trends in respect of spiritual values, to improve conditions for the dissemination of

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information and documentation, to promote the exchange of journalists and to co-ordinate all such activities through the setting up of the National Centre for the Promotion of Friendship and Collaboration with Other Peoples. Persons could subscribe to all foreign newspapers. However, foreign exchange was used primarily for promoting economic and social development and the wider promotion of human rights.

31. The right of association was guaranteed in Romania in the context of a democracy, the basic feature of which was the merger of classical parliamentary representation with a wide variety of structures to ensure the participation of all citizens and the masses of the people in the management of public affairs. The public organizations in which citizens were associated, such as trade unions, co-operatives, youth and women's organizations and scientific associations, were supported by the State, which created conditions for the development of their material base and protected their heritage. Those organizations encompassed the entire population of the country. Fascist organizations were prohibited by the Constitution, a restriction permitted under article 22 of the Covenant.

32. Under Act No. 52/1945, the trade unions had the object of promoting occupational interests, without pursuing the sharing of profits. The membership of a trade union could be lower than 15, and individuals belonging to a particular occupation had the right freely to form a union without prior authorization.

33. With reference to the status of women in Romania, he said that, as a result of the steps taken by the highest political authorities, a programme adopted in 1973 in order to enhance the role of women in the economic, political and social spheres was currently being implemented. It mainly concerned the occupational guidance, training and employment of women, their promotion to posts of responsibility, their participation in decision-making and the improvement of their living and working conditions.

34. The implementation of that programme was being closely followed and analysed by the leading authorities of the country and the competent political and social organizations, and would give women the opportunity to assert themselves as a considerable force in national construction and development. Particular attention was paid to the best possible utilization of their working capacity and to their promotion to positions of responsibility according to their aptitudes. Efforts were also being made to provide optimum conditions for women's participation in the management of economic and political life. An illustration of the growing participation of women was the fact that they constituted 15 per cent of the total number of deputies in the Grand National Assembly, and 30 per cent of deputies in the people's councils, and that many women were working as directors of industrial, agricultural and transport enterprises, scientific and educational institutions and various ministries. Both the Minister of Light Industry and the Minister of Education were women; so were a number of deputy ministers and ambassadors. Several legislative and social measures closely connected with women's rights had recently been adopted. They mainly provided for equal salaries, appropriate working standards and the protection of mothers and children, with a view to ensuring equal rights for men and women.

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35. The principle of equal pay for equal work was effectively in force. Article 14 of the Labour Code stipulated that women had every opportunity to assert themselves in conditions of full social equality with men, receiving equal remuneration for equal work, that women had the right to be employed in any place of employment in keeping with their training, and that they should be assured of all the necessary conditions for bringing up and educating children.

36. In 1976 women had constituted 37 per cent of the industrial labour force and 44 per cent of those employed in the national economy as a whole; in state and co-operative agriculture, they made up 59 per cent of the total labour force.

37. Replying to a question raised concerning the existence of national branches of international non-governmental organizations in the human rights field, he was pleased to draw attention to the existence of the Romanian Association of International Law and International Relations, which was affiliated with the International Law Association. He also drew attention to the Romanian United Nations Association, affiliated with the World Federation of United Nations Associations. Under the auspices of those two associations, many national activities were organized in the human rights field.

38. Mr. STOICA (Romania), continuing his country's reply to questions raised in the Committee said that the Romanian judicial system consisted of two levels, one concerned with judgements and the other with appeals. The basic component of the judicial system was the court of first instance, which had general competence covering the majority of criminal cases and all civil cases. In the majority of criminal cases, judgement was pronounced with the participation of the procurator, who presented his conclusions. The court of second instance was the departmental court which heard the appeals of parties against judgements pronounced by the court of first instance. The departmental court could also act as the court of first instance in the case of certain particularly serious offences such as homicide, aerial piracy, serious acts of violence against individuals and particularly serious offences against the State, such as the embezzlement of large sums.

39. The Supreme Court of the Republic supervised the activities of judicial bodies and heard cases involving special appeals lodged by the Procurator General of the Republic against illegal decisions, and ordinary appeals lodged by the parties against decisions rendered by the departmental courts in first instance. The Supreme Court ensured the uniform application of the law through decisions in the form of guidelines in which it rendered an opinion on the interpretation of legal provisions applied differently by judicial bodies.

40. Turning to the question of the right of appeal in both civil and criminal cases, he explained that cases were judged in the first instance, and subsequently in the second instance if the sentence had been the subject of an appeal. The court of second instance verified the justification and legality of the sentence. In addition, legislation provided for various special methods of appeal.

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41. Under article 101 of the Constitution and article 6 of the Act on the organization of the judiciary, judges were independent and subject only to the law. They were elected for a period of five years, on the basis of a proposal by the Ministry of Justice, from among Romanian citizens holding a law degree and having a reputation above reproach. They were eligible for re-election, and the great majority of them were re-elected until they retired. Judges could be removed from office, as a disciplinary measure, for serious professional errors. The decision concerning removal was taken by those who had elected the judge concerned, on the basis of a decision pronounced by the disciplinary commission composed of judges of the departmental court or of the Supreme Court.

42. Under Romanian law there was a clear distinction between the procurator, who was responsible for criminal prosecutions, and the judge, who rendered judgement. Within the system of state organs, the organs of the Procurator's Office formed a separate branch, together with three other main branches, namely the organs of state power, the organs of state administration and the judicial organs.

43. The activities of the Procurator's Office were aimed at upholding the law in order to protect the national and social order, public property, life, integrity, freedom and the other legitimate rights and interests of persons. The main functions of the Procurator's Office were to conduct criminal prosecutions, to ensure respect for the law on the part of all investigative organs, to eliminate all abuse or injustice, to guarantee the right of defence and other procedural rights of parties, to participate in judicial debates, to provide means of redress against illegal or unfounded sentences, to supervise the application of the law in correctional establishments, to assume responsibility for educational measures for minors and security measures, to settle claims by citizens alleging violations of the law, and to investigate the causes of continuing offences. Furthermore, the organs of the Procurator's Office conducted preventive and educational activities and provided explanations concerning legislation.

44. With regard to the remedies available to persons whose rights had been violated, he said that under Act No. 1/1967 persons whose rights had been violated by illegal administrative acts or who had suffered damage as a result of unjustified refusal to satisfy a claim relating to one of their rights could request the competent court to annul the illegal act or oblige the administrative organ to take the necessary measures to reinstate the person's rights and reconstitute any material loss. The court's judgement could be questioned by an appeal to a superior court or by any other method of recourse available under Romanian law. At the request of the administrative organ, the court might arrange for the attendance of the official responsible, to enable him to contest the decision. The court might fully or partially annul the administrative act or oblige the defendant to issue a new administrative act, or deliver a certificate or other document. It would also decide on the question of damages. The administrative organ concerned was required to revoke the act within five days after receipt of the copy of the court's decision.

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45. In addition to that method of reviewing illegal administrative acts provided by law, the question of illegality of an administrative act could be raised before a court by invoking, where appropriate, an objection to the illegality. Such objections could be invoked before any court.

46. General supervision of the application of the Constitution was carried out by the Grand National Assembly, in accordance with article 43, paragraph 14, of the Constitution; responsibility for supervision of the application of the laws and decisions of the Grand National Assembly rested with the Council of State (art. 64, para. 2, of the Constitution); the Assembly and the Council of State supervised the activities of the Council of Ministers, the ministries and other central organs of administration and the activities of the Procurator's Office.

47. Special attention was given to the citizen's right to submit a claim against acts by the administration. In order to enhance the effectiveness of activities in that field and to ensure greater protection of the legitimate rights and interests of citizens, Act No. 1/1978 had been adopted, which established a series of legal guarantees and measures aimed at the prompt and legal settlement of such claims.

48. With reference to article 6 of the Covenant, concerning the right to life, he said that the death penalty was not part of the general system of penalties established by the Romanian Penal Code. It was regulated in a separate text (art. 54 of the Penal Code), as an exceptional measure for the most serious offences. The death penalty was currently resorted to for a small number of offences as an alternative to imprisonment of 15 to 20 years, which restricted even further the scope of its application. It could be applied only for the most serious offences, namely offences against territorial integrity and national sovereignty, state security, national defence, treason, espionage, particularly serious cases of homicide, and serious forms of embezzlement and banditry committed against public property. The death penalty was designed especially to have a preventive effect. During the past 15 years it had not been applied in a single case involving an offence against state property. The death penalty was not applied in cases of offences committed without intent. The word "etc." on page 6 of the Romanian report (CCPR/C/1/Add.33) covered the offences of capitulation to the enemy or abandonment of a ship during the Second World War, genocide and piracy having serious consequences. The death penalty could not be applied to an offender who was under 18 years of age when the offence was committed, to a pregnant woman or to the mother of a child under three years of age when the offence was committed or the judgement pronounced. The scope of application of the death penalty had been considerably reduced in new Romanian legislation being drafted. That penalty would be applied exclusively as an exceptional measure and as an alternative in cases of homicide, treason, espionage and aerial piracy having particularly serious consequences.

49. Still referring to article 6 of the Covenant, he observed that as a result of the significant public health achievements in Romania, particularly with regard to maternal and child health protection, infant mortality was no longer a problem in his country.

