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Eighth session

SUMMARY RECORD OF THE 186th MEETING

held at the Palais des Nations, Geneva,  
on Monday, 22 October 1979, at 10.30 a.m.

Chairman:

Mr. MAVROMMATIS

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Covenant

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The meeting was called to order at 10.45 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4)

Report of the Polish People's Republic (CCPR/C/4/Add.2)

1. The CHAIRMAN invited the representative of the Polish People's Republic to introduce the report of the Polish Government.
2. Mrs. REGENT-LECHOWICZ (Poland), introducing the report of the Polish Government on the implementation of the provisions of the International Covenant on Civil and Political Rights, said that the report had been submitted for comment to the Council of State, the competent parliamentary committees and bodies such as the Juridical Sciences Committee of the Polish Academy of Science, the Association of Polish Jurists and the Legislative Council. The Polish Government attached great importance to the implementation of the provisions of the Covenant and its activities in that respect were an extension of the Polish traditions of humanism, since the Polish people had always fought for the freedoms and dignity of man, and had readily given refuge to victims of humiliation, intolerance and injustice.
3. After the Second World War, convinced that co-operation among all nations was the fundamental prerequisite for the protection of human rights and that full realization of those rights served the cause of international peace and security, Poland had been extremely active in promoting the establishment of an international juridical system which guaranteed the protection of human rights and had been the instigator or co-sponsor of several international conventions on human rights. In Poland, the education of the younger generations was based on the idea of peace, understanding and respect among peoples. Under the Defence of Peace Act of 23 December 1950, criminal responsibility attached to crimes against peace, in particular propaganda for war or incitement to war. Poland's international activity therefore contributed to the realization of the most noble humanitarian ideals set forth in the Covenant.
4. The Polish Government's policy concerning rights and freedoms derived from the principles of Poland's social and economic system. The formal proclamation of human rights and freedoms was not enough, and the political system had therefore created a system of safeguards guaranteed by the State, which not only promulgated the appropriate laws, but also undertook all activities required by social policy, the national economy, education and culture. The Polish Government's approach was to ensure to all individuals wide-ranging civil, political, social and economic rights. No violation of the principle of respect for the individual was tolerated. Activities aimed at the increasingly full realization of human rights were dependent on economic progress and on the international situation.

5. The Polish Government's report indicated the legal provisions related to the articles of the Covenant, as well as the powers and prerogatives of the various State bodies and the principles on which their work was based. It also took into account the case law and juridical opinion which had emerged from the practical activities of the organs of justice. The Covenant required the adoption of legislative or other measures to give effect to human rights. The Polish Constitution fulfilled that requirement, because in the chapter on the fundamental rights of citizens, it provided that the Polish People's Republic should strengthen and extend the rights and liberties of citizens. The range and extent of human rights were indicated explicitly and the development of those rights was linked to the further refinement of the Polish legal system. The most important of the rights and freedoms laid down in the Covenant were enshrined in the Constitution; the others were embodied in domestic laws which developed the principles formulated in the Constitution.

6. In 1976, the Polish Parliament had amended the Polish Constitution on the basis of the provisions of the Covenant. The amendments introduced had aimed at extending civil rights and freedoms, taking into account the current stage of Poland's social and economic development. The objectives had been to strengthen the links between State authority and the urban and rural population; to develop citizens' self-management; and to ensure to citizens greater participation in the administration of the State, consultations on the major problems of the country, the exercise of social control and the achievement of the principle of social justice.

7. On 26 May 1978, in order to give effect to the new provisions of the Constitution, Parliament had amended the People's Councils Act. That Act established, within those Councils, social control committees responsible for assisting the Councils in their control functions, reinforcing the social control exercised by authorized organizations over the territory under the jurisdiction of a People's Council, inspiring and co-ordinating the activities of the respective control bodies and ensuring the implementation of recommendations after the control was carried out.

