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COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Third periodic reports of States parties due in 1988

Addendum

GERMAN DEMOCRATIC REPUBLIC */

[8 July 1988]

*/ For the initial report submitted by the Government of the German Democratic Republic, see CCPR/C/1/Add.13: for its consideration by the Committee, see CCPR/C/SR.65, SR.67-SR.68 and Official Records of the General Assembly, Thirty-third session, Supplement No. 40 (A/33/40), paragraphs 147-183. For the second periodic report submitted by the Government of the German Democratic Republic, see CCPR/C/28/Add.2: for its consideration by the Committee, see CCPR/C/SR.532-SR.534 and SR.536 and Official Records of the General Assembly, Thirty-ninth session, Supplement No. 40 (A/39/40), paragraphs 479-540.

1. The Government of the German Democratic Republic is presenting its third periodic report on the implementation of the International Covenant on Civil and Political Rights. It covers the period from 1983 to 1987 and supplements the second periodic report, which the German Democratic Republic submitted in 1982 and commented on before the Human Rights Committee in 1984. The present report contains information on the laws and regulations enacted during that period in order to give effect to the Covenant and on their implementation in community life.

2. Reference is also made to the sixth and the seventh reports of the German Democratic Republic on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/116/Add.1 and CERD/C/147/Add.1), the second periodic report on the implementation of articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights (E/1986/4/Add.11) and to the oral explanation of these reports before the respective committees.

Article 1

3. Freely exercising its right to self-determination, the people living on the territory of what is now the German Democratic Republic founded its State and is building an advanced socialist society. As a result of the Second World War and post-war developments, two sovereign German States, independent of each other, came into being. The peoples' right to self-determination is being fully realized in the German Democratic Republic in that all government policy is inspired by the interests of the population serving the safeguarding of peace, social justice and friendship among nations.

4. The socialist German State emerged and has developed in full conformity with the principles of democratic international law. The German Democratic Republic agrees with the observations of the Human Rights Committee embodied in its general comment 12 (21) on article 1 to the effect that respect for the right of peoples to self-determination contributes to the establishment of friendly relations and co-operation between States and to strengthening international peace and understanding. 1/ Article 8 of the German Democratic Republic's Constitution therefore expressly makes it a constitutional mandate to ensure that "the generally accepted rules of international law serving peace and peaceful international co-operation are binding upon the State and every citizen".

5. The German Democratic Republic views it as a major foreign policy task to strive for the realization of the peoples' right to self-determination world-wide, i.e., their right freely to determine their political status without outside interference, to pursue their economic, social and cultural development and freely to dispose of their natural wealth and resources. The exercise by the peoples of their right to self-determination is essential for the enjoyment of all other rights set forth in the Covenant. It requires both strict compliance with the duty of States not to interfere in the internal affairs of other States (see general comment 12 (21), para. 6) and the elimination of all one-sided economic dependences.

6. The establishment of a new international economic order, the implementation of the Declaration on the Right to Development and the elimination of all remnants of colonialism and all forms of neo-colonialism create favourable conditions for peoples to exercise their right to

self-determination. The German Democratic Republic therefore supports all peoples who fight for their national liberation and against colonial and neo-colonial exploitation, racism and apartheid. Its assistance and solidarity go, above all, to the Palestinian people and to the people of Namibia as well as to the people of South Africa who, in a most flagrant manner, are denied the exercise of their right to self-determination.

Article 2

7. The German Democratic Republic has in place a comprehensive legal system of judicial remedies, complaints and petitions before judicial, administrative or legislative authorities which reliably ensure the protection of the rights and interests of citizens. In cases of violations of these rights and interests the system ensures the observance of legality as called for especially in article 2. Details about this were furnished in the second periodic report and during reporting to the Committee in 1984. Additional information is provided in the relevant passages on other articles of the Covenant.

Article 3

8. Also in this reporting period a great deal of effort and attention was devoted to the further involvement of women in the political and public life of the country. The situation with regard to the equal status of men and women in society has improved further during that period. A major contributing factor was the creation of better conditions allowing women to reconcile career and motherhood (see also comments on arts. 23 and 24 of the Covenant).

9. At present approximately 4.9 million women are gainfully employed, receiving education or undergoing training. The employment rate of the female population of working age has risen from 87 per cent in 1978 to 91.1 per cent today.

10. The great social transformations in the position of women in society are reflected, above all, in their higher education and qualification levels. Whereas upon the founding of the German Democratic Republic only some 5 per cent had been fully trained for a job, that figure was as high as 50 per cent by the early 1970s. Today, 82.4 per cent of females employed are fully trained. In agriculture the relevant figure is even higher. There, 89.4 per cent have completed full training programmes.

Table 1

Percentage of women in the work-force having completed vocational training

	1970	1980	1985	1987
Universities or other institutes of higher learning	27	35	38	38.5
Technical colleges	36	58	62	62.5
Foremen and skilled workers	40	45	45	50.0

11. Women play an active role also in political affairs. Five million women are members of the Confederation of Free German Trade Unions, i.e., 53.1 per cent of its total membership. The Democratic Women's League of Germany has a membership of 1.5 million, and women account for 38 per cent of the deputies of the elected assemblies.