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50. With regard to articles 7 and 10, Romania's main concern in the treatment of persons deprived of their liberty was to prevent crime and to help offenders to reform so that they could return to society as useful citizens. A characteristic of social life in Romania was a reduction in delinquency in general and in juvenile delinquency in particular. In recent years, persons convicted of having committed the less serious social offences had been released under an amnesty, applicable in the first instance to offences committed by young people which were punishable by up to three years' imprisonment; in the case of minors between the ages of 18 and 21 there was a total remission of sentences of up to five years, and a partial remission of those of between five and ten years.

51. In 1973 and 1977, important changes made in the penal law had established re-education by means of work as a basic principle applicable, instead of imprisonment, to offenders convicted of less serious offences. The penalty of imprisonment was imposed for serious crimes such as treason, espionage, murder, bodily harm resulting in death, serious crimes against society and other offences punishable by more than 10 years' imprisonment. Persons between the ages of 18 and 21 who had committed serious offences were given shorter prison sentences than those over 21 years of age, while those between the ages of 14 and 18 were committed to special schools for work and re-education for periods varying from two to five years. Application of the penalty of imprisonment was controlled by Act No. 23, whose basic principles were humanity, legality, re-education and reform. In the formulation of that Act, account had been taken of the Standard Minimum Rules for the Treatment of Prisoners adopted at Geneva in 1955. During the intervening years, labour camps and work colonies had ceased to exist in Romania. There was no imprisonment except by legal sentence. No discrimination was made among prisoners on the ground of nationality, race, sex, religion, political opinion, social origin or any other factor. Women were detained in separate institutions from men, and young offenders between the ages of 17 and 21 were sent to special detention centres. Prisoners were also separated according to the nature and seriousness of the crime, the length of the sentence, the frequency of offences and their behaviour and attitude to re-education. The term "proper attitude to work" used in article 52, paragraph 2, of the Penal Code, meant that a condemned person was re-educated so that he ceased to support himself by illicit means and was integrated into a work atmosphere in accordance with the general rules of Romanian society. The expression "the rules of socialist coexistence", used in the same text, failed to convey the exact meaning of the expression used in Romanian for the provision, which was designed to ensure respect for rules of behaviour in society and in human relationships in a spirit of socialist morality and legality.

52. The necessary material and financial means for the detention, maintenance, re-education and medical care of prisoners was provided by the State. Under article 56 of the Penal Code, condemned persons were required to perform useful work for which they were suited, to be re-educated and to respect work discipline and the internal order of the place of detention; those persevering in their work, observing discipline and showing serious signs of reform had to be given encouragement and recognition. All such means were used with a view to the

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re-education of the convicted person. Those with no qualifications were taught a trade and those who were unable to practise their former profession because of their sentence were qualified for another. Those who had not already done so completed their compulsory education, of which there were 10 grades. Cultural and sports activities were also provided for.

53. On their release, ex-prisoners were assured of employment in accordance with their qualifications. They were given assistance in solving their personal and family problems, in reintegrating into their former employment or in settling into new employment, which they were able to pursue on the same conditions as other workers.

54. While serving their sentences, prisoners had the right to the necessary food, leisure, and medical assistance, to receive visits from and correspond with their families and friends, to receive parcels and money, to make petitions, to receive compensation for their work, to have access to the mass media and to be granted leave of absence of up to five days in order to deal with serious family or other problems. The work and leisure hours of convicted persons were the same as those of other workers, but they had no right to holidays or to acquire seniority in their work. There was no provision for solitary confinement under Romanian law.

55. Article 267 of the Penal Code laid down that cases of ill-treatment of prisoners by the police or other public officials was punishable by three years' imprisonment. Under article 268 of the Penal Code, the procurator who had initiated the criminal proceedings, or the judge who had passed sentence, could only be punished if he had acted in the knowledge that the person concerned was innocent. The use of the word "inculpé" in certain parts of the French text of the report was obviously an error in the translation from Romanian, for Romanian legislation was based on presumption of innocence, and the accused person enjoyed all the guarantees under the law.

56. The provisions on slavery in article 8 of the Covenant could only relate to physical persons, and not to the State, which could not be the subject of an offence. Romania had ratified the 1926 Slavery Convention in Act No. 55 (Decree No. 988) and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery in Decree No. 357/1957. There was no social basis for such phenomena as slavery or forced labour in Romania, whose social system was based on collective ownership of the means of production and the elimination of all forms of exploitation.

57. Act No. 25/1976 on the employment of persons in useful work had nothing to do with forced labour. In a developing country, whose economic and social system precluded the right to exploit the work of others, every person capable of working had to provide for himself by his own labour, and that was what was meant by the provisions of Act No. 25/1976. It was stated in article 8, paragraph 3 (c) (iv) of the Covenant that the term "forced or compulsory labour" should not include any work or service which formed part of normal civil obligations. He had

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discussed the point with the Secretary-General of Amnesty International, who had agreed that the provisions of Act No. 25 were not concerned with forced labour. The Act provided for educational measures designed to reform those who had sought to live at the expense of society. Such persons were to be found in all social systems. Under Act No. 25, all persons had the right to choose their type of employment and their place of work according to personal aptitude and training. There were at least four reasons why the obligation to work as applied in Romania could not be considered as forced labour. Firstly, no coercive sanctions were applied in the case of refusal to work. Secondly, the persons concerned were free to change their type of employment at any time. Thirdly, all individuals enjoyed equal rights under their labour contract and, lastly, the only obligation imposed was that the economic units in which the work was to be done must employ the person concerned without delay.

58. There was an obvious misunderstanding of the penalty of correctional labour imposed in his country. That new form of correction was an improvement on the system of probation used in western countries. It was based on new concepts of the purposes of punishment and was imposed in a humanitarian spirit. An individual sentenced to five years' imprisonment could instead continue to serve in his existing place of work. That form of penalty was fully in accordance with article 8, paragraph 3 (c) (i) of the Covenant. Correctional labour could not be considered as forced labour since, first, the person concerned was not obliged to work if he chose instead to serve his prison sentence. Second, it was a re-educative process based on work in a collectivity, with emphasis on educating the person concerned and increasing his sense of social responsibility and usefulness. Third, the work was generally carried out in the undertaking in which the condemned person had worked before his sentence. Fourth, his working conditions were the same as those of his colleagues who were not serving a sentence. Fifth, the rights of the person concerned were the same as those of other workers with the exception that their wages were reduced by 15 per cent, their correctional work was not taken into consideration in establishing seniority and they had no right to holidays during the period of correctional labour. Sixth, the person concerned lived at home with his family, although he was not allowed to leave the area without permission. Seventh, he was given work according to his professional qualifications. Lastly, the term of his sentence could be reduced by one third for good behaviour. There were no forced labour camps in Romania. Only salaried workers and young volunteers were employed on work in the Danube Delta or the Danube/Black Sea Canal.

59. The committal of mentally-sick persons for treatment in psychiatric hospitals was recognized under Decree No. 12 of 1975 only for persons who were a danger to themselves or others, or who were liable to commit serious penal offences. Committal for medical treatment was ordered only by the judiciary on the authority of the procurator, after legal investigations had been made and the opinion of medical specialists had been given. The proceedings took place in public and in the presence of the family, who had to be questioned on the behaviour of the patient. The presence of a lawyer was compulsory. Committal decisions were communicated to the procuratory, to the patient's lawyer, the

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patient himself and his family or others responsible for his care. The decision was subject to appeal. The decision to end a period of committal was also taken by the judiciary, to which application could be made by the medical institution, the procurator, the patient or his lawyer, a close relative or guardian or any other person. The cost of medical treatment and maintenance, and the transport of the patient and the persons accompanying him, was borne by the State.

60. Under article 31 of the Constitution, security of person was guaranteed to Romanian citizens in accordance with article 9 of the Covenant. No person could be arrested or detained in the absence of serious evidence against him. The principles of the Constitution were set forth in detail in the Code of Criminal Procedure. The period of remand in custody pending trial could not exceed 24 hours. If it was necessary to hold the prisoner for a further period remand in custody had to be replaced by arrest (articles 143 and 144 of the Code of Criminal Procedure). Arrest pending trial could only be ordered by the procurator or the judiciary. A person in regard to whom penal proceedings had begun but action had not yet been taken could be held for up to five days. Once penal action had been initiated, the period of arrest could continue for a month and could be extended for three more periods of a month each by a high-ranking State attorney or a high-ranking official of the Procurator's Office. Further extension, which could only be ordered by the judiciary, could not exceed 30 days. The justification for the arrest and its extension had to be verified by the court. Priority had to be given to the trial of persons under arrest, pending trial. The accused person was allowed to contact a defence counsel both during penal proceedings and during trial. The defence counsel could be present during such proceedings as on-the-spot investigations, searches, extension of the period of arrest by the court and presentation of the material for penal proceedings. He could formulate requests, present statements and appeal against the non-acceptance of his requests. During the trial, he had the right to assist the accused and to exercise the latter's legal rights. The assistance of a defence counsel was compulsory for a person under arrest. If the latter had not chosen a defence lawyer, one would be designated by the court. The right of the accused person to have contact with his defence counsel could only be withheld by the procurator in exceptional cases, for which justification had to be given. Article 172, paragraph 4, and article 275 of the Code of Criminal Procedure provided for appeal to the Chief Procurator in such cases.

The meeting rose at 6 p.m.