8. On 14 July 1979, the Council of State, which ensured that the laws were in conformity with the Constitution and interpreted them, had passed a resolution defining the manner in which it exercised its functions, in order to reinforce legality and render the laws more comprehensible. The President of the Council of Ministers, or the Minister of Justice acting on his authority, as well as the First President of the Supreme Court and the Public Prosecutor General, could request the Council of State to assess the constitutionality of a particular legal provision. That right had also been granted to the Central Trade Union Council and to the governing bodies of women's organizations, youth organizations and co-operatives. Certain other State bodies, certain institutions or organizations, as well as citizens themselves, could make submissions to the Council of State concerning the unconstitutionality of laws. Once the appropriate steps had been taken, the Council of State informed the author of the communication of the decision adopted.

9. In order to amend administrative procedures, the Polish Parliament had recently undertaken work which was of great importance for the protection of citizens' rights. It involved the exercise of judicial control over administrative decisions, and the draft prepared by Parliament recognized the right of a citizen to appeal to a court against any decision by an administrative body concerning the rights and duties of citizens which was not in conformity with the law. Great importance was attached to the work on a bill concerning the protection of the environment, which was designed to ensure good living conditions for present and future generations.

10. The Polish State was industrializing and urbanizing the country and developing the national economy in order to ensure the universal right to work and to prevent unemployment. The Labour Code, adopted in 1974, laid down legal provisions consistent with the principles of the Covenant. Under the system for the settlement of disputes, workers were entitled to assert their rights before social bodies (board of arbitration and appeals concerning labour matters) and before labour and social insurance courts, which were subject to the supervision of the Supreme Court in the exercise of their functions. To ensure equal social benefits to all social groups, private farmers who were not wage earners had been granted social security and pension entitlements.

11. Since 1 January 1978, there had been a system of family and guardianship tribunals in Poland, helped in their resocialization and educational activities by an auxiliary system of trustees and diagnosis and consultation centres. In a resolution adopted on 6 October 1978, the Council of Ministers had established the Family Council, composed of experts, political officials, statesmen and representatives of social organizations; its work was directed by the President of the Council of Ministers. The Family Council periodically assessed the changes which had occurred in the situation of the family as a result of the application of social policy. It proposed new solutions and guided legislative work related to the family, women and children, it encouraged research and studies, and it drew up proposals in the field of social policy. In that connexion, it should be remembered that it was Poland that had submitted the draft international convention on the rights of the child which was currently being considered by the Commission on Human Rights.

12. The extension of the rights of man as a consumer was another problem which had arisen in Poland. There was an obvious link between the right to the protection of life and health and the protection of the consumer against dangerous goods or poor-quality goods or services. In February 1979, the Polish Parliament had adopted the Act on Quality of Goods, Services, Works and Construction, which granted extensive monitoring powers to scientific, technical and social organizations of workers.

13. Since 1974, Poland had been carrying out a government programme for the improvement of laws under which efforts were made constantly to refine the legislation related to the human rights covered by the Covenant. Guidance for that work was provided by the findings of detailed studies and research. The opinions expressed by the members of the Committee should provide support and assistance to the legislative and other work aimed at better ensuring the protection of human rights, which was always the basic aim of the policy of the Polish State.

14. Mr. BOUZIRI said that he would like some clarifications on certain points of the report which had just been introduced. First of all, article 67, paragraph 2, of the Constitution of the Polish People's Republic did not provide a guarantee of equal rights to Polish citizens irrespective of political opinions. He wondered why political opinions were not mentioned in that article, especially since article 81 of the Constitution confirmed the principle of equality of rights in all fields, including that of political life.

15. On page 5 of the report (first paragraph, referring to article 2 of the Covenant) it was stated that "any direct or indirect preferences or restrictions of rights on account of nationality, race or religion shall be punishable". He wondered whether there were cases in which such punishment had been imposed and, if so, what had been their nature and seriousness.

16. According to the fifth paragraph on page 5 of the report, appropriate programmes in schools of all types, material disseminated by the mass media, and education in a spirit of tolerance and understanding, contributed to the full realization of the principle of non-discrimination. He would like to know whether religious education was given in State schools or whether atheistic instruction was given.

17. In the first paragraph on page 6 of the report, it was stated that judges were appointed by the Council of State. He would like to know how and according to what criteria they were chosen, how the disciplinary court was constituted and whether a judge who was removed from office by that court, or by the Council of State at the court's request, had the right of appeal.

18. With regard to article 3 of the Covenant, he wished to know what proportion of the seats in the Polish Parliament were occupied by women and whether there had been any female ministers in recent years.

19. In connexion with article 6 of the Covenant, the report stated (page 8, third paragraph) that "The death penalty can be applied only for the most serious crimes endangering the security, defence and economy of the Polish People's Republic". He wondered which crimes against the economy were serious enough to warrant the death penalty. He understood the last sentence of the fifth paragraph on page 8 of the report to mean that if the court had not pronounced the death sentence, the Public Prosecutor General could lodge an appeal requesting the application of the death penalty. That provision would strengthen the application of the death penalty instead of strengthening the tendency to abolish it: it therefore called for explanation.

20. The report was very detailed concerning the implementation of article 9 of the Covenant, particularly the question of remanding in custody, but he would like to know for what period of time a public prosecutor could order a person to be so remanded.

21. With regard to the implementation of article 12 of the Covenant, it was clearly stated in the report that every Polish citizen was free to leave the country, but the fact that it was evidently possible to refuse to issue a passport in many cases considerably limited freedom to travel abroad. It was true that an appeal could be made against such a refusal if not to a court,

at least to higher administrative authority, but in view of the solidarity of administrative authorities, he wondered whether that appeal was very effective. He would like to know how much foreign currency Poles who went abroad as tourists were allowed to take with them, in view of the fact that Polish currency was not convertible.

22. With respect to the part of the report relating to the implementation of article 14 of the Covenant, he noted that criminal cases involving less serious offences were under the jurisdiction of boards (collective bodies), which could pronounce heavy sentences. He wished to know how those boards were composed and, since their members seemed to be elected, what guarantees of good and independent justice were applicable to them?

23. With regard to the implementation of article 17 of the Covenant, he noted that violation of the confidentiality of correspondence and the tapping of telephone lines with a view to listening in to conversations were considered as offences under Polish law. He wondered, however, if the law allowed for any exceptions, and whether someone suspected of treason or espionage could be subjected to surveillance.

24. With regard to the implementation of article 18 of the Covenant, he would like to know if religious propaganda was authorized under certain conditions and to be informed whether atheistic propaganda existed and, if so, under what conditions it could be practised.

25. In connexion with the implementation of article 19 of the Covenant, he noted that under article 84, paragraph 3, of the Polish Constitution it was prohibited to set up and to participate in associations whose objectives were incompatible with the socio-political system or the legal order of the Polish People's Republic. He would like more information on such incompatibility and to know who decided that it existed. As individual farms existed in Poland and were protected by article 15, paragraph 3, and by article 17 of the Constitution, he wondered if the associations which defended the maintenance of such farms were considered to have objectives which were incompatible with the socio-political system. Similarly, he wondered whether associations which defended a form of socialism different from that existing in Poland would be considered as having objectives incompatible with the socio-political system. He would like further information on the meaning and scope of the concept of the socio-political system and on the way in which it could be menaced. Polish legislation also prevented abuse of freedom of oral and written expression aimed at impairing the political and social system. He wished to know in what cases abuse was considered to exist - whether, for example, it was held to exist when a person advocated the protection and extension of non-socialist economic units.

26. With regard to the implementation of articles 22, 25 and 26 of the Covenant, he noted that article 3 of the Constitution provided that "The Polish United Workers' Party shall be the guiding political force of society in building socialism". That provision, which gave predominance to that party - and therefore to its members - seemed incompatible with the Covenant, which prohibited any discrimination.

27. Mr. OPSAHL said that he would like first of all to make a general comment on the reference in the report - the first of its kind to appear in a report from a State party - to "the period covered by this report". He wondered whether that meant the period between the date of the Covenant's entry into force for Poland and that of the submission of the report (23 March 1979) or the one-year period referred to in article 40 of the Covenant. The Committee should take the opportunity to reflect on the time aspect of reports, which ought to provide information on the provisions still in force, on the past - in order to facilitate understanding of the current situation - and also on the future, and should if necessary lay down additional guidelines for the preparation of reports.

28. He endorsed a number of statements of principle and of general policy contained in the introduction to the report, in particular concerning the relationship between the realization of human rights and economic and social development. Reference was made to the Constitution which, according to the annex to the report, was that of 1952. In that connexion, he would like to know if the constitutional amendments of 1976, to which the Polish delegation had just referred, were incorporated in the text which had been distributed to the members of the Committee. The main features of the 1952 Constitution seemed very similar to those of the constitutions of the other socialist countries. He wondered whether that was in fact the case, or whether its principal provisions were essentially national in character. Since, according to article 86, paragraph 1, of the Constitution of the Polish People's Republic, all citizens participated in discussions and consultations on proposed basic laws (page 3 of the report), he would like to know how such consultation and participation worked in practice. He asked if Polish citizens had been consulted before the promulgation of the 1952 Constitution and if the consultation and participation mechanism was a permanent one.

29. With reference to the power of the Council of State to ensure that bills were in conformity with the Constitution, he wondered if the courts were competent to decide on the constitutionality of a legal provision after its promulgation. He also wondered whether the courts were competent to decide if laws were compatible with the Covenant and whether they could directly ensure the implementation of the Covenant by declaring null and void laws which were incompatible with it.

30. Noting from the report that Poland had not availed itself of the right of derogation from its obligations under the Covenant (page 7), he wondered if the Constitution, or any other legal instrument, permitted such derogations and, if so, in what circumstances.

31. With regard to the part of the report relating to the implementation of article 6 of the Covenant, and especially the death penalty, he would like further information about the expression "the period covered by this report" and wished to know if the death penalty was applied only in the case of murder and how many times it had been imposed during the period in question.

32. With regard to the implementation of article 8 of the Covenant, he wondered if there was a legal provision whereby, for example, experts or persons who were doing nothing that was socially useful could be assigned a particular task by administrative decision.

33. He was convinced that the provisions of article 9 of the Covenant protected liberty and security of person both in the case of arrest or detention under the penal code and in the case of other penalties involving deprivation of liberty which were imposed by administrative decision. The report of Poland gave details on the protection ensured by the Code of Penal Procedure, but he wondered what guarantees there were against deprivation of liberty as a result of an administrative decision and how article 9, paragraph 4, of the Covenant was applied in such circumstances. He also wondered whether a court could pronounce on the legality of an initial detention or the continuation of remand in custody beyond 48 hours, whether the arrest warrant was issued by the court or the Public Prosecutor General within those 48 hours or after the court hearing and what rights an accused person had to be brought before a judge within 48 hours of his arrest.

34. With regard to the implementation of article 14 of the Covenant, he would like further information on the right to bring a case before a court of law or similar tribunal, the independence of courts of law and tribunals, exceptions to the rule that hearings should be public, and how often and on what grounds such exceptions had been made.

35. He also wondered whether article 269 of the Code of Penal Procedure, which provided that the accused was advised immediately of the charges against him only if sufficient information was available when the preparatory procedure began or was gathered during the procedure, was not incompatible with the provisions of article 14, paragraph 3, of the Covenant. Noting that offences of the "hooligan" type might be the subject of a simple notice of offence presented by an official of the civil militia, he asked to what extent the rights of the perpetrators of such offences were guaranteed, what that type of offence covered in practice and how many persons were arrested for such offences. Moreover, he noted that the right of the accused to communicate with his counsel was granted by the prosecutor, but subject to a reservation. He wished to know whether that restriction was general.

36. It emerged from a reading of the report that the court might pronounce judgement in absentia. He wondered whether that occurred often - in particular, for example, in the case of offences punishable by deprivation of liberty for not more than three years. It was stated in the report that if the accused appeared at the hearing, the sentence pronounced ceased to be in force. He asked whether that meant that, if a person judged in absentia appeared late for the hearing, the sentence pronounced against him remained valid.

37. With regard to the right to the assistance of an interpreter, laid down in article 12 of the Act concerning the Organization of the Ordinary Law Courts, he noted that if the accused was convicted, he might be ordered to pay the costs of the proceedings, which included the cost of interpretation. That provision was incompatible with the provisions of article 14, paragraph 3(f), of the Covenant. In that connexion, the European Court of Human Rights had found that persons standing trial who were sentenced to pay the cost of interpretation were victims of a violation of the right to free interpretation services laid down in the European Convention on Human Rights.



38. With regard to article 17 of the Covenant, it would be useful to know if public officials could interfere with the privacy of an individual by monitoring his correspondence or telephone conversations without the person concerned being informed in the course of proceedings or when it appeared that there was no reason to suspect him.

39. With respect to article 18 of the Covenant, neither the Polish Constitution nor the report under consideration seemed specifically to mention freedom of thought. The part of the report concerned with article 18 established a balance between the role of the State and that of the Church and the rights of those who belonged and those who did not belong to the Church. With regard to the teachings of the Church, he would like to know if there were any provisions applicable to what the Church said; apparently, there was no supervision in that respect. According to government policy, the fact of belonging to the Church did not confer any privileges as to the right of parents to give their children religious education outside the schools, he would like to know whether children who attended school were given the time necessary to receive religious teaching and whether parents took advantage of that possibility.

40. With regard to article 19 of the Covenant, it seemed that the provisions of the criminal law were intended to protect the State and the general interest against abuse of the freedom of expression, whereas the provisions of the Civil Code were aimed at protecting individual interests against such abuse. He would like to know whether the last paragraph of the part of the report concerned with article 19 constituted a summary of the provisions of the criminal law and the Civil Code mentioned previously or whether it referred to other provisions and, if so, what those provisions were.

41. With respect to article 20 of the Covenant, the reference to the date of the Defence of Peace Act was incomplete, since the year was not indicated. It would also be interesting to know what the practical procedure was with respect to the prohibition of national or racial hatred. He asked if anyone had recently been convicted of a manifestation of racial hatred, for example anti-Semitism, and what was the dividing line between what was tolerated as anti-Fascist and what constituted an abuse under article 20, paragraph 2, of the Covenant.

42. The freedom of assembly guaranteed by article 21 of the Covenant could legally be restricted in Poland if the convening of a meeting was contrary to the provisions of the Meetings Act or those of criminal laws, or if the meeting might constitute a danger to public security or order. However, consent to the holding of a meeting could also be refused if the convening of the meeting was contrary to the social interest. The concept of "the social interest" was extremely broad and called for further explanation. He wondered if the social interest was sufficient justification for restricting freedom of assembly.

43. The same restriction applied to the right of association, which was dealt with in article 22 of the Covenant. Questions relating to the activities of associations were governed by an order of the President of the Polish Republic dated 27 October 1932; he wondered how such an old regulation could be used at the present day to restrict the right of association. The concept of "the social interest" had evolved, and it would be interesting to know what remedies were available to an individual whose right of association was restricted by the competent administrative bodies.

44. Mr. JANCA<sup>V</sup> said that he would like to ask some questions on points in the report which did not seem precise enough. The information given in the report and in the introductory statement regarding article 2 of the Covenant did not furnish a complete picture of the administrative procedure in the Polish legal system and it would be particularly interesting to obtain additional information on articles 161-174 of the Code of Administrative Procedure, under which citizens had the right to approach all organs of the State with complaints and petitions pertaining to matters affecting their own interest or the interest of others or of society.

45. With regard to article 4 of the Covenant, it would be useful to have information on the regulations permitting derogation from obligations under the Covenant, even though the Polish State had not availed itself of the right of derogation.

46. With regard to the right to liberty and security of person, provided for in article 9 of the Covenant, it was stated that the period of detention without trial which could be decided upon by the Public Prosecutor was limited. He wished to know whether Polish law contained provisions regulating the duration of such detention and establishing a maximum period.

47. With reference to article 14 of the Covenant, it was stated on page 17 of the report that Polish law provided a whole series of measures guaranteeing the independence and impartiality of courts. In view of the importance attached in the Covenant to that guarantee, it would be useful to know on what grounds a judge could be removed from office. In connexion with the same article of the Covenant, the report indicated that the accused had the right to counsel of his own choosing and could communicate with him directly without any other person being present. However, that freedom was limited by the fact that, during the preparatory proceedings, the Prosecutor, while authorizing the accused to confer with his lawyer, could none the less reserve the right to be present at the meeting or to designate another person to attend it and that, in exceptional cases, he could even refuse such authorization. That limitation of the right of the accused did not seem to be in conformity with the spirit of article 14, paragraph 3 (b), of the Covenant.

48. With regard to article 22 of the Covenant, the report mentioned the existence in Poland of 40,000 associations of three categories: simple associations, declared associations and associations recognized as serving the public interest. He would like to know what were the associations recognized as being of "higher public utility" and to which category associations such as the Society of Friends of the United Nations and others mentioned in the penultimate paragraph of the section relating to article 22 belonged.

49. He was not sure that article 56 of the Polish Family and Guardianship Code, according to which divorce was inadmissible when the interest of minors common to the spouses would suffer as a result, was consistent with the principle that no marriage should be entered into without the free and full consent of the intending spouses, laid down in article 23 of the Covenant. Nor did that provision seem fully to respect the principle, recognized in Polish law, that children born out of wedlock had equal rights with those born in wedlock.

50. In relation to article 27 of the Covenant, although Poland was an ethnically homogeneous country, he would like to know if the larger minority groups had schools dispensing instruction in their own language and whether books and newspapers were published in those languages.

51. Mr. HANGA said that he wished first of all to emphasize the link between the rights laid down in the International Covenant on Civil and Political Rights and the rights listed in the International Covenant on Economic, Social and Cultural Rights, the realization of the latter being the material guarantee for the effective enjoyment of the former. In that connexion, he reminded the Committee of General Assembly resolution 32/130, relating to alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, which stated that the full realization of civil and political rights without the enjoyment of economic, social and cultural rights was impossible. On that point, he would like to know how, in Poland, socialist production relations formed the material guarantee for the realization of civil rights, how social ownership ensured adequate realization of human rights and, in view of the logical connexion between civil and political duties and rights, how the performance of the duties guaranteed the realization of the rights.

52. With regard to article 2 of the Covenant, the Polish report described the role of the Public Prosecutor General, who was defined as safeguarding the people's rule of law (article 64, paragraph 1, of the Polish Constitution) and whose powers and mode of activity were defined by law (paragraph 3 of the same article). He would like to know in what way the Public Prosecutor General supervised the protection of human rights and if he could act in that field ex officio, for example, to preserve the interests of children or to protect the family. It was also stated in the report that the legislation in force favoured the development of the activities of associations, many of which were recognized as serving the public interest, with social organizations playing a particularly important role. It would be interesting to know whether those social organizations could contribute to the protection and promotion of human rights and, if so, to what extent.

53. The civil and political equality of men and women, provided for in article 3 of the Covenant, was set forth in article 78 of the Polish Constitution. He would like to be informed of the role played by women in the Party organs and of the percentage of women among the total membership of the Party.

54. With regard to article 6 of the Covenant, the report emphasized the criminal provisions applicable to the protection of the right to life and the material responsibility of an individual whose acts brought about the death of another person. However, he would like to know the situation regarding the protection of life as a social value independently of any criminal consideration and the results which the Polish State had achieved with regard to the health of its citizens, through hospitals and other health care establishments, health measures and social assistance.

55. In connexion with article 10 of the Covenant, he had noted that the essential goal of the Polish prison system was to rehabilitate the prisoner and that, to achieve that, the prison establishments carried out resocialization activities. To that end, he wondered whether it would not be possible to allow persons convicted of minor offences to serve their sentence in the place where they had worked before committing the offence.

56. With regard to article 14 of the Covenant, concerning equality before the courts and tribunals, the report indicated the possibility of establishing social tribunals in work establishment and conciliation boards in towns and villages. He wondered what powers those bodies had, if they were composed of professional judges, people's assessors or private individuals, and if they could not be considered as social institutions of a new type, gradually replacing the administrative or judicial organs of the State as social development progressed. He also noted the importance of the social factor in the exercise of justice in Poland, where cases were investigated with the assistance of assessors, representatives of the people, who had the same rights as professional judges; in that connexion, he wondered if those assessors were appointed or elected and if they sat in the appeals courts and the Court of Cassation.

57. In connexion with articles 16 and 17 of the Covenant, several references were made to the personal interests of the individual. On pages 21 and 22 of the report, it was stated that Polish law provided broad protection for the honour of the individual, and that his personal interests, in particular his health, liberty, honour and freedom of conscience, were protected under civil law. However, the expression "personal interests" also evoked the idea of personal property; it would be interesting to know the limits of such property and the means available to an individual to defend it.

58. With regard to article 19 of the Covenant, he noted that Polish law not only guaranteed citizens freedom to hold or express opinions, but also contained provisions designed to protect society against moral degradation, the exaltation of violence and pornography.

59. With regard to article 22 of the Covenant, the report mentioned the order of the President of the Polish Republic dated 27 October 1932, which dealt with questions relating to the activities of associations. He wondered whether that order had not become out of date, and whether its provisions had not been supplemented by subsequent judicial decisions. Moreover, in view of the number of trade union members in Poland (12 million persons), it would be interesting to know if, from the political point of view, the trade unions could present candidates for election and take part in the law-making process by proposing amendments to laws, and also to know their possible role in the self-management of enterprises and the conclusion of labour contracts.

60. According to article 23, paragraph 3, of the Covenant, "No marriage shall be entered into without the free and full consent of the intending spouses". The Polish Family and Guardianship Code stipulated (article 11 et seq) that a marriage could be annulled only in specific cases, but did not allow for such annulment where the consent was vitiated by error, violence or fraud. He wondered why Polish legislation excluded annulment in such cases. With regard to the implementation of article 23, it would be useful to know the provisions of Polish law concerning care of small children whose mothers went out to work.

61. The provisions of article 24 of the Covenant seemed to be reflected in the Family and Guardianship Code, where the relations between parents and children were based on two fundamental principles: the equality of rights of the father and the mother, and the equality of children, whether born in or out of wedlock. However, that Code also provided for restriction of parental authority when the interest of the child was threatened. He wondered what, in that case, were the elements of parental authority retained by the parents and what were the powers which devolved upon the court of guardianship.

62. With regard to article 25 of the Covenant, the implementation of which was ensured by article 86 of the Polish Constitution, he would like further information on the role of the social organizations in carrying out the tasks of socialist democracy and in the machinery of the State, and wished to know if, in the future, they might not provide the foundations for direct democracy.

63. Lastly, with regard to article 26 of the Covenant, the report stated that State administrative bodies were bound to provide the parties with explanations on legal matters and information about what they must do in order to respect the law. Those bodies did not therefore play a merely passive role; in the circumstances, it might be wondered if the principle that ignorance of the law was no excuse retained the force of an absolute presumption.

The meeting rose at 12.55 p.m.