12. The number of women holding managerial or executive posts has also risen. In the cultural and social sectors, more particularly in public education and the health services, almost 60 per cent, and in commerce 60.3 per cent, of all senior posts are held by women. In the services sector the relevant figure is 46.2 per cent, and in posts and telecommunications 56.4 per cent. Moreover, 30.2 per cent of mayors are women, and so is every second judge or lay judge. In industry, women account for 21.5 per cent of managerial posts, and in agriculture for 21.7 per cent.

13. It will remain a major objective of the German Democratic Republic in regard to the advancement of women to ensure that they can fully enjoy their equal rights with men and are able better to combine civic duties, work responsibilities and motherhood.

Article 6

14. The German Democratic Republic reiterates its view that the right to life as the most elementary human right and the right to peace are inseparably linked to each other. The German Democratic Republic fully subscribes to general comments 6 (16) and 14 (23) of the Human Rights Committee, 2/ which characterize the danger emanating from the production, possession and deployment of nuclear weapons as a threat to the life of all humankind and call upon all States to take appropriate action against it.

15. In its foreign policy the German Democratic Republic is committed to the goal of banishing war from the life of mankind, safeguarding world peace, implementing the peoples' right to self-determination and fostering the development of peaceful international co-operation in conformity with the Charter of the United Nations.

16. Mindful of the bitter lessons of history, the German Democratic Republic feels duty-bound to make every effort to ensure that war will never again start from German soil. This awareness also determines the strictly defensive nature of its armed forces. The relevant position of the German Democratic Republic and of the other socialist countries is set out in the document "On the Military Doctrine of the States Parties to the Warsaw Treaty" adopted in May 1987 and in the proposal to the member States of the North Atlantic Treaty Organization to enter into consultations in order to compare the military doctrines of the two alliances. The German Democratic Republic reaffirms the view stated in the first-mentioned document that the socialist States do not view any State or people as their enemy.

17. In line with the socialist military doctrine as laid down in the aforementioned documents, the German Democratic Republic is making its contribution to the safeguarding of peace and thus to assuring the right to life.

18. A major success of the disarmament efforts undertaken by the socialist States and in particular by the Soviet Union is the conclusion of the treaty between the USSR and the United States of America on the elimination of their intermediate-range and shorter-range missiles.

19. The German Democratic Republic's endeavour to assist in these efforts is reflected in the trilateral agreement between the USSR, the German Democratic Republic and Czechoslovakia regarding inspections under the above-mentioned Soviet-American treaty, the agreement between the German Democratic Republic and the United States of America regarding inspections on the territory of the German Democratic Republic, as well as the agreement between the USSR, Czechoslovakia and the German Democratic Republic on the withdrawal of the shorter-range missiles from the German Democratic Republic and Czechoslovakia even before the formal entry into force of the Soviet-American treaty of 8 December 1987. Some missiles have already been removed from the German Democratic Republic and their destruction has started in the Soviet Union; the vehicles for transporting them have been converted to civil uses, and former missile facilities are being turned into holiday centres.

20. Together with other countries, the German Democratic Republic initiated or sponsored proposals for the establishment of a nuclear-weapon-free corridor and a chemical-weapon-free zone, which, if implemented, could have a positive influence on the global disarmament process. Another move towards creating a nuclear-free world is an international meeting for nuclear-weapon-free zones which is to be hosted by the German Democratic Republic in Berlin in June 1988.

21. On 17 July 1987 the Council of State of the German Democratic Republic adopted a decree abolishing the death penalty without any restrictions (Law Gazette, I, 1987, p. 192). The respective legislative change was made by the People's Chamber as the legislative organ in the Fourth Criminal Law Amendment Act of 18 December 1987 (Law Gazette, I, 1987, p. 301). The decision to abolish the death penalty completely corresponds to the humanist nature of socialist society and was a timely step in view of the level of societal development, especially the positive downward trend in crime and experience of many years of penal administration.

22. Owing to this general situation courts in the German Democratic Republic had only very rarely imposed the death penalty during the last few decades and had actually carried it out far less often. For a number of years it had not been pronounced at all, making the German Democratic Republic an "abolitionist State de facto". Experience over many years showed that it was no longer necessary to resort to the death penalty even in combating the most serious crimes. Thus, the German Democratic Republic has met the objective of eventually abolishing capital punishment as sought in article 6 of the Covenant.

23. Also in the last few years the German Democratic Republic has fulfilled its obligations under the Charter of the International Military Tribunal, Nürnberg, and the United Nations Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. One example is the trial against a former senior member of the Secret State Police (Gestapo) and of the SS, Henry Schmidt, held before the Dresden County Court

in September 1987. In the face of compelling and conclusive evidence examined by the court in the main trial, which was open to the public, the former superintendent of the Secret State Police (Gestapo), SS Obersturmführer Henry Schmidt, was sentenced to life imprisonment, including permanent loss of his civil rights, on several counts of crimes against humanity. From 1942 to 1945 Schmidt participated with intent and in a senior position in the systematic deprivation of the rights of the 965 citizens of Jewish origin who then still lived in and around Dresden. He was involved in isolating them, herding them together in so-called Jewish houses and camps and deporting at least 723 of them to Theresienstadt ghetto and to the Auschwitz concentration camp where most of them died.

24. Article 35 of the Constitution of the German Democratic Republic guarantees every citizen the right to protection of his health and working capacity. As bodies representing the interests of the working people, the trade unions play a crucial role in meeting the requirements of that article. On the basis of the relevant legal regulations and their own decisions they are entitled to monitor compliance with labour safety regulations, inter alia, by inspections at the factory or local level, in which they are assisted by some 318,000 voluntary trade-union labour safety officers.

25. Also under the conditions of the scientific and technological revolution health protection and labour safety have continued to improve. Heavy physical and hazardous work has systematically been reduced further and the means and methods of work have been made safer and less cumbersome. Between 1981 and 1986 the number of industrial accidents dropped by 17 per cent. The following table shows the decline in the number of industrial accidents since 1982:

Table 2

Year	Industrial accidents	Industrial accidents per 1,000 employed
1982	240 217	27.4
1983	231 352	26.3
1984	221 063	24.9
1985	214 991	24.1
1986	211 536	23.7

With an incidence of 23.7 industrial accidents per 1,000 employed in 1986, the German Democratic Republic is among the best. The number of industrial accidents involving loss of life has also dropped. Moreover, the Government is making efforts to keep reducing the number of accidents and to eliminate possible causes.

26. There exists also a large system of industrial health care facilities catering to 75 per cent of the work-force and consisting of 134 factory health centres and 329 out-patient clinics, which provide comprehensive primary health care embracing preventive, diagnostic, therapeutic, rehabilitative and follow-up services.

27. During the reporting period further advances were made in reducing infant mortality, as can be seen from the following figures:

Table 3

Year	per 1,000 live births
1982	11.4
1983	10.7
1984	10.0
1985	9.6
1986	9.2

The good record attained in this field during the past 10 years is mainly due to the fact that mortality among new-born babies (i.e., within the first 24 hours after birth) was reduced by 58 per cent, that of infants dying within their first seven days by 51 per cent and that of infants dying within their first 28 days by 46 per cent.

Article 7

28. Torture and cruel, inhuman or degrading treatment or punishment are alien to the humanist nature of socialist society. The socialist State protects and respects the personality and dignity of every human being, including those who are accused or convicted of a criminal offence and detained pending trial or serving a sentence (see Constitution, art. 30 and Penal Code, art. 4). These legal provisions stipulate, for instance, that the courts, prosecutors and investigating organs are obliged to respect the basic rights and dignity of citizens and shall allow restrictions of those rights only to the extent that this is admissible by law and indispensable. Hence, cruel, inhuman or degrading treatment or punishment are proscribed. As a socialist State, the German Democratic Republic condemns torturing and other forms of cruel, inhuman or degrading treatment. It most strongly opposes the torturing of human beings as practised in a number of countries.

29. In line with this position, the German Democratic Republic actively participated in the elaboration of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by making many proposals during the long period of work on the Convention. It signed the Convention on 7 April 1986 and deposited its instrument of ratification with the depositary of the Convention on 9 September 1987. In accordance with article 27, paragraph 2, of the Convention, the latter became effective for the German Democratic Republic on 9 October 1987.

Articles 9 and 10

30. The execution of sentences is regulated in the Law on the Execution of Penalties involving Imprisonment. The Law has been in effect for 10 years now and it can be said that it has proved to be up to the mark and fully meets the requirements in the German Democratic Republic. Detailed information on this point was furnished in previous reports. With this Law and the guarantee of its application the German Democratic Republic does full justice to the standards set in articles 9 and 10 of the Covenant.

31. Thanks to the positive record in combating crime the Council of State of the German Democratic Republic was able to adopt decisions on 17 July 1987 regarding a general amnesty on the occasion of the thirty-eighth anniversary of the founding of the German Democratic Republic. The amnesty, the most comprehensive ever in the country's history, applied to all persons who, prior to 7 October 1987, had received final sentences, whether or not they involved imprisonment. Between 12 October 1987 and 12 December 1987, 24,621 persons serving a sentence were released from prison. Sentences involving imprisonment were not carried out in the case of 2,741 persons who had not yet begun to serve their terms; preliminary proceedings were discontinued against 1,753 persons who had been detained pending trial. The life sentences of 311 persons were reduced to 15 years. Every individual released from prison or pre-trial detention was given employment with due regard to their abilities and professional skills and, where necessary, accommodation and assistance with their reintegration into community life. To protect the life and health of citizens, the general amnesty did not apply to persons convicted of Nazi or war crimes, crimes against humanity, espionage or murder. It is in the nature of socialist humanism that those who have violated laws of the German Democratic Republic are also given a chance to return to community life as fully responsible citizens.

Articles 12 and 13

32. The German Democratic Republic enacted laws and regulations governing entry into and exit from its country and marriage between its citizens and aliens, which are in conformity with article 12 of the Covenant and which were explained in detail in its second periodic report. The relevant provisions are also in line with the pertinent recommendations contained in the Helsinki Final Act of 1975 and the Concluding Document of the Madrid Meeting of 1983.

33. On the basis of its laws and regulations and by virtue of its sovereign power of decision, the German Democratic Republic grants permits to aliens to reside in the German Democratic Republic and to its own citizens to leave their country for another.

34. As set out in articles 4 and 8 of the Decree regulating matters of family reunification and marriage between citizens of the German Democratic Republic and aliens, of 15 September 1983 (Law Gazette, I, No. 26, p. 254), the competent authorities of the German Democratic Republic, in deciding on applications from aliens wishing to take up residence in the German Democratic Republic and of citizens of the German Democratic Republic wishing to move to another country, may impose no restrictions other than those referred to in article 12 of the Covenant.

35. The German Democratic Republic has always dealt with requests for marriage between its citizens and aliens (an average of 2,500 to 3,500 such requests are granted each year) on the basis of its domestic laws and in full exercise of its sovereign power of decision.

36. In 1987, citizens of the German Democratic Republic made 14 million trips abroad, 5 million of them were made to the Federal Republic of Germany and to Berlin (West).

Articles 14 and 15

37. In the German Democratic Republic criminal proceedings are carried out in full conformity with the law. That means, first of all, that everyone is equal before the law and the courts and that the rights of the accused or the defendant, in particular the latter's right to defence, are safeguarded in public hearings by competent, independent courts, established by law and consisting of elected members, which determine whether a person is guilty or innocent. To ensure that these basic tenets are followed and that no innocent person is convicted has been the focus of further efforts made by the Supreme Court, the Prosecutor-General of the German Democratic Republic and others during the reporting period. In its decisions and other work the Supreme Court has paid great attention to the need for the truth to be established and proved in criminal proceedings beyond doubt. A scientific conference was held in 1987 bringing together many scientists and experts from other legal branches who discussed matters of elaborating further the directive issued by the Plenum of the Supreme Court in 1978 on the issues of the courts taking evidence and establishing the truth within criminal proceedings.

38. Likewise, the Supreme Court and the Prosecutor-General have made efforts to ensure that the competent judicial organs safeguard the right to defence at all stages of the proceedings (see Covenant, art. 14, paras. 3 and 5) as a basic right under the country's Constitution and as a human right.

39. In this connection mention should be made of the setting up of a Grand Senate (pursuant to the Law of 18 December 1987 following the State Council decision of 17 July 1987, Law Gazette, I, 1987, No. 17, p. 192). Legal remedies can now be invoked against all decisions passed by courts of first instance (see Covenant, art. 14, para. 5) including against sentences passed by Supreme Court senates in first instance, which are very rare, with the newly established Grand Senate holding public oral hearings to deal with such appeals. To ensure the rights of citizens, the courts have been vested with significant powers as regards the determination of violations of these rights by lower courts, prosecutors or investigating organs by way of formal court criticism (see Code of Criminal Procedure, art. 20).

40. Every citizen has full and free access to the courts and may use the services of counsel; in penal and labour law matters, no court fees are charged or imposed; in labour disputes, representation by trade unions free of charge is very frequent.

41. The Labour Code gives trade unions the right to act as counsel for the defence in court proceedings on labour disputes to protect the rights of workers or employees. According to the Statutes of the Confederation of Free German Trade Unions every member is entitled to free legal assistance. Trade-union executives and committees have legally trained honorary counsels who, upon specific instructions from the respective trade-union executive, represent employees who so desire in court proceedings regarding labour disputes. Trade-union executives and committees are also entitled to be associated in labour law matters by expressing their positions on the case, making recommendations for the establishment of the facts, submitting motions to obtain evidence and asking for criticism of the bench or for a special commentary by the court on the proceedings. At present the trade unions are

involved in over 80 per cent of all court proceedings on labour law matters. They see to it that the rights of the working people are protected and that socialist labour law as well as the respective rights and duties are fully observed.

42. The principle of non bis in idem (see Covenant, art. 14, para. 7) is consistently applied in conformity with article 14 of the Code of Criminal Procedure concerning decisions taken by courts of the German Democratic Republic. In addition, article 3 of the Berlin Convention on the transfer of convicted persons for the purpose of executing the sentence in the State whose citizens they are, to which the German Democratic Republic and other socialist countries are parties, recognizes that principle also between different countries; and article 80, paragraph 2, of the Penal Code stipulates that a penalty carried out abroad for the same punishable act shall be taken into account.

43. The Supreme Court and the Prosecutor-General devote special attention to the protection of human rights in connection with the prosecution and punishment of offences. For example, detention or imprisonment (both pre-trial detention and sentences involving imprisonment) can be imposed by law only if and as long as they are unavoidable (see the Constitution, art. 30). The interests of the persons concerned are protected by the Ordinance of 8 November 1979 on the care of persons and the protection of dwellings and property in case of arrest (Law Gazette, I, No. 45, p. 470). If a defendant is acquitted, he is entitled to compensation for the time spent in pre-trial detention.

44. Comprehensive law education and public relations activities are one way of constantly developing and strengthening legality and promoting the implementation of human rights in the German Democratic Republic. This task is carried out, inter alia, by the mass media, through a large number of special publications, in the form of public lectures and panel discussions, e.g., on human rights, tens of thousands of consultations free of charge provided by courts, public notaries' offices, prosecutors and advocates' collegia. The trade unions also impart extensive legal knowledge regarding the rights of employees.

45. The social courts fully ensure implementation of the rights of citizens as set forth in article 14 of the Covenant. Social courts take part in the administration of justice within the scope of the functions assigned to them by law. As part of the system of justice they are independent in their jurisdiction. Social courts hear and decide on petty offences, misdemeanours, minor civil-law matters, breaches of regulations or violations of compulsory schooling. Disputes commissions, in addition have jurisdiction in regard to labour disputes. In 1986, disputes commissions rendered final decisions on almost 93 per cent of all labour disputes. For many years, every fourth criminal matter has been handled by a disputes or arbitration commission. The Law on the Social Courts of the German Democratic Republic of 25 March 1982 and the Rules governing disputes and arbitration commissions of 12 March 1982 give wider powers to these courts while laying down their functioning in greater detail. Thus, these courts have extensive rights which allow them to afford effective legal assistance to working people through their jurisdiction, through consultations and discussions.

46. Social courts are resorted to on the basis of a relevant application or a decision to transfer a case. A case is taken up within four weeks. The time, place and agenda of social court hearings are made public. The parties involved are summoned at least one week in advance. Where the claimant or the respondent or accused is a minor, the person or persons in charge of his or her upbringing are summoned. Work team spokesmen or representatives of other social forces are called in if necessary for the solution of a given conflict. Hearings are public. Anyone attending may help resolve a conflict by asking questions or making comments. People have a right, before their case is due to be heard, to receive legal guidance from trade-union officers, district courts or individual lawyers. At the end of a hearing social courts take a decision on the disciplinary measure, if any, to be taken. Such decision, like those taken by regular courts, is subject to review and revision. If an objection is raised to such a decision, the final say rests with the district court. There is a total of 28,533 disputes commissions with 255,074 members. They are designed to encourage grass-roots participation in efforts to ensure the rule of socialist law as well as enhance order and security with a view to achieving a marked increase in economic performance while improving working and living conditions. The same objective is served by the 5,552 neighbourhood arbitration commissions with their 55,911 members.

Article 17

47. The right to non-interference with privacy centres on personal inviolability and liberty guaranteed to everyone by article 30 of the Constitution. It encompasses the protection of life, freedom from bodily harm, health care, unobstructed personality development through the exercise of fundamental rights, and the protection of personal liberty, honour and dignity, of man's freedom of action and movement, and of his personal relationship. The exercise of this right is limited in so far as it curtails the rights or freedoms of others. Therefore, in cases where personal rights and interests are infringed or impaired, the person concerned has a right to assistance from government agencies and social bodies. For this purpose people have at their disposal an entire set of legal remedies, grievances and petitions (Constitution, art. 30, para. 3).

48. The right to inviolability of privacy may be restricted only in connection with penal offences or curative treatment and must be justifiable by law. People's rights may be restricted only to the extent to which this is legally permissible and unavoidable (Constitution, art. 30, para. 2; see also Law on the Duties and Powers of the German People's Police, dated 11 June 1968, Law Gazette, I, No. 11, p. 232).

Article 18

49. Over the period under review things have continued to develop favourably in the sense of a constructive relationship between State and Church. The Church is actively involved in the search for solutions to global problems and in the promotion of social advance, in particular the continued development of frank and trustful relations between the socialist State and the churches and religious groups.

50. On this basis State and Church have drawn increasingly together in their commitment to peace. Thus, on 1 September 1986, World Peace Day, representatives of the Federation of the Evangelical Churches in the German Democratic Republic, as in previous years, joined in a meeting between a representative delegation of the national peace movement and State Council Chairman, Erich Honecker. The delegation handed the Chairman a peace report entitled "The German Democratic Republic in the International Year of Peace". It contained items on a wide range of activities undertaken by millions of citizens of the German Democratic Republic to mark that Year proclaimed by the United Nations.

51. On the occasion of the seven hundred and fiftieth anniversary of the founding of Berlin, the Evangelical Church of Berlin-Brandenburg staged its own anniversary programme under the motto "750 Years of the Church in Berlin", which focused on church music events, lectures, panel discussions and exhibitions. Religious events to mark the seven hundred and fiftieth anniversary of Berlin's existence culminated, from 24 to 28 June 1987, in an Evangelical Church Congress, which proved a worthy contribution to the anniversary celebrations, illustrating once again that our capital is rightly referred to as a world venue for a constructive exchange of opinions on the vital issues facing mankind. The high-ranking church dignitaries from abroad who attended the Congress witnessed a convincing demonstration of the broad range of opportunities available for church activities in the German Democratic Republic and of the open and trustful relationship between State and Church. The churches support, on religious grounds, the principled peace policies of the USSR, the German Democratic Republic and the socialist community as a whole. Examples were given at the Congress of how churches can get actively involved in social activities and attention was drawn to the wide range of opportunities they have to take charge of social concerns. The service that concluded the Church Congress was held in a sports stadium provided by the State, with more than 20,000 participants. There was extensive television coverage of the event.

52. On 3 March 1988, a meeting took place at the State Council seat between the General Secretary of the Central Committee of the Socialist Unity Party of Germany (SED) and the Chairman of the State Council, Erich Honecker, and the Chairman of the Conference of Governing Bodies of the Evangelical Church in the German Democratic Republic, Landesbischof, Werner Leich. It was a constructive, businesslike and open-minded exchange of ideas on matters of mutual interest and of great importance for the further development of the relationship between State and Church in the German Democratic Republic.

53. The practice of regular briefings at the Office of the State Secretary for Religious Affairs has been maintained. The standard of these briefings has been raised by securing the participation of senior members of central government agencies and of religious affairs specialists. Since 1984, the following topics have been taken up at these briefings: aspects of peace and disarmament, environmental protection, the use of nuclear energy, human rights and others. At two of these briefings representatives of the Federation of Evangelical Churches were informed by senior representatives of the Ministry of Foreign Affairs about the status of the Vienna follow-up meeting of the Conference on Security and Co-operation in Europe.

54. Also vis-à-vis the Catholic Church our State seeks to foster a constructive and trustful relationship that is in harmony with the Constitution. The church policy concept set forth by State Council Chairman, Erich Honecker, on 6 March 1978 in his talk with the governing body of the protestant churches and since then followed in practice fully applies to the Catholic Church too. This concept is translated into practice through numerous informational and policy talks between the State Secretary for Religious Affairs or his deputy and Cardinal Meisner, Chairman of Berlin's Bishops' Conference, and the other Catholic bishops residing in the German Democratic Republic. Similarly, at county level the county council chairmen or their deputies meet periodically with the local bishops or vicars-general. Apart from the shared concern for peace, these meetings, which are conducted in a businesslike manner, increasingly discuss matters of environmental protection, media and information policy, travel as well as health and social welfare services.

55. Catholic Church activities in the German Democratic Republic culminated in a big meeting held in Dresden from 1 to 12 July 1987. It was the first time the Catholic Church had organized such a nation-wide event in the German Democratic Republic which showed what broad opportunities there were for church activities in the German Democratic Republic and which was a good example of the constructive State-Church co-operation there. The manner in which the State supported the event, Cardinal Meisner rightly noted in his words of thanks at a reception for the representatives of the State, imparted awareness that the Catholics were being accepted "as citizens enjoying equal rights and equal respect".

Articles 19 and 20

56. The right to freedom of expression along the lines of article 19 of the Covenant is ensured in the German Democratic Republic and is laid down in article 27 of its Constitution. Restrictions of this right are based on the standards set in paragraph 3 of article 19 of the Covenant. In the German Democratic Republic no one is prosecuted for an opinion expressed or statement made.

57. In line with the Constitution and other relevant legal provisions (e.g. the Decree on the activities of the printed media of other States and their correspondents together with its first implementing order dated 21 February 1973), the mass media act in a way that is in harmony with mutual respect for the rights and dignity of States, peoples and individuals. This also applies to the activities of foreign correspondents. The German Democratic Republic constantly seeks to provide good working conditions for some 150 accredited permanent correspondents and up to 5,000 foreign journalists arriving annually for short periods. Except for a small number of areas prohibited to everyone, there are no obstacles to travelling throughout the German Democratic Republic. All that is required when travelling outside the capital is the communication, 24 hours in advance, of the intended destination (a permit is not required).

58. About 1,000 books by authors from over 40 countries are published each year in the German Democratic Republic. They include titles from most States participating in the Conference on Security and Co-operation in Europe (CSCE), but invariably also from Asian, African and Latin American countries. Publishers focus on works which take up and advance the basic philosophy

underlying the Final Act of the Conference and which are committed to peace, understanding among peoples and social progress. The publishing policy of the German Democratic Republic is designed in the first place to make accessible to readers, to the greatest extent possible and in the framework of the foreign exchange available for the acquisition of licences, all major works of present and past world literature. The German Democratic Republic also grants licences for German translations of such works to other German-speaking countries.

59. Likewise, any advocacy of national, racial or religious hatred that amounts to incitement to discrimination, hostility or violence is prohibited by law as required by paragraph 2 of article 20 of the Covenant.

60. Therefore, resolute action has been taken against persons with incipient signs of racial hatred and Fascist ideology. For instance, several thugs who had roughed up concert-goers while shouting Fascist and racist slogans were sent to prison for several years. This kind of behaviour does not originate from conditions in our country. What we have here are extremist ways of thinking and conduct that were carried into the German Democratic Republic. Such conduct is designed to distract from the growing brutality and violence and from the re-emergence of Fascist attitudes and excesses outside the German Democratic Republic and to manipulate individuals and groups of persons inside the country to make them perpetrate rowdy action against the State and its citizens, in part using slogans dating from the Nazi period. Fully upholding the legacy left behind by the anti-Fascist resistance fighters, the German Democratic Republic punishes such acts with all the severity the law allows.

Article 21

61. The right to assemble peacefully within the framework of the principles and purposes of the Constitution is guaranteed to all people of the German Democratic Republic on the basis of article 28 of the Constitution. Paragraph 2 of that article provides that assembly halls, public spaces, printing shops and communication facilities may be used to enable this right to be fully exercised. Substantial government and other public funds are budgeted and made available to keep improving these material conditions. As a result the number of events of the most diverse nature has been constantly growing.

62. A decree was passed on 30 June 1980 concerning the holding of events (Law Gazette, I, No. 24, p. 235), which has proved useful in practice. Participation in such events is one way for the people of the German Democratic Republic to exercise their basic right to play an active part in the direction of all public affairs.

Article 22

63. The Constitution guarantees freedom of association. Under its article 29 citizens have a right to associate in order to pursue their interests in agreement with the principles and purposes of the Constitution through joint action within political parties, mass organizations, associations and other groupings. The five political parties existing in the German Democratic Republic are unrestricted in their activities within the framework of these purposes and principles. Some of the many mass organizations have

parliamentary groups of their own in the national parliament. These are: the Confederation of Free German Trade Unions, the Democratic Women's League of Germany, the Free German Youth and the League of Culture.

64. The Constitution expressly guarantees the independence and freedom of the trade unions, which is the largest organization. No one may restrict or obstruct them in their activities, which enjoy the protection of the socialist State. Anyone violating trade-union rights is called to account by law. The far-reaching rights of trade unions in building the socialist system of society are specified in laws and other legal provisions in a way that allows verification of compliance. This ensures that trade unions can pursue their tasks as representatives of the working people's interests with a high sense of responsibility. The Constitution, in article 45, ensures that trade unions may conclude agreements with government agencies, central economic authorities and company boards on all aspects of the working and living conditions of those under their responsibility. Moreover, under this article, trade unions have a say in moulding the socialist legal system. They may initiate pieces of legislation and make sure that the rights granted are observed.

65. Over the period under review the position and role of the Confederation of Free German Trade Unions has been further enhanced. Out of the total of those who are eligible to join it under the statutes of the Confederation, 97.2 per cent (9,122,965) had become members by 1982, with a further increase to 97.7 per cent (9,507,098) by 1987.

66. Another decree, dated 6 November 1975, deals with the prerequisites for the establishment and activities of associations and the procedure to be followed in so doing. On the basis of this decree people may join together in the pursuit of their interests and of common objectives. Associations may start functioning if, in terms of their nature and goals, they meet the principles underlying the socialist social system, if there is a spiritual-cultural or other need for their activities and if these do not run counter to the laws and other legal provisions. The numerous associations active in the German Democratic Republic on the basis of the aforementioned decree and recognized by the Government can be subdivided into four categories:

- (a) Scientific associations;
- (b) Associations of foreigners studying in the German Democratic Republic;
- (c) Religious associations (apart from churches and religious communities);
- (d) Cultural associations.

67. There are other associations whose establishment and activities, under article 2, paragraph 3, of the aforementioned decree, are governed by other laws and regulations. These include medico-scientific societies, societies and unions in the cultural field and associations like the German Gymnastics and Sports Association, the German Red Cross, the Association of Allotment Gardeners and Small Stock-Breeders, the Fishermen's Association, the Association of the Blind and Partially Sighted, the Association of the Deaf and the Chamber of Handicrafts.

68. Under the Civil Code (para. 266 pp.) citizens of the German Democratic Republic also have a right to form associations with a view to improving working and living conditions.

69. It is also customary in the German Democratic Republic that not all organized activity of citizens in pursuit of their interests requires explicit government recognition. This is the case, for example, for hobby and special interest groups, clubs, circles and amateur cultural and other artistic ensembles sponsored by the National Front of the German Democratic Republic, government agencies and institutions, combines, companies or co-operatives. The sponsoring entities provide support both in terms of funds and personnel. The hobby and special interest groups or clubs are open to anyone.

70. There is no foundation in the social conditions of the German Democratic Republic for associations which are directed against the preservation of peace, disseminate militarist and revanchist propaganda, manifest racial, religious and national hatred or are incompatible with socialist ethical standards or public order and security. Accordingly, the German Democratic Republic is in full agreement with article 22, paragraph 2, of the Covenant.

Articles 23 and 24

71. As regards the German Democratic Republic's record in terms of the encouragement of marriage, the family and care for mother and child, the Government reported in detail on economic, social and cultural rights before the Committee on Economic, Social and Cultural Rights in March 1987. The following information briefly supplements earlier data. During the recent period under review, State and Government have devoted a great deal of attention to the encouragement of the family, of motherhood and child care and to assistance to large families and young parents. Wide-ranging measures were taken which enable women and mothers increasingly to reconcile their job and activity in civic causes better with their role in the family.

72. Here are some examples:

(a) Young couples have been able, since 1 May 1986, to raise an interest-free loan to the tune of 7,000 marks as an initial financial boost towards starting a family, i.e. an increase of 2,000 marks over the previous arrangement. The eligibility age limit for such loans was extended from 26 to 30 years of age. When children are born, repayment of this loan is waived at the rate of 1,000 marks at the birth of the first child; another 1,500 marks for the second child, and yet another 2,500 marks for the third child.

(b) In accordance with the growing national economic potential, the periods of release from work allowed to working mothers at birth have been lengthened. Today, all working mothers are entitled to 26 weeks of maternity leave. During that time they receive their average net earnings. In addition, working mothers may claim a paid "baby year" from the birth of the first child. At the birth of the third and any further child the period of paid release from work is extended up to the child's eighteenth month. Payment during the time beyond the twenty-sixth week is at the rate of sick pay which, as a rule, amounts to between 70 and 90 per cent of net wages.

(c) Working mothers with two or more children work a 40-hour week at full pay. If they work shifts they are moreover entitled to from two to five more days of leave than other shift workers.

(d) Also, since 1 May 1986, married working mothers with two children have been entitled to paid time off to care for sick children. While single-parent families have enjoyed this arrangement since 1972, married mothers with three or more children have been eligible since 1982.

73. Special financial and material support goes to families with severely handicapped children.

74. On 1 May 1987, the government children's allowance was raised as follows:

(a) For the first child from 20 to 50 marks;

(b) For the second child from 20 to 100 marks;

(c) For the third and any further child from 100 to 150 marks per month.

75. The number of places in child care facilities was also increased substantially. Thus, in 1986, crèches places were available for 84 per cent of eligible children up to three years of age while kindergartens in the same year were able to admit over 977,000 children. Kindergarten capacity at present is such that all children between three years of age and school age can go to such a facility if their parents so wish. All the parents have to pay for is a portion of the cost of food to the tune of 1.40 marks per child per day at crèches and 0.35 marks at kindergartens.

Article 25

76. As regards the right to take part in the conduct of public affairs, it is - as was set forth in detail in previous reports - fully ensured by the right to vote and to be elected and through access to public service. This is reflected in elections to the People's Chamber, the supreme elected assembly, which were last held in 1986, and in elections to the local assemblies, which took place in 1984. The last-mentioned elections are always coupled with the election of judges and lay judges for the courts of lower instance and of the members of arbitration commissions, which are social courts.

77. At a multitude of forums, consultations and talks, hundreds of thousands of candidates were examined by the electorate as to their ability to be worthy, democratically minded representatives of voters' interests. In the course of the elections millions of people made use, in very concrete terms, of their constitutionally protected human right to freedom of thought and opinion, peaceful assembly and freedom of association. As a result, the well-trying close, frank and comradely relationship of trust between voters and central Government or local representatives was further strengthened.

78. As a matter of course in the German Democratic Republic, such democratic activities are free from any discrimination with regard to colour, gender, religious belief, world outlook or other criteria violating the principle of

equality. Of the 500 elected members of the People's Chamber, 339 are men and 161 women. By social origin the composition of the supreme popular assembly is as follows: 271 blue-collar workers; 31 members of co-operative farms, individual farmers, gardeners, fishermen; 69 white-collar workers; 126 members of the intelligentsia and 3 others. With regard to level of education, 285 deputies graduated from an institute of higher learning while 79 are technical college graduates.

Article 26

79. The prohibition of discrimination under article 26 is consistently ensured without any restriction and to all persons. This has already been covered on earlier occasions and by other sections of this report (e.g., in connection with arts. 3, 18 and 27). Human rights in the German Democratic Republic are enjoyed by everyone without exception. There is no social degradation, no "fringe group" nor are there "social outcasts". Socialism needs everybody and has room for everybody. As was already pointed out in the second periodic report before the Human Rights Committee in 1984, there is no discrimination on the grounds of extra-marital birth or legal abortion.

80. In recent years there has been a marked increase in the number of people from other countries, regions and continents coming to the German Democratic Republic on short- or long-term visits. They are given the same rights and facilities as are enjoyed by those who always live here. No discrimination is permitted against these persons. In line with article 4 of the Law on the Sojourn of Aliens in the German Democratic Republic of 28 June 1979 these persons, while staying in the country, have the same rights as citizens of the German Democratic Republic unless it is a matter of rights associated with citizenship status.

81. The ban on discrimination under article 26 is applicable not only to persons or criteria mentioned in that article but also to other groups such as homosexuals. Simple homosexuality ceased to be a criminal offence way back in 1968. As the latest move in this direction the Supreme Court, basing itself on more recent sexological and psychological perceptions, questioned the need for making sexual relations between an adult and a minor of the same sex (Penal Code, section 151) punishable as a separate offence and, in a given case, ruled that there was no criminal act involved.

Article 27

82. As has been reported on various occasions - lastly before the Committee on the Elimination of Racial Discrimination in March 1987 - the roughly 100,000 citizens of Sorb nationality are equal members of society. This is essentially based on the Law for the Protection of the Rights of the Sorb Population, which was adopted on 23 March 1948 by the then Saxon diet in Dresden and whose fortieth anniversary will be observed this year. This principle is also anchored in articles 20, 21 and 40 of the Constitution. At present specific aspects of the protection of the rights of citizens of Sorb nationality are covered by 2 laws and 15 additional pieces of legislation. The equality of citizens of German and Sorb nationality is observed in all spheres of life. For instance, the Sorbs are free to pursue their specific linguistic and cultural interests.

83. A total of 2,338 citizens of Sorb nationality are members of elected assemblies at all levels, including 8 members of the People's Chamber and 37 of the Cottbus and Dresden county assemblies; 22 Sorbs have been elected to district councils. There are 98 Sorbs serving as mayors in the towns and villages of Lusatia, the bilingual area; 197 Sorbs are judges, lay judges or members of arbitration commissions. One of the first Sorb language judges has been a long-standing director of the Cottbus County Court.

84. In the bilingual area children and youths have both the right and the opportunity to learn and use the Sorb language. In the 1987/88 scholastic year, 6,113 pupils are attending Sorb lessons at a total of 66 secondary schools. There are altogether 272 Sorb language teachers. Each year some 1 million marks are spent to subsidize textbooks, teaching aids and similar materials for Sorb schools, schools where the Sorb language is taught and Sorb kindergartens. Pupils attending Sorb language classes get the textbooks needed for the purpose free of charge.

85. Sorb culture is part and parcel of socialist national culture. There is a State Sorb Folk Art Ensemble, which was founded in 1952 and has so far performed before over 50 million visitors in the German Democratic Republic and in 25 other countries. At present the Sorb cultural workers are preparing for the seventh Festival of Sorb Culture due to be held at Bautzen from 1 to 4 June 1989.

Notes

1/ See Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 40, annex VI, general comment 12 (21), paragraph 8.

2/ Ibid., Thirty-seventh session, Supplement No. 40, annex V, and *ibid.*, Fortieth Session, Supplement No. 40, annex VI.