

**INTERNATIONAL
COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



Distr.
GENERAL

CCPR/C/52/Add.4
24 April 1989

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

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

Third periodic reports of States parties due in 1988

Addendum

CZECHOSLOVAKIA */

[17 January 1989]

*/ For the initial report submitted by the Czechoslovak Government, see CCPR/C/1/Add.12; for its consideration by the Committee see CCPR/C/SR.64-SR.66 and the Official Records of the General Assembly, Thirty-third session, Supplement No. 40 (A/33/40), paras. 111-146. For the second periodic report of Czechoslovakia, see CCPR/C/28/Add.7; for its consideration by the Committee, see CCPR/C/SR.679-SR.683 and the Official Records of the General Assembly, Forty-first session, Supplement No. 40 (A/41/40), paras. 315-370.

1. This report complements the report by the Czechoslovak Socialist Republic on the implementation of the International Covenant on Civil and Political Rights submitted on 23 March 1977 and the Second Periodic Report by the Czechoslovak Socialist Republic on the implementation of the International Covenant on Civil and Political Rights submitted on 22 July 1985.
2. This report is being submitted in agreement with article 40 of the Covenant and in keeping with the decision of the Human Rights Committee.
3. In the period since the previous Report no new laws or regulations have been passed which would change the implementation of the Covenant stipulations and the existing laws governing this sphere have not been substantially amended.
4. The Constitutional Acts relating to the rights covered by the International Covenant on Civil and Political Rights have not undergone any changes.
5. There have been no legislative changes in the penal law either.
6. No changes have occurred in the civil law.
7. In social sphere amendments have been passed, further improving the case by the society for the family, mother and child and consolidating the social guarantees for the population. A new Social Security Act has been adopted (No. 100/1988, Collection of Laws). The paid maternity leave is now longer, more persons are now eligible for an allowance when taking care of a child, the period for which an employee gets an allowance when taking care of a sick member of his or her family is longer, the maternity allowance has been increased, it is being paid for a longer period and the number of persons eligible for it has also increased. (Act No. 51/1987, Collection of Laws, on changes in sickness insurance, Act No. 50/1987, Collection of Laws, on changes and amendments in the Act on Maternity Allowance, Decree No. 56/1987, Collection of Laws, on amending the Decree No. 130/1984, Collection of Laws, on the implementation of the Act on Maternity Allowance, Decree No. 57/1987, Collection of Laws, on further changes in Decree No. 128/1975, Collection of Laws, on implementation of the Social Security Act).
8. Senior citizens' social guarantees have been consolidated by Act No. 53/1987, Collection of Laws, on raising of some pensions which are the only source of income.
9. No change has occurred in the practice of courts of justice when dealing with issues covered by the Covenant.
10. The Third Periodic Report, therefore, complements and expands the information submitted to the Human Rights Committee in the previous reports.
11. Significant changes are under preparation in Czechoslovakia at present. The 17th Congress of the Communist Party of Czechoslovakia has adopted a line aimed at speeding up the economic and social development of the society through restructuring whose principal elements are the restructuring of economic mechanism and improvement of socialist democracy. The restructuring is understood as historically inevitable, as a way towards new prospects of

qualitative changes in the life of the society. The point is to implement social justice and real humanism, to provide for a real contribution by nations and nationalities of Czechoslovakia to modern history.

12. Progress in the restructuring of society is closely linked to progress in the human rights sphere. The aim of steps towards improvement of democracy and socialist self-administration is to further improve the enjoyment of civil and political rights by the people of Czechoslovakia.

13. Comprehensive restructuring of the economic mechanism will facilitate further expansion of socio-economic guarantees for the implementation of economic, social and cultural rights, as well as civil and political rights in their unity and indivisibility.

14. The results of further development of socialist democracy and improvement of socio-economic guarantees of the implementation of civil rights are and will be reflected appropriately in Czechoslovak laws.

15. Preparations for amending a great number of legal regulations of all types have already started. Though it is an unfinished process, in some cases only at a stage of legislative proposals, the Czechoslovak Socialist Republic believes it is correct to provide information about them, in accordance with article 5 (c) of the Guidelines as to the form and contents of reports by Member States under article 40 of the Covenant, to the Human Rights Committee and the international community.

16. In accordance with the decisions by the 17th Congress of the Communist Party of Czechoslovakia, work has begun on a new Constitution of the Czechoslovak Socialist Republic. It is desirable for the Constitution, based on the federal character of the State, to lay down the basic changes related to restructuring, to correspond, as the highest code of socialist democracy, of freedoms, rights and responsibilities of citizens, of equality of nations and nationalities of Czechoslovakia, with the condition of society at the turn of the millennium. It has been recommended to include in the draft Constitution now under preparation the basic principles of international law (peaceful co-existence, peaceful settlement of international disputes, ban on the use of force, co-operation of nations, etc.) and to formulate anew the principles of punishability of international crimes against peace and humanity according to Czechoslovak penal law.

17. The Czechoslovak penal law amendment, now under preparation, will give attention to crimes against peace and humanity and military crimes in line with the provisions of the relevant international agreements to which the Czechoslovak Socialist Republic has acceded. In the interests of a consistent implementation of criminal liability for crimes of an international character, the internal effect of penal law should be amended by accepting the flag principle as an independent principle of the penal law effect and by extending the universality principle in keeping with the meaning of the term. The aim is to enable prosecution for crimes having a character of international crimes without any limitations.

18. Of great significance is the improvement in the work of the law enforcement, prosecution and the courts. The aim is their consistent participation in the defence of the interests of citizens and society and full

respect for socialist law and order. A possibility being considered is that of giving every citizen a right to demand a review of an administrative decision by a court. This is precisely the aim of the proposed abolishment of Act No. 150/1969, Collection of Laws, on criminal offences of lesser consequence and the amendment of Act No. 60/1961, Collection of Laws, on misdemeanours. Stricter action will be envisaged against public officials who have violated the law in their dealing with citizens and who caused harm to the citizen. Some of these legislative proposals will be discussed in greater detail in commentaries to the respective articles.

19. The amended Labour Code is to enter into force as of 1 January 1989. The principles for its amendment were submitted in early 1988 for public discussion and due account was taken of the comments of the public when the amended Code was drafted.

Article 1

20. In its foreign policy the Czechoslovak Socialist Republic has always supported nations struggling for their right to self-determination and will continue to do so. Only thanks to the implementation of the right of self-determination by many nations in all parts of the world has the structure of international relations changed, with the position of States pursuing social progress being constantly consolidated. The history as well as the bitter experience of nations deprived of this basic right show that without the implementation of the right of self-determination a real implementation of all human rights, i.e. political, civil, economic, social and cultural rights, cannot happen.

21. Three important anniversaries directly linked to the implementation of the right of nations to self-determination are commemorated in Czechoslovakia in 1988.

22. Czechoslovakia observes the 70th anniversary of the foundation of the first independent State of the Czechs and the Slovaks in modern history.

23. Twenty years have passed since the adoption of the Constitutional Act on the Czechoslovak Federation, No. 143/1968, Collection of Laws.

24. It has been already 50 years since the signing of the shameful Munich Agreement which resulted in a temporary loss of freedom for the young Czechoslovak State.

25. In the Czechoslovak federation the right of nations to self-determination is ensured mainly by the following:

Equal status of the Czech Socialist Republic and the Slovak Socialist Republic within the Czechoslovak Socialist Republic and mutual respect for their sovereignty;

Existence of mutually independent bodies of State power, representative bodies of the Czechoslovak Socialist Republic, Czech Socialist Republic and Slovak Socialist Republic - Federal Assembly of the Czechoslovak Socialist Republic, Czech National Council and Slovak National Council;

Equal civil and political rights throughout the territory of the Czechoslovak Socialist Republic.

26. A system of legislative, executive and judicial bodies of the Federation and both Republics forms the basis of the Czechoslovak Federation. The second Chapter of the Constitutional Act No. 143/1968, Collection of Laws, on the Czechoslovak Federation stipulates the distribution of rights and responsibilities between the Federation and the Republics. The Federation is exclusively responsible for the most significant issues related to the existence of the State - foreign policy, defence, currency issues, material reserves of the State, federal legislation and administration within the federal jurisdiction and protection of the federal constitutionality (art. 7).

27. Article 8 outlines the joint jurisdiction of the Federation and both Republics. Article 9 stipulates that matters which have not been specifically entrusted to the jurisdiction of the Federation shall be under the exclusive jurisdiction of the two Republics.

28. The Federal Assembly of the Czechoslovak Socialist Republic is the supreme organ of State power. It consists of two Chambers: House of the People and House of Nations. The House of the People consists of 200 members elected in the whole of Czechoslovakia. The House of Nations consists of 150 members, 75 of whom are elected in the Czech Socialist Republic and 75 in the Slovak Socialist Republic (art. 29 and following of the Constitutional Act No. 143/1968, Collection of Laws, on Czechoslovak Federation).

29. The majority rule ban stipulated in article 42 is a significant stipulation guaranteeing equal rights to both nations in making decisions about major issues. On issues stipulated by the legislation members of the House of Nations elected in the two Republics cast votes separately. The decision is passed if a majority of members elected in both Republics cast their vote in favour, with the exception of issues where a qualified majority is required. The majority rule ban applies, for example, to votes on bills concerning citizenship, State plans of development of national economy, budgets, taxes, duties, prices, investment policies, social and wages policies, etc., and, above all, to votes on policy statements by the Federal Government of Czechoslovakia and votes of confidence in the Government.

30. The composition of the staff of the federal organs of State power respects the corresponding percentage of both nations' representation.

31. The principles of the federation have been fully reflected in the system of ministries and other central organs of State power, as well as in the structure of social organizations active within the National Front of the Czechoslovak Socialist Republic.

32. The 20 years of experience with the Czechoslovak Federation have shown that the arrangement has contributed to the consolidation of unity and fraternal links between the Czech and Slovak nations and other nationalities in our State.

Article 2

33. The principle of non-discrimination is a guiding principle of the Czechoslovak law. Article 20 of the Constitution stipulates explicitly "equal rights and equal duties" of all citizens. The equality of all citizens "with no regard to nationality and race is guaranteed".

34. The Czechoslovak law does not know any discrimination against citizens for reasons of race, colour, sex, religion, political or other belief, or discrimination on grounds of social origin, property, birth or other status.

35. The Czechoslovak Penal Code and Rules of Penal Procedure do not accept any exception to this principle. According to Section 196, paragraph 2, Act No. 140/1961, Collection of Laws, Penal Code with later amendments, full text No. 113/1973, Collection of Laws, hereinafter called the "Penal Code", whoever uses violence against a group of inhabitants or an individual or threatens them with death, injury or material damage of great extent because of their nationality, race, religion, or no religion shall be punished by imprisonment for up to two years or by a corrective measure. According to Section 198 of the Penal Code any public and scandalous defamation of a nation or race is punishable by imprisonment for up to one year or by a corrective measure.

36. Any person in Czechoslovakia, including foreigners, can complain about these and other offences to the police, or the public prosecutors, who are obliged, according to Section 158 of Act No. 141/1961, Collection of Laws, on the Rules of Penal Procedure including later amendments, full text No. 148/1973, Collection of Laws, hereinafter called the "Rules of Penal Procedure", to accept the complaint from anyone and to inform the person who complained in a statutory period of one month about measures taken.

37. On the other hand, the Czechoslovak law guarantees any person against whom penal proceedings have been started or any person who needs legal assistance in a civil case the right to choose a defence counsel (a solicitor in civil cases) to represent him/her in court. The defence counsel is obliged to give legal assistance (Sect. 8, para. 1, Act No. 118/1975, Collection of Laws, on Legal Counsels). If the person, including foreigners, is not in a position to pay for the counsel's services, the legal assistance is provided free of charge by a fully qualified defence counsel (Sect. 11, para. 2, of the Act on Legal Counsels).

38. The court proceeds in co-ordination with all participants in the proceedings with the aim to establish the true facts of the case (the principle of objective truth) and to fully defend the civil and political rights of the accused including the presumption of innocence of the accused. Unless guilt has been established by a final sentence of the court the person under trial must be considered not guilty (Sect. 2, para. 2, Rules of Penal Procedure).

39. The authorities participating in the penal proceedings act with the aim to establish true facts and base their decisions on these true facts. With equal care they examine circumstances in favour and against the accused and present evidence in favour and against without waiting for a formal request by the parties. The plea of guilt by the accused does not relieve the

authorities participating in the penal proceedings of their duty to use all available means for examining all circumstances of the case (Sect. 2, para. 5, Rules of Penal Procedure).

40. It follows that the requirements of article 21, paragraphs 3 (a), (b), (c) of the Covenant are met with regard to both Czechoslovak citizens and any other person in the country.

Article 3

41. Czechoslovak law clearly provides for equal civil and political rights of men and women. The actual implementation of these rights is reflected in a broad participation by women in civil and political life. They are active especially in the Czechoslovak's Women's union, or Czech Women's Union and Slovak Women's Union associated in the National Front of the Czechoslovak Socialist Republic.

42. Women are also members of the supreme legislative bodies. In the latest elections 59 women were elected into the House of the People of the Federal Assembly (29.5 per cent), 44 women into the House of Nations of the Federal Assembly (29.33 per cent), 55 women into the Czech National Council (27.5 per cent), and 45 women into the Slovak National Council (30 per cent).

43. Forty-six per cent of the labour force in the national economy are women. An overwhelming majority of them work in social services (87.5 per cent), banking (75.4 per cent), science, research and development (37.6 per cent).

44. The same pay for the same work principle is consistently applied in Czechoslovakia.

45. Respecting their role of mothers and their physiology the Czechoslovak law protects women and even gives them preference.

46. The right to free education is used by women. In the 1986/1987 school year the number of female students amounted to 62.2 per cent at comprehensive secondary schools, 62.9 per cent at vocational schools, 43.5 per cent at universities and colleges, and 63.7 per cent at classical universities.

47. The State grants special allowances to families with children and unmarried mothers. Paid maternity leave in Czechoslovakia is one of the longest in the world; it lasts 28 weeks and the mother is paid 90 per cent of her net monthly income. Single women, widows, divorced women or women abandoned for other reasons get the allowance for 37 weeks.

48. The period of the granting of maternity allowance has been extended from two to three years in cases involving children born after 31 December 1987 whose mothers take care of yet another child of or under the compulsory school-attendance age or a child under 26 years of age who is preparing himself/herself for his/her future occupation or is disabled. The allowance amounts to 600 Cz. crowns a month if she takes care of one child, 800 Cz. crowns in case of two additional children. The childbirth grant amounts to 2,000 Cz. crowns.

Article 4

49. The constitutional status of citizens under a state of emergency remains unchanged. No State body is authorized by the Constitution or constitutional acts to temporarily limit or suspend civil rights guaranteed by the Constitution and constitutional acts. In exercising their civil rights the citizens are only obliged by the Constitution to fulfil their duties stipulated by the Constitution and other acts and to respect in all their activities the interests of the socialist State and society. No State body in the Czechoslovak Socialist Republic is empowered to declare a state of emergency, martial law, etc. which would temporarily limit the rights covered by the Covenant.

50. Only in cases stipulated in the Constitutional Act on the State Defence Council (Sect. 12, para. 1 of the Constitutional Act No. 10/1969, Collection of Laws), i.e. in cases of utmost emergency and to the extent necessary for the defence of the Czechoslovak Socialist Republic and preparations thereof, the State bodies identified in a Federal Assembly Act would be entitled to demand from each citizen co-operation and material means and to impose restrictions and requisitions. Restrictions of rights under articles 6, 7, 8 (paras. 1 and 2), 11, 15, 16 and 18 of the Covenant cannot be considered in this respect. The conditions and scope of duties of citizens in the above-mentioned situations can only be stipulated by an Act of the Federal Assembly.

51. Since 1945 no emergency has been declared on the territory of Czechoslovakia which would affect the obligations of the Czechoslovak Socialist Republic flowing from the Covenant.

Article 5

52. As follows from the report on the other articles of the Covenant, Czechoslovak laws and their implementation in Czechoslovakia fully cover and in a number of cases exceed the requirements of the Covenant. Therefore suppression of any right or any freedom recognized by the Covenant due to an incorrect interpretation of the Covenant is out of question. Such a suppression, regardless of its relation to the Covenant, would represent a violation of national laws and in many cases - as follows from the report on other articles of the Covenant - it would entail acts punishable under the Penal Code.

53. During the period the Covenant has been in force no legislative or other legal regulations have been passed in Czechoslovakia that would restrict or abolish any human rights exceeding the scope of the Covenant at the time of its entering into force. Such a development cannot be expected in the future either as it would constitute a violation of the expectation in the Constitution for further broadening and deepening of the rights and freedoms of citizens (art. 19, para. 1 of the Constitution of the Czechoslovak Socialist Republic).

Article 6

54. The protection of the human right to life is a backbone of the domestic and foreign policy of the Czechoslovak Socialist Republic and is safeguarded by a whole set of laws (the Constitution Penal Code, Act on Protection of Peace, Act on Protection of Health of the Population, etc.).

55. In Czechoslovak penal policy the death penalty is an extraordinary measure. This principle is fully reflected in the Penal Code and Rules of Penal Procedure. The stipulations of these Acts not only include the basic standards as listed in articles 6, 14 and 15 of the Covenant but even exceed them. The Constitution of the Czechoslovak Socialist Republic and its laws do not permit a death penalty passed by an arbitrary decision of the judge or in a summary court procedure (art. 30, para. 2).

56. According to the Penal Code the death penalty can be imposed for crimes of high treason - Section 91, subversive acts against the Republic - Section 92, paragraph 2, terror - Sections 93 and 94, paragraph 3, subversion - Section 95, paragraphs 2 and 96, paragraph 2, sabotage - Section 97, paragraph 3, espionage - Section 105, paragraph 3 and Section 108, war treason - Section 114, menace to community - Section 179, paragraph 3, threat to the safety of aircraft - Section 180 (a), paragraph 2, highjacking of an aircraft abroad - Section 180 (c), paragraph 2, murder - Section 219, genocide - Section 259, use of prohibited weapons - Section 262, paragraph 2, cruelty at war - Section 263, paragraph 3, plunder in the theatre of military operations - Section 264, and some military crimes committed under the state of defence readiness of the country or in battle. The death penalty can be imposed only for the listed crimes and under conditions stipulated in Section 29 (para. 1) of the Penal Code. In all, the Penal Code lists 32 types of cases in which the death penalty can be imposed. According to this stipulation the death penalty can be imposed only under the condition of an extraordinary degree of threat to the society by the crime, due to a particularly contemptible manner of committing the crime or particularly contemptible motive or particularly serious and hardly remediable consequences of the crime; and (a) the death penalty is needed for an efficient protection of the society, or (b) there is no hope of reforming the criminal by imprisonment for up to 15 years.

57. Instead of the death penalty the court can also pass a sentence of imprisonment for terms of more than 15 up to 25 years in case such a sentence is considered by the court to be sufficient (Sect. 29, para. 3 of Penal Code). The death penalty must not be passed for crimes committed by persons under 18 years of age (Sect. 29, para. 4 of Penal Code), must not be passed or executed upon a pregnant woman (Sect. 29, para. 4 of the Penal Code and Sect. 318, para. 2 of the Rules of Penal Procedure).

58. Every final death sentence must obligatorily be reviewed by the Supreme Court of the Czechoslovak Socialist Republic as the highest judicial body of the Czechoslovak Federation (Sect. 316 of Rules of Penal Procedure). Provided the death sentence remains in force after the review by the Supreme Court of the Czechoslovak Socialist Republic, the case is obligatorily submitted to the President of the Czechoslovak Socialist Republic who decides whether circumstances exist for granting a pardon. A final death penalty can be executed only after the death sentence is reviewed by the Supreme Court of the

Czechoslovak Socialist Republic and remains unchanged and the court is informed that a pardon had not been granted and a new trial was not requested or such a request was refused by a final decision (Sect. 317 of Rules of Penal Procedure).

59. In cases where a death sentence may be passed, defence by a defence counsel is obligatory (Sect. 36, para. 3 of Rules of Penal Procedure) and as in other trials evidence which has been obtained in a way contradictory to the law is not permissible (Sect. 91 of Rules of Penal Procedure).

60. In the development of law and in practice in Czechoslovakia a tendency comes to the forefront to limit the death penalty to exceptional and extremely serious crimes. It is natural the community respond strongly to extremely serious crimes (e.g. brutal murders). The trial in such cases is always open to the public and the court decision is published as appropriate in the mass media.

61. The death penalty can only be passed in a trial by elected and independent courts. The system of courts in the Czechoslovak Socialist Republic also includes military courts which judge crimes committed by members of the armed forces and security forces, prisoners of war and other persons stipulated by law. In times of defence readiness in the country the system also includes higher and low field courts. All these courts apply the above-mentioned rules in their work.

62. It follows from the above that the Czechoslovak law clearly stipulates principles and conditions under which it is possible to pass a death sentence and to execute it. In 1986 three death sentences were passed in the Czechoslovak Socialist Republic (one in the Czech Socialist Republic and two in the Slovak Socialist Republic), in 1987 three death sentences (CSR one and SSR two). Three of the death sentences were executed.

63. The Penal Code amendment should further specify stipulations on extraordinary punishments, i.e. imprisonment for over 15 years up to 25 years and the death penalty. The death penalty should be applicable only in cases where the degree of danger to the community would be extremely high due to the particularly contemptible manner of committing the crime or particularly contemptible motive or particularly serious and hardly remediable consequences of the crime; or the offender is likely to commit the crime repeatedly and the sentence is required in order to provide efficient protection for the community and there is no hope of reform by imprisonment. It will also be possible to pass an extraordinary sentence (death sentence and imprisonment for up to 25 years) but only in the case of crimes for which this is expressly permitted in the Special Part of the Penal Code.

Article 7

64. Article 30 of the Constitution guarantees the inviolability of the person and that any legal action taken against the person should be in agreement with the law. The rights and responsibilities of authorities participating in the penal proceedings are precisely and sufficiently stipulated in the respective acts (Act No. 40/1974, Collection of Laws, on the National Security Corps and Act No. 59/1965, Collection of Laws, on Serving the Imprisonment Sentence amended by later regulations, full text No. 84/1969, Collection of Laws) and

other regulations. The violation of rights and responsibilities by public officers, i.e. including officials participating in penal proceedings, is punishable under law, legal protection against torture, inhuman or degrading treatment and punishment is guaranteed by Section 158 of the Penal Code specifying the offence of abuse of power by a public officer.

65. For the accused the protection in this respect is guaranteed by Section 91, paragraph 1 of the Rules of Penal Procedure according to which a testimony or confession by the accused must not be sought by means of any type of coercion and the personality of the accused must be respected during interrogations.

66. The Czechoslovak Socialist Republic expressed its full support for the respect for human rights and freedoms as specified in article 7 of the Covenant, as well as its intention to co-operate in this spirit internationally by ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

67. The ratification of the Convention against Torture will find its reflection in the amended Rules of Penal Procedure through further improvement and precision in the provisions referred to in Section 91 of the Rules.

68. No one may be subjected to medical or scientific experiments without his/her free approval. It follows from Section 23, paragraph 2 of Act No. 20/1966 on the health of the population. Medical check-ups and treatment can only be carried out with the consent of the patient or when such a consent can be assumed. In case the patient refuses the necessary care after a detailed explanation, the physician will require a written statement of refusal. An unauthorized medical or scientific experiment would constitute a criminal offence.

69. Blood, tissue or organs can be taken from a living person only with the consent of the donor and it must not pose a threat to his/her health. The donors are entitled to intensified care for their health (Sect. 26, para. 2).

70. Sterilization can be carried out only with the consent of or at the personal request of the person on whom the sterilization is to be performed (Sect. 27).

71. Tissues and organs can be taken from dead bodies for medical and scientific and research purposes. Tissues and organs cannot be taken if the dead person refused consent in writing during his/her life (Sect. 8 of the Decree of the Ministry of Health of the Czech Socialist Republic No. 19/1988, Collection of Laws, on Procedure in Case of Death and Burial, and Decree of the Ministry of Health of the Slovak Socialist Republic No. 46/1985, Collection of Laws, on Procedure in Case of Death and Burial).

Article 8

72. Slavery has not existed on the present territory of the Czechoslovak Socialist Republic for more than 1,000 years. Sections 232 and 233 of the Penal Code provide legal protection against crimes of deprivation of personal freedom and of abduction abroad. The basic sentence for both offences is from three to eight years of imprisonment. The deprivation of personal freedom

offence is encountered only very rarely (Sect. 232 of the Penal Code). Apart from that, the Czechoslovak Socialist Republic is a party to four international conventions on all forms of slavery and slave trade:

(a) International Convention for the Suppression of the White Slave Traffic (Paris, 4 May 1910);

(b) International Convention for the Suppression of the Traffic in Women of Full Age (Geneva, 11 October 1933) complemented by a Protocol signed 12 November 1947, Lake Success, New York;

(c) Slavery Convention (Geneva, 25 September 1926) and the Protocol of 7 December 1953;

(d) International Convention for the Suppression of the Traffic in Women and Children (Bern, 30 September 1921).

Serfdom was abolished in Bohemia and Moravia in 1781 and in Slovakia in 1785.

73. The laws of the Czechoslovak Socialist Republic do not know the institution or punishment of forced or compulsory labour. The Act on Serving the Imprisonment Sentence No. 59/1965, Collection of Laws, regulates in a special section reform through work as a specific method of re-educating convicts (Sects. 25 through 29). The aim of the reform of convicts through work is to build and consolidate in them a conscious relation to work. In compliance with the objective of their imprisonment the convicts work in various organizations or in corrective institutions, they are assigned jobs with regard to their condition and skills. The working hours and remuneration for work are in principle the same as those of the other workers. The convicts can take part in resolving issues related to safety and protection of health at work.

74. Under article III and Section 27 (para. 2) of the Labour Code (No. 65/1965, Collection of Laws) as amended by later regulations, employment is established by a contract between the employer and the employee, i.e. by expression of agreement of the parties to the contract which has to be made freely, earnestly and in definite and understandable terms, otherwise it is invalid (Sects. 240 and 242 of the Labour Code). The legal relationship stemming from employment can be broken off by an employee even without his/her employer's consent through notice, without obligation to give reasons therefor, or through immediate termination (Sects. 51, 54, 58, 70, para. 3, 223, para. 2, 224, 237, para. 2, of the Labour Code). Thus, nobody can be required to perform forced or compulsory labour.

Article 9

75. [1] The inviolability of the person is a constitutional principle (art. 30 of the Constitution of the Czechoslovak Socialist Republic). The Constitution further specified the principle - in accordance with article 9, paragraph 1, of the Covenant - in two levels:

(a) Nobody can be prosecuted for reasons other than those stipulated by law and in a manner other than that stipulated by law;

(b) Nobody can be taken into custody except in cases stipulated by law following a decision by court or a prosecutor.

76. The above constitutional regulation is further elaborated in basic principles of the penal legislation (Sect. 2, para. 1 of the Rules of Penal Procedure). The accused can be taken into custody solely in explicitly stipulated cases (Sect. 67 of the Rules of Penal Procedure) and only following the decision of court and in the pre-trial period following the decision by a prosecutor (Sect. 68 of the Rules of Penal Procedure).

77. Apart from custody, the Czechoslovak law knows two specific institutions related to the restriction of personal liberty of citizens. It is the institution of detention in compliance with Sections 75 and 76 of the Rules of Penal Procedure and the institution of attachment in compliance with Section 23 of Act on National Security Corps (No. 40/1974, Collection of Laws). Detention and attachment are measures strictly limited in time.

78. The proposed amendment of the Rules of Penal Procedure in agreement with the Covenant further specifies conditions when custody is permitted by stating that custody is permissible in case of a prosecution for a criminal offence for which the punishment stipulated by the Penal Code is at least five years of imprisonment or for which the death penalty can be imposed, if custody is necessary to serve the aims of the penal procedure. In contrast, the accused should not be taken into custody if he/she is in an exceptional personal situation and if such a course of action is justified by the nature of the case.

79. [2] The Czechoslovak law is built upon a principle that only a person who has been charged (Sect. 163) or who has been informed about the charge (Sect. 169) can be taken into custody. The Czechoslovak law knows two types of arrest without a prior charge. They are the above-mentioned institutions of detention and attachment. Detention is considered when there is a reason for imposing custody (Sect. 67 of the Rules of Penal Procedure) and due to the urgency of the case it is impossible to get a prosecutor's decision. Members of the National Security Corps are authorized to attach, for the purpose of action as required in the line of duty, anyone who - by disturbance or any other disorderly conduct - causes a breach of peace. The detention and attachment must not be longer than 48 hours. After this period the person must be released or taken into custody following the decision by a prosecutor. The prosecutor can prolong the detention period by another 48 hours.

80. [3] Custody cannot last longer than two months, only a superior prosecutor can prolong it (Sect. 71 of the Rules of Penal Procedure). The average length of custody in cases of criminal offences in 1986 was 2.08 months. All authorities participating in the penal procedure, as stipulated by law, must study in all stages of the prosecution whether the reasons for custody are still valid. If not, the accused must be released. The accused also has the right to request a release any time (Sects. 72 and 74 of the Rules of Penal Procedure).

81. In some cases, the accused can be released from custody following his/her written promise to come to the court or prosecutor (investigator) following a summons or on the basis of a guarantee provided by a social organization concerning the future conduct of the accused (Sect. 73 of the Rules of Penal Procedure).

82. Judicial practice also helps in the implementation of article 9 of the Covenant by shortening the duration of prosecution in criminal cases.

83. In 1987, 216,135 persons were prosecuted in the Czechoslovak Socialist Republic. Of that number, 128,132 persons were indicted before a court and 120,111 persons were sentenced. Of the total number of sentenced persons, 36,962 persons were sentenced to imprisonment without suspension, i.e. 30.7 per cent.

Article 10

84. [1] In agreement with article 10 of the Covenant the Penal Code stipulates expressis verbis that human dignity must not be violated by serving the sentence. The principle is repeated in Section 1 of Act No. 59/1965, Collection of Laws, on Serving the Imprisonment Sentence and it is a basis of the concept of this Act. Accordingly, the concept is applied in practice. During the serving of the imprisonment sentence only those civil rights of the convict whose implementation would be in contradiction with the purpose of punishment are restricted. The convict can write to his/her family, receive visits by family members within the scope stipulated for the correction group he/she serves the sentence in. The convict can subscribe for and read the daily press, books and other publications, can receive packages with food and other personal things within the scope stipulated for the correction group he/she serves the sentence in (Sects. 10, 12, 13 and 14 of Act No. 59/1965, Collection of Laws).

85. Solitary confinement can only be imposed by a court. Only a convict who has been sent by a court to serve his/her sentence in the third correction group and who has an extremely criminal character or whose death sentence has been commuted by pardon to imprisonment can be placed in solitary confinement (Sect. 39 (a), para. 4 of the Penal Code). The solitary confinement régime is regulated by Section 7, Act No. 59/1965, Collection of Laws, on Serving the Imprisonment Sentence.

86. The proposed amendment of the Act on Serving the Imprisonment Sentence specifies yet more clearly the preventive and educational aim of the sentence: by correctional and educational activity to reform the convict and to make him/her live a proper life of a working person:

(a) According to Section 20 (para. 1 (c)) of the Rules of Custody, the accused in custody are kept separate from persons on whom final sentences have been passed. While in custody, the accused is subjected only to such restrictions as are necessary for a proper penal proceeding;

(b) According to Section 71 (para. 1) of the Rules on Custody, juvenile persons are placed in cells separately from the other accused. The Penal Code also stipulates that juveniles, under 18 years of age, should serve their imprisonment sentences in corrective institutions for juveniles. The specific legal status of the juveniles is respected in the Penal Code and expressed in a special provision concerning the prosecution of juveniles (Sects. 74 through 87) and in the Rules of Penal Procedure in a special provision on legal actions against juveniles (Sects. 291 through 301).

87. The proposed amendment of the Act on Serving the Imprisonment Sentence in compliance with the Covenant stipulates that adults and juveniles should be separated in serving their sentences.

88. [3] The essence of serving the imprisonment sentence and the main method for achieving its aim is the corrective activity which is a sum of the effect of the order and discipline established in places where the sentence is being served, education of the convicts and cultural work.

89. [4] The right to a trial before a court of criminal jurisdiction is not explicitly regulated by the law but it is undoubtedly recognized. Moreover, if the prosecution of the accused has been terminated due to an amnesty or pardon granted by the President of the Republic or the application of statutory limitations, the prosecution must be continued if the accused so requests (Sect. 11, para. 2 of the Rules of Penal Procedure).

90. [5] The right to claim compensation from the State for damage caused by a decision about custody lies with the person who has been actually placed in custody, if the prosecution against him/her has been discontinued or the charge has been lifted (Sect. 5, para. 1 of Act No. 58/1969, Collection of Laws).

91. In 1987, the Ministry of Justice of the Slovak Socialist Republic received 55 claims for compensation of damage caused by a decision on custody according to Section 5 of Act No. 58/1969 out of which 11 were accepted. The total sum of damages paid as compensation for imposition of custody to claimants in 1987 in the Slovak Socialist Republic, including compensation accorded by the courts, amounted to 290,617.00 Czechoslovak crowns.

92. In 1987, the Ministry of Justice of the Czech Socialist Republic received 33 claims for compensation for damage. Four of which were paid in full, and four in part. The total sum paid in compensation to claimants, including compensation accorded by the courts, amounted to 634,480.00 Czechoslovak crowns.

Article 11

93. The Czechoslovak law makes no reference to a debtor's prison.

Article 12

94. All citizens of the Czechoslovak Socialist Republic have the right to freely move around the whole territory of the State and to freely choose their permanent or temporary place of residence.

95. Czechoslovak citizens and stateless persons staying on the territory of the Czechoslovak Socialist Republic permanently are issued their travel documents in compliance with Act No. 63/1965 on Travel Documents. Legal restrictions on issuing travel documents are in keeping with restrictions outlined in article 3 of the Covenant.

96. In keeping with the conditions in the Czechoslovak economy conditions for travel of Czechoslovak citizens are constantly improving. The most significant limiting factor for travel to non-socialist countries is the lack of foreign currency.

97. In 1987, the number of people travelling abroad (regardless of the purpose of the journey) was as follows:

To socialist countries	6,992,463 persons - index 111.4
To non-socialist countries	513,462 persons - index 104.3

(1986 = 100).

98. The appropriate amount of foreign currency for travelling abroad is one of the conditions required for granting permission to travel. Apart from the currency bought from the Czechoslovak State Bank under its control procedure, since the beginning of 1988 a new possibility has been introduced for acquiring the currency of non-socialist States through a one-purpose gift by a foreigner. Starting 1 April 1988 it is possible to draw foreign currency for such travel also from foreign-exchange accounts of citizens maintained at Czechoslovak foreign-exchange banks. This possibility has been positively accepted by the public and is very much used.

99. At present the authorities are considering other possibilities of settling some humanitarian issues, especially the unification of divided families. These are mostly cases of emigration to join Czechoslovak citizens who have been staying abroad without the permission of the Czechoslovak authorities for more than three years and expressed at Czechoslovak missions abroad their interest in unification of the family; and cases of emigration of minors under circumstances deserving special consideration even before the stipulated period has passed.

100. The Czechoslovak Socialist Republic is annually visited by great numbers of foreigners. In 1987, the number of foreigners travelling into Czechoslovakia (regardless of the purpose of the visit) was the following:

From socialist countries	22,131,922 persons - index 113.3
From non-socialist countries	1,500,059 persons - index 115.3

(1986 = 100).

101. The Czechoslovak visa regulations are among the most flexible in the world. About 95 per cent of all visas are issued on the spot or within 24 hours. Despite that the Czechoslovak authorities now study the possibilities to make them even more flexible, e.g. in 1989 after creating all the conditions (building, staff) visas will be issued at some of the biggest and most important border crossings.

Article 13

102. Expulsion can be considered for an alien:

(a) Who has been sentenced to expulsion by a final decision of a court (Sect. 57 of the Penal Code);

(b) Who has been prohibited from staying in the Czechoslovak Socialist Republic by a decision of an administrative body (Sect. 3, paras. 1 and 2 of Act No. 68/1965, Collection of Laws, on Staying of Aliens on the Territory of the Czechoslovak Socialist Republic);

(c) Who stays illegally on the territory of the Czechoslovak Socialist Republic for other reasons, particularly if:

- (i) The Czechoslovak visa has expired (or the validity of the travel document has expired in cases where the document does not have to include a visa) and a residence permission has not been granted (Sect. 2, para. 1 of Act No. 68/1965, Collection of Laws, on Staying of Aliens on the Territory of the Czechoslovak Socialist Republic);
- (ii) His/her entrance to the Czechoslovak Socialist Republic has been illegal and prosecution for the offence according to Section 110 of the Penal Code has been put off (Sect. 159, para. 3 (a) of the Rules of Penal Procedure) or discontinued by a decision (Sect. 172, para. 2 of the Rules of Penal Procedure).

103. If the alien is a stateless person permanently residing on the territory of the Czechoslovak Socialist Republic, the expulsion can be carried out only in case another country is willing to take the person. If the alien is a stateless person temporarily staying in the Czechoslovak Socialist Republic he/she can be expelled into the country whose travel document he/she carries or from where he/she came to Czechoslovakia.

104. The alien who has been granted the right of asylum according to article 33 of the Constitution can be expelled from the territory of the Czechoslovak Socialist Republic only if the decision about expulsion is accompanied by the decision about the withdrawal of the right of asylum.

105. If the alien enters unintentionally the territory of the Czechoslovak Socialist Republic close to the State border he/she can be expelled from the Czechoslovak territory by Czechoslovak border commissioners or by border guards.

106. If the alien has been sentenced to expulsion (Sect. 57 of the Penal Code) he/she can appeal the decision of the court. The appeal has a suspensive effect.

107. The court can pass a sentence of expulsion under Section 57 of the Penal Code for an offender who is not a Czechoslovak citizen either separately or in combination with another punishment if it is required for the safety of people or property or in the public interest.

108. The aim of expulsion is to prevent persons who are not citizens of the Czechoslovak Socialist Republic from committing other offences on the territory of Czechoslovakia which would endanger the people, property or be contrary to the public interest. This condition is met mainly when there is a danger of repeated criminal activity on the part of the offender against some of the above-mentioned interests.

109. The expulsion relates to the whole territory of Czechoslovakia; the place to which the offender should be expelled is not specified by the court (to decide about the place and to carry out the expulsion falls within the execution of the sentence). The expulsion has no limitation; the return of the expelled person to the territory of Czechoslovakia can be permitted if the President of the Republic grants a pardon.

110. A juvenile cannot be punished by expulsion (Sect. 78 of the Penal Code), even if he/she is not a Czechoslovak citizen. It is not expedient to impose expulsion together with a sentence of a corrective measure, a ban on activity and a suspended sentence of imprisonment. Otherwise, the expulsion sentence can be imposed separately or in combination with another punishment. Separately, it can be imposed for any criminal offence. In 1987, 147 expulsion sentences were passed in the Czechoslovak Socialist Republic (out of which 116 in the Czech Socialist Republic and 31 in the Slovak Socialist Republic); as a separate punishment expulsion was imposed in 45 cases (39 in the Czech Socialist Republic and 6 in the Slovak Socialist Republic).

Article 14

111. [1] The Czechoslovak law safeguards the equality of citizens before the courts to a greater extent than required by the Covenant. The constitutional principle of equality of citizens before law (art. 20, para. 1 of the Constitution) is elaborated by an act on organization of courts and elections of judges (No. 36/1964, Collection of Laws, as amended by later Acts) in such a way that all citizens are equal before law and courts (Sect. 8, para. 1). This principle is reflected both in civil and penal procedures.

112. The right to a court procedure as a petition right is safeguarded directly in the civil procedure (Sect. 3 of the Rules of Civil Procedure) and in the penal procedure it is expressed as a right of citizens to give information about criminal acts and the duty of the prosecutor to act on all the offences he/she has learned about (Sect. 2, para. 3 and Sect. 158, para. 1 of the Rules of Penal Procedure).

113. The independence and impartiality of the court in passing decisions is also a constitutional principle (art. 102 of Czechoslovak Constitution, Sect. 7 of Act No. 36/1964, Collection of Laws). Both in penal and civil cases, citizens have a right to raise an objection against the partiality of the court in the case (Sect. 15 of the Rules of Civil Procedure and Sect. 20 of the Rules of Penal Procedure).

114. The principle of public trial is a constitutional principle (Sect. 103, para. 1) which is safeguarded in the Rules of Civil Procedure (Sect. 115) as well as in the Rules of Penal Procedure (Sect. 2, para. 10). If the public has not been excluded mass media representatives can also be present in the court; they can take notes and make recordings of the procedure only when granted special permission from the President of the court. In the case of penal procedures, whenever expedient the main hearing takes place in the location where the offence was committed or at the workplace or domicile of the accused. The cases when the public can be excluded from the main hearing are stipulated by the Rules of Penal Procedure.

115. The public may be excluded from the main hearing if the public hearing would endanger State, economic or official secrets, interfere with the procedure or pose a threat to morality. The public can also be excluded from a part of the main hearing only (Sect. 200, para. 1 of the Rules of Penal Procedure). Even if the public has not been excluded, the court may refuse juveniles and those who threaten to interfere with the procedure the right to enter.

116. The sentence is read publicly also in cases where the public has been excluded from hearings (art. 103, para. 4 of the Constitution, Sect. 200, para. 3 of the Rules of Penal Procedure).

117. [2] The principle of the presumption of innocence is among the basic principles of the Czechoslovak law. The principle of the presumption of innocence is stipulated in Section 2, paragraph 2 of the Rules of Penal Procedure. According to this Section, the accused is not obliged to prove his/her innocence and must not be forced to testify or to confess (Sect. 91 of the Rules of Penal Procedure) but has a right to present circumstances and evidence for his/her defence (Sect. 33 of the Rules of Penal Procedure). In Czechoslovak law, guilt which has not been proved has the same effect as proved innocence.

118. [3] In compliance with the respective stipulations of the Covenant, Czechoslovak law guarantees the accused the following rights:

(a) The accused is presented with the charge - including the nature of and reasons for the charge (Sect. 163, para. 3 of the Rules of Penal Procedure) - within three days, and, in case he/she is to be interrogated earlier, at the beginning of the first interrogation. The accused has a right to use with the authorities participating in the penal procedure his/her mother tongue (Sect. 2, para. 14 of the Rules of Penal Procedure);

(b) The provision in the Rules of Penal Procedure concerning sufficient time for the preparation of defence states that the date of the main hearing is set by the President of the Court in such a manner that the defendant would have at least five days for preparation after he/she is served the summons. The same period is provided for informing the counsel (Sect. 198). Among the basic rights of the defendant is the right to choose the defence counsel and to consult with him/her. If the accused is in custody he/she can speak with the counsel without a third person present (Sect. 33 of the Rules of Penal Procedure);

(c) Czechoslovak law does not stipulate the time in which the trial must be completed. According to Section 2, paragraph 4 of the Rules of Penal Procedure criminal cases should be expedited. According to guidelines for the courts, the preliminary hearing of the suit in court or setting of the date of the main hearing in cases involving custody should be ordered within no more than three working days after the file has been submitted. In principle, the trials of cases involving custody should be held and completed within five weeks at the latest and in case of an appeal within eight weeks at the latest;

(d) The defendant must be present at the main hearing. The main hearing in his/her absence can be conducted only under conditions stipulated by law (Sect. 202, para. 2 of the Rules of Penal Procedure). The main hearing, however, cannot be conducted in the defendant's absence in case the defendant is in custody or serving a term of imprisonment or the crime involved is a crime for which the law stipulates a term of imprisonment with an upper limit of over five years. Apart from the right of defence the accused (defendant) has a right to be informed about his/her rights and all authorities participating in penal procedure are obliged to provide him/her with all possibilities to exercise these rights (Sect. 34 of the Rules of Penal Procedure). The accused who does not have enough means to cover the costs of the defence has a right to free defence;

(e) One of the basic principles of the Rules of Penal Procedure is the personal presence of the defendant at the main hearing (Sect. 2, para. 12, Sect. 202 of the Rules of Penal Procedure). The confrontation between the accused and witnesses is regulated by Section 94 of the Rules of Penal Procedure. Should the defendant be ordered out of the courtroom for disorderly conduct he/she nevertheless has the right to be acquainted with the essence of the witnesses' testimonies (Sect. 204, Rules of Penal Procedure);

(f) The Rules of Penal Procedure guarantee the accused the right to use his/her mother tongue in court. In view of that the authorities participating in penal procedure are obliged to arrange for an interpreter (Sect. 28 of the Rules of Penal Procedure);

(g) Czechoslovak law fully respects the principle that the accused cannot be in any way forced to testify or to confess and that during the interrogation his/her person must be respected. The confession of the accused does not free the authorities participating in penal procedure from their obligation to investigate and by all possible means to check all facts of the case.

119. [4] A separate part of the Rules of Penal Procedure regulates the prosecution of juveniles (Sects. 291 through 302). These stipulations respect the mental and moral stage of development of the juveniles and other circumstances that should help in their correction.

120. [5] The Rules of Penal Procedure build upon the principles of appeal and cassation. Every defendant has the right to appeal a decision passed by a first-instance court which has not yet become final. The appeal is always tried by a higher court. A correction of a final sentence can be achieved either through renewal of the trial (Sects. 277 through 289 of the Rules of Penal Procedure) or through complaint about a violation of law (Sects. 266 through 276 of the Rules of Penal Procedure). In 1987 the district courts in the Slovak Socialist Republic sentenced 31,319 persons for crimes out of whom appeal applied to 5,284 persons. In the Czech Socialist Republic 52,981 persons were sentenced and appeal applied to 11,002 persons.

121. [6] According to Section 1 of Act No. 58/1969, Collection of Laws, on liability for damage caused by a State organ's decision or by its incorrect action the State has a liability for damage caused by an illegal verdict passed by a court in a trial. This liability cannot be avoided. The right for compensation from the State for the damage caused by the verdict about

punishment rests with the person who has been punished either in full or in part, providing in later hearings the person has been acquitted or the prosecution discontinued (Sect. 6 of the Act). Claims for compensation for an illegally passed punishing sentence occur in the Czechoslovak Socialist Republic only rarely.

122. [7] The principle of ne bis in idem is valid in the Czechoslovak penal law. According to this principle it is not possible to start prosecution, and, in case it has already started, to continue it and it must be discontinued, if the prosecuted person received in a previous trial for the same offence a final court verdict or the prosecution was finally discontinued, if the previous decision has not been cancelled in due process (Sect. 11, para. 1 (f) of the Rules of Penal Procedure).

123. The amendment of the Penal Code which is now under preparation will bring about in Czechoslovakia rather extensive changes in decriminalization and depenalization. First of all, with regard to the achieved level of development of the socialist society, Act No. 150/1969, Collection of Laws, on criminal offences of lesser consequence regulating one of the two categories of offences which have until now been heard at courts should be abolished. It will result in substantial drop in numbers of persons sentenced by courts. The majority of offences now falling under Act No. 150/1969 should be in the future treated as misdemeanours by the national committees or other administrative bodies and punished more leniently, namely, not by imprisonment. The punishment will mostly be in financial terms - imposition of fines. Thus, in compliance with the tendencies of the International Covenant on Civil and Political Rights, the Czechoslovak Socialist Republic will apply, to a greater extent, the principle of treating offenders also with respect for the natural dignity of a human being.

124. The amended Penal Code is expected to discontinue treating certain delicts as criminal offences, namely the criminal offence of threat to the circulation of domestic currency under Section 144 (para. 2) of the Penal Code, threat to the operation of an establishment beneficial to the community under Sections 183 and 194 of the Penal Code, illicit production of spirits under Section 194 (a), harm to health due to negligence under Section 223 (para. 1) of the Penal Code, and endangering others by venereal diseases under Section 226 of the Penal Code and threats to morality under Section 205 (para. 1) of the Penal Code. The above acts should be handled administratively in the future as misdemeanours.

125. The amended Rules of Penal Procedure should strengthen in the Czechoslovak Socialist Republic the principle of appeal in proceedings on remedial measures and ensure for the court of appeal greater liberty to prove and to pass a verdict on the basis of evidence established during the appellate procedures.

126. The amended principle of appeal will not restrict the right to defence. The broader application of the principle of appeal will be made possible only in cases where a correct and timely settlement of the case is urgently required and where it would not make the court of appeal a substitute for the primary court.

127. A very significant aspect for the exercise of civil rights is the extension of the ban on reformation in peius now under preparation. To date the ban on reformation in peius relates only to the verdict on punishment, after the amendment it will also relate to the verdict on guilt. The ban on reformation in peius will be extended to the appeal and to action on complaints about violations of law and demands for a new trial.

Article 15

128. [1] The inadmissibility of the retroactivity of penal law is stipulated in Section 16 of the Penal Code, under which an act is punishable under the law in force at the time when the act was committed. The act may be considered under a later law only if such law would be more favourable for the person who committed the act. It is only possible to impose a punishment of the type which is permitted under the law in force at the time when a decision is taken on the case.

129. [2] The fact that our Republic acceded to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 was reflected in amending the Penal Code in 1969 by adding Section 67 (a). According to this provision the statutory limitations do not apply to the following:

(a) Crimes against humanity: genocide (Sect. 259), promotion and propaganda of Fascism (Sect. 260), use of prohibited weapons (Sect. 262), war cruelty (Sect. 263), plunder in the theatre of military operations (Sect. 264), abuse of the Red Cross sign (Sect. 265);

(b) Crimes of terror (Sect. 93), menace to community (Sect. 179), murder (Sect. 219), harm to health (Sects. 221, 222), restriction of personal freedom (Sect. 231, para. 3), deprivation of personal freedom (Sect. 232), abduction abroad (Sect. 233) and violation of domicile (Sect. 238, para. 3) if committed under such circumstances that make them war crimes or crimes against humanity according to the provisions of international law;

(c) Crimes according to Section 1 of Act No. 165/1950, Collection of Laws, on the protection of peace.

Article 16

130. The right of respect for the human personality in socialist society is stipulated in article 19 of the Constitution of the Czechoslovak Socialist Republic: "The rights, freedoms and duties of citizens serve ... free and complete expression of the personality of the individual and the strengthening and growth of socialist society ...".

131. The citizen is recognized as a person before the law (is capable of having rights and duties) from birth to death. According to Czechoslovak law this recognition cannot be restricted or removed (Sect. 7 of the Civil Code). Full legal capacity is established with the person's coming of age (Sect. 8 of the Civil Code). Only the court can deprive the citizen of this capacity for legal acts or restrict it under conditions stipulated in Section 10 of the Civil Code.

132. One of the reasons for disqualifying the person for legal acts or for restricting his/her capacity in legal acts is mental disorder. Legal guarantees in this procedure are provided by Sections 186 through 191 of the Rules of Civil Procedure. If someone is admitted for institutional care because of a mental disorder, the sick person, persons close to him/her or custodian or the health institution, the trade unions or other social organizations can at any time demand that a court review the decision by the national committee about imposing institutional care without the consent of the sick person under Section 24 of Act No. 20/1966 on health of the population.

133. Legal measures for the protection of the person are stipulated in Sections 11 through 17 of the Civil Code. Under Section 11 of the Civil Code, the citizen has the right to protection of his/her person, in particular of life and health, honour as citizen, as well as his/her name and expressions of a personal nature. The court is the institution providing this protection. In this way the law provides the citizens with much broader guarantees for the protection of their persons than required by the Covenant.

Article 17

134. The right of the citizen to protection against incursions into his/her private life, family, home and correspondence, against defamation, is first and foremost guaranteed by the Constitution (art. 31), than by the Civil Code (Sects. 11 through 17), the Penal Code (Sect. 174 - false accusation, Sect. 206 - slander, Sect. 238 - violation of the freedom of domicile, Sects. 239 and 240 - violation of secrecy of mail), Act No. 81/1966, Collection of Laws, on the press and other mass media (Sect. 207 - correction of untrue information published in mass media), Act No. 222/1946, Collection of Laws, on posts (Sect. 82 - ban on the violation of the confidentiality of letters and on interference in the transport of articles by mail) as well as other legal regulations.

135. Exceptions to the basic principles of the non-violation of the said private rights are permissible for reasons specifically listed in the respective laws:

In Rules of Penal Procedure - Sections 82 and 85 which explicitly list grounds and conditions for a house and personal search, then Sections 86 and 87 regulating the interception and opening of mail;

In Act No. 11/1975, Collection of Laws, on Preventive Supervision - Section 2 (para. 1) according to which the person placed by a court under such supervision is obliged to report to the Public Security authority executing the supervision all the necessary data on sources of income and to provide this information on its request; to personally report to that authority on set dates; to allow the entrance of the officers of that authority into his/her home and to inform it in advance about any travel away from the place of residence; under Section 2 (para. 2) the person under a preventive supervision order can be subjected to other obligations and restrictions by the court with the aim to make him/her live an orderly life of a working person; such as not going to certain places, rooms, establishments or meetings and staying in the required

place or district and not leaving it without the prior consent of the supervising authority (in 1987 Czechoslovak courts passed 6,581 preventive supervision orders, out of which 4,342 in the Czech Socialist Republic and 2,239 in the Slovak Socialist Republic).

Article 18

136. Religious freedom is governed by article 32 of the Czechoslovak Constitution. It stipulates:

"1. Freedom of belief shall be guaranteed. Everyone shall have the right to profess any religious faith or be without religious conviction, and to practise his religious beliefs in so far as this does not contravene the law."

"2. Religious faith or conviction shall not constitute grounds for anyone to refuse to fulfil the civic duties laid him by law."

137. In Czechoslovakia no one is forced to be an atheist or believer; everyone can profess any religious faith and spread its ideas, equally a non-believer has the right to hold atheist views; everyone is free to perform religious rites or abstain from participating in them.

138. The State authorities pay no attention to whether the citizen is an atheist or a member of a church. By a government Decree of 1954, the registration of religious belief was abolished and Czechoslovak citizens are not required to submit to the State authorities or anyone else a statement about their religion. State forms, documents, questionnaires, school certificates do not include information on religion.

139. It is estimated that 20 to 30 per cent of the citizens of the Czech Socialist Republic and about 50 per cent of the citizens of the Slovak Socialist Republic are believers.

140. The Czechoslovak State wishes to further develop positive co-operation between citizens regardless of their varying world outlook and to promote positive relations between the State and churches.

141. The Czechoslovak Socialist Republic, however, resolutely opposes both foreign and domestic political abuse of religious belief and of activities of churches and religious societies.

142. In their history, the nations of Czechoslovakia have had an extremely negative experience with the abuse of social aspirations of reactionary clericalism. This year, 50 years have passed since the shameful Munich Agreement which was followed in 1939 by the disruption of Czechoslovakia and the setting up of a clero-fascist so-called Slovak State. The nations of Czechoslovakia will never forget that this fascist régime was headed by a reactionary Catholic priest who enjoyed the support of the Vatican. The whole structure of the Slovak State was perfectly penetrated by priests with a clero-fascist orientation.

143. The Czechoslovak State does not interfere in internal affairs of churches and religious societies and creates conditions for their activity. At the same time it follows to what extent laws and regulations stipulating the relations between the State and churches are being respected and applied in the activities of the churches and their representatives. Among the principles governing relations between the State and churches is the principle of consent to clerical activity by the State.

144. As any other country Czechoslovakia requires from a church dignitary, apart from being capable of performing his clerical work, loyalty to the State. It is a requirement based upon the practice established before the Second World War.

145. Eighteen State-recognized churches and religious societies are active in Czechoslovakia. But the right of the citizen to profess one or another religion is in no way restricted by this number of churches.

146. In the country, there are about 7,500 churches, houses of prayer, chapels and other cult premises. Almost 8,000 priests and preachers are active in churches and religious societies. A total of 712 students studied at six theological faculties in school year 1986/1987.

147. Though they are not civil servants the clergymen of all churches and religious societies are paid a salary by the State according to the Act on material support for the churches. Its amount varies according to rank and post and length of clerical service and is equal to the average salary of our citizens. Apart from that clergymen in some churches (e.g. Roman Catholic) are paid by the believers for church offices.

148. The social situation of clergymen is taken care of generously. They get free health care, old-age pension and recreation and spa treatment.

149. Two church publishing houses publish religious periodicals and literature.

150. The churches publish altogether 31 theological and religious journals. The Catholic Newspaper weekly has a circulation of 241,000. The Bible, biblical history, hymn books and religious calendars are published in substantial numbers of copies. Big amounts of money are allocated by Czechoslovakia for repairs of churches and other religious buildings. More than 200,000,000 Cz. crowns are allocated annually for this purpose.

151. The conditions for religious instruction of children fully respect the requirement of article 18, paragraph 4 of the Covenant. The basis for meeting this requirement is not only the right of the parents, but also the right of the children and rights of other subjects (believers of other denominations, non-believers and atheists) and social priorities. That is the reason why the Czechoslovak Socialist Republic demands that the religious instruction of children be provided at State schools and both parents or legal guardians express their consent. We proceed from the fact that on an issue of such importance, i.e. the world outlook of the child, the consent of both parents is required.

152. The Czechoslovak Socialist Republic considers it the duty of clergymen to provide religious instruction as a part of their clerical mission. Appropriate material conditions exist for its implementation. The schools provide classrooms and take care of administrative affairs related to the organization of religious instruction, all of that free of charge. Religious instruction can be provided at schools by all churches and religious societies recognized by the State.

153. The guidelines on religious instruction at schools are considered satisfactory by churches and religious societies.

154. The obligations taken up by the Czechoslovak Socialist Republic by accession to the Covenant find their full legal and actual implementation in the country and are restricted by law only in the interest of democratic social priority and equality of other subjects.

Article 19

155. The list of legal guarantees contained in the Second Periodical Report submitted by the Czechoslovak Socialist Republic can be complemented by the following facts.

156. Protection against the abuse of freedom of the press is regulated by the Act on the periodical press and other mass media (No. 81/1966, Collection of Laws). Section 10 stipulates the independence, but also the social and legal responsibility of the publisher, editor-in-chief, and editors; Section 12 stipulates the only legal restriction on journalists in exercising their profession - they must protect persons who have given the mass media critical information. Section 16 regulates the responsibility in protecting the society and citizens against an abuse of freedom of expression and press and stipulates the duty to compensate for the damage caused to organizations or citizens by the contents of information published by the mass media. Section 17 states that "censorship is not permissible".

157. The implementation of article 19 (para. 3) of the Covenant is ensured in the mass media work by Section 10 (para. 3) of Act No. 81/1966, Collection of Laws, stipulating that the editor-in-chief "is responsible, according to the valid regulations, for the mass media contents not to violate the legally protected interests of the society, citizens, and organizations". Section 13, paragraph 3 of the same Act stipulates that the "State bodies and organizations, scientific and cultural institutions and economic organizations shall refuse to provide information (to mass media) or access to it in case it contains ... facts whose publications would contravene the principles of protecting the rights of citizens". Section 16 (para. 2) states that "to publish information endangering the legally protected interests of the society, or citizens, constitutes an abuse of the freedom of expression and press."

158. Section 20 of the Act stipulates the right of the citizen or organization affected to request the court to pass a decision demanding a correction of the published untrue information in case the correction has not been published or has been published in an unsatisfactory manner.

159. The rights mentioned are, inter alia, guaranteed by the social role and terms of reference of a central body of the State administration for press and other mass media - Federal Office for Press and Information (Act No. 180/1980, Collection of Laws).

160. In compliance with this legal regulation the mass media are a significant instrument of social criticism and a tribune for public opinion in the process of the implementation of the policy of speeding up the social and economic development of Czechoslovakia through social restructuring, political and openness in information and new thinking in international relations.

161. All the mass media take part in national discussions on the most significant legal regulations that will safeguard the principles of restructuring. Ever more space is provided in the mass media for critical and polemical opinions and discussions. Restructuring stresses the position of mass media as a significant instrument for a democratic exchange of opinions, as a mirror of public opinion; at the same time it requires that the State and social bodies and organizations respond to the criticism in the mass media and draw appropriate conclusions from the criticism.

162. A total of 1,085 periodicals with a circulation of almost 31.6 million copies are published in Czechoslovakia, plus another 2,500 non-registered titles of periodicals. The retail prices of the press, stable for several decades, are subsidized by the State.

163. The Czechoslovak Radio broadcasts on one federal and five national stations and has twelve regional transmitters.

164. The Czechoslovak Television broadcasts on two channels (federal broadcast and Czech and Slovak national broadcasts) for 21.5 hours a day on average.

165. Much attention is paid to the participation of the Czechoslovak mass media in the international exchange of journalistic information.

166. In 1987, almost 13,000 titles in the amount of 1.9 million copies were imported to Czechoslovakia for State, economic and cultural institutions and for individual citizens. Half of the imported titles comes from non-socialist countries.

167. In compliance with Czechoslovak law (Section 23, Act No. 81/1966, Collection of Laws) barred from import into Czechoslovakia are publications militantly anti-socialist, promoting racism, fascism and revanchism, containing war propaganda, or propaganda of violence or of a nature harmful to morality.

168. Two national foreign trade organizations organize the export of Czechoslovak periodicals abroad.

169. The Czechoslovak Radio provides information about life in Czechoslovakia in its foreign service amounting to 43 hours a day and broadcasting in 12 languages.

170. Apart from the information on foreign policy acquired in news broadcasts by Czechoslovak Television (complemented with information provided by its own correspondents) the Czechoslovak citizen has a possibility, depending on technical conditions, of following TV broadcasts of Austria, the Federal Republic of Germany, the German Democratic Republic, Hungary, Poland and the USSR without any restrictions.

Article 20

171. War propaganda is prohibited in Czechoslovakia under Act No. 165/1950, Collection of Laws, on the protection of peace, which stipulates that whoever tries in any way to erode the peaceful coexistence of nations by instigating war, propagating war or promoting war propaganda commits a crime against peace.

172. The punishability of genocide is stipulated in Section 259 of the Penal Code which borrows the corresponding formulations from article II of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948.

173. Sections 260 and 261 of the Penal Code stipulate the penalty under the law on the promotion and diffusion of propaganda of, or public expression of sympathy for, facism or a similar movement aimed at the suppression of rights and freedoms of the working people or promotion of national, racial or religious hatred.

174. Collective protection against the instigation of discrimination, hostility or violence is provided for in Section 198 of Penal Code. The person who publicly and scandalously defames a nation, its language or a race or a group of inhabitants of the republic for reason of their support of the socialist system and State, of their religion or of their being without religious belief will be punished. An individual is protected against such attacks by Section 196, paragraph 2 of the Penal Code.

175. Attacks of a less dangerous character are prosecuted under Act No. 150/1969, Collection of Laws, on criminal offences of lesser consequence or as misdemeanour under Act No. 60/1961, Collection of Laws, on the tasks of national committees in ensuring socialist law and order.

176. The above-mentioned illegal acts occur in Czechoslovakia only rarely.

Article 21

177. The freedom of assembly is guaranteed in the Czechoslovak Socialist Republic under article 28 of the Constitution which guarantees, in keeping with the interests of the working people, freedom to assemble and to hold public parades and rallies.

178. The conditions for exercising the freedom of assembly are specified in Act No. 68/1951, Collection of Laws, on voluntary organizations and assemblies. Section 6 of this Act stipulates that the exercise of freedom of assembly must not pose a threat to the socialist system, public peace and order.

179. Decree No. 320/1951 of the Official Bulletin states that a rally can be held provided the district national committee were informed one week in advance about the date and agenda of the rally. It is, though, not necessary to report about religious rallies, such as pilgrimages, processions and other assemblies, if they serve the exercise of religious belief and are done in the usual manner.

180. Within the framework of decentralization of rights of national committees the right to receive information about a planned rally on town territory was transferred from the district national committees to municipal national committees of the first and second category (Act by the Czech National Council No. 137/1982, Collection of Laws, and Act by the Slovak National Council No. 139/1982, Collection of Laws, which amend the Act on national committees and modify the terms of reference of municipal national committees in some fields of State administration).

Article 22

181. No major changes have been introduced into legal regulations since the previous report.

182. The right to set up voluntary organizations is stipulated by article 5 of the Constitution of the Czechoslovak Socialist Republic, Section 1 of Act No. 68/1951, Collection of Laws, on voluntary organizations and assemblies, and Section 1 of Decree No. 320/1951 of the Official Bulletin.

183. The aims of a voluntary organization and ways of achieving them are outlined in its rules which contain especially data on the name of the organization and address of its headquarters, scope of activity and internal structure. The rules of the organization must be approved before the organization is set up.

184. The rules are approved by the respective organ of State administration of a category corresponding to the territorial range of the organization to be approved. For organizations with the range covering the whole State it is the Federal Ministry of the Interior, Ministries of the interior of the Czech and Slovak Socialist Republics for organizations active within the two Republics. The regional and district national committees are relevant for the regional and district ranges of the organizations. Rules of voluntary organizations whose range will not exceed a town area will be approved by a municipal national committee of the first category (Act No. 128/1970, Collection of Laws, on outlining the competence of the Czechoslovak Socialist Republic on issues of internal order and security, Acts by the Czech National Council Nos. 146/1971 and 137/1982, Collection of Laws, and Acts by the Slovak National Council Nos. 159/1971 and 139/1982, Collection of Laws, which modify the terms of reference of national committees in some fields of State administration).

185. Voluntary organizations are associated in the National Front of the Czechoslovak Socialist Republic, National Front of the Czech and Slovak Socialist Socialist Republics depending on the range of the organization - either the whole State or the two Republics.

186. The National Front of the Czechoslovak Socialist Republic associates the following organizations: the Communist Party of Czechoslovakia, the Central Council of Trade Unions, the Socialist Union of Youth, the Czechoslovak Women's Union, the Union of Co-operative Farmers of the Czechoslovak Socialist Republic, the Central Council of Co-operatives, the Czechoslovak Association of Physical Culture, the Union for Co-operation with the Army, the Union of Czechoslovak-Soviet Friendship, the Czechoslovak Union of Anti-fascist Fighters, the Fire Prevention Union of the Czechoslovak Socialist Republic, the Czechoslovak Red Cross, the Czechoslovak Scientific and Technological Society, the Socialist Academy of the Czechoslovak Socialist Republic, the Czechoslovak Union of Journalists, the Union of the Disabled, the Union of Czechoslovak Philatelists, the Czechoslovak Fishermen's Union. The National Front of the Czech and Slovak Socialist Republics associates the political parties and the organizational units of the above-mentioned voluntary organizations with a range covering the respective Republic and some other organizations working in the respective republic, especially hobby organizations.

Article 23

187. Protection of the family by the State is one of the basic constitutional principles (art. 26 of the Czechoslovak constitution) and is among the basic principles of the family law (Section 11 of Act No. 94/1963, Collection of Laws, on the family). The socialist State ensures that the family is a sound foundation for the development of youth.

188. The Czechoslovak legal regulations on marriages are in keeping with the Covenant. The Constitution, Act on the Family and Act on Registers guarantee the equality of men and women on entering marriage and the prevention of any discrimination e.g. for reasons of nationality, race or religion.

189. Marriage in the socialist society is based on a firm emotional bond between men and women. Both spouses are equal in marriage. Czechoslovak law follows the principle of an obligatory civil wedding. The right to marry is among the natural rights of citizens. Marriage is, however, not allowed in respect of persons who are already legally married, when there is a direct kinship between potential future spouses or if either suffers from a mental disorder which could result in a limited legal capacity, and, finally, minors (under 18 years of age). As an exception and for major reasons, the court can grant permission to marry to a minor under 18 (Section 13, Act on the Family).

190. Marriage is based on voluntary vows by the man and woman to form a firm, permanent and harmonious life-long bond before the respective State organ in the presence of two witnesses. In respect of the above it is not important whether it is a marriage of two citizens of the Czechoslovak Socialist Republic, of two foreigners or of a foreigner and a citizen of Czechoslovakia.

191. The requirement of the Covenant concerning the equal rights and responsibilities of the betrothed in a wedding, marriage or divorce is guaranteed by the Constitution (art. 27), and the Act on Family (art. 1, Sects. 1, 8, 18 through 21, 23 through 29 and others). According to Section 113 of the Rules of Civil Procedure, divorce proceedings are obligatorily combined with considering the relation of the spouses towards

minor children from their marriage after the divorce. According to Section 24 the court, when discussing a divorce, must in fine consider the interest of minor children.

192. The divorce-rate development remains unfavourable. In 1987 121,000 new marriages were entered into, but 41,000 marriages ended in divorce. With the aim to reverse the unfavourable development, new social measures are under preparation to protect the family against unfavourable effects on its stability.

193. As a part of social assistance to families with children 23.6 billion Cz. crowns were spent in 1987.

194. A total of 16.3 billion Cz. crowns were paid in family allowances. The limit for a newly-wed loan with State subsidies was raised from 30,000 to 50,000 crowns (Decree by the Czechoslovak Government No. 44/1987, Collection of Laws, on changing the conditions for granting loans with a State subsidy to young married couples).

Article 24

195. [1] Czechoslovak law has eliminated any discrimination against children for reason of their origin (born in or out of wedlock). The Czechoslovak Constitution and the Act on Family speak only about parents and their children, while the parents have rights and responsibilities and are equally responsible for the upbringing of their children to the society. The Act on Family states that the parents are responsible to the society for an all-round intellectual and physical development of their children and for their proper upbringing, with the aim to consolidate the unity of interests of the family and society (art. IV). According to the Constitution the society provides all children and youth with every possibility for an all-round physical and intellectual development (art. 26). Protection of the family and youth before penal law is provided by Section 210 through 218 of Penal Code.

196. [2] A birth is recorded in the birth register. The method of registering the birth is regulated by Act No. 268/1949, Collection of Laws, on registers and the Decree by the Federal Ministry of Interior No. 22/1977, Collection of Laws. The Decree states clearly who is obliged to report the birth of a child to the registrar (Sect. 37).

197. The child's name and surname is decided upon by the parents on the basis of mutual agreement. In case the parents do not agree on the name or surname of the child or neither parent is known, the registrar asks the court to decide on the name or surname of the child. The way of giving the child a name is regulated by Section 38 through 40 of the Act on Family.

198. [3] The right of the child to Czechoslovak citizenship is guaranteed (Act No. 206/1968, Collection of Laws, and Act No. 39/1969, Collection of Laws) to all the children who at the time of birth have at least one parent who is a Czechoslovak citizen, regardless of whether the child is born on the territory of Czechoslovakia or outside. In view of potential conflict as regards the status of children born to parents, one of whom is not a Czechoslovak citizen, the Czechoslovak Socialist Republic concludes conventions on dual citizenship with the aim to prevent such situations and to

consolidate the legal status of children. In the period since the second periodical report an agreement has been concluded between the Czechoslovak Socialist Republic and the Mongolian People's Republic regulating dual citizenship (No. 96/1988, Collection of Laws). The agreement follows previous similar agreements of the Czechoslovak Socialist Republic with Bulgaria, the German Democratic Republic, Hungary, Poland and the USSR. These agreements stipulate the parents' right to choose a single citizenship for the child.

Article 25

199. The constant political line of the Czechoslovak State is to develop and improve socialist democracy, to expand the participation of the working people in the settling of public and State matters. In its further development attention is focused on the consolidation of the position of the working man as a master in his country. This is also the substance of the socialist democracy springing from the deep humanism of our State which creates all conditions and ensures an all-round development of activities of bodies and organizations associated in the National Front (the National Front of the Czechoslovak Socialist Republic associates 18 organizations).

200. In their social, political and national composition the representative bodies of the Czechoslovak, Czech and Slovak Socialist Republics fully express the sovereignty of the people as well as the sovereignty of nations and nationalities.

201. They are composed of workers, co-operative farmers and members of the intelligentsia, their social basis is formed by the workers' and farmers' alliance which is represented by the majority of deputies. In their political composition they play the leading role in the Czechoslovak Communist Party in the Czechoslovak political system and a political alliance of the Communists, members of four non-communist political parties associated in the National Front - the Czechoslovak Socialist Party, the Czechoslovak People's Party, the Slovak generation Party and the Freedom Party - and politically non-organized members of the National Front organizations, men and women, adults and young people, believers and non-believers; they reflect also the national composition of the Czechoslovak Socialist Republic.

202. In its structure and variety the political system in Czechoslovakia provides a basis for meeting the various interests and needs of people, for the broad social involvement of citizens regardless of their political affiliation, nationality or world outlook. It gives them all the possibility to participate in the formation and implementation of the policy in all spheres. It is an expression of socialist pluralism which manifests itself in a broad democratic discussion where every voice raised on the basis of a sense of responsibility counts, whether to speak out in favour or to present a constructive criticism of shortcomings.

203. In the documents outlining the principles of speeding up the dynamics of socio-economic development by means of restructuring the economic mechanism and strengthening socialist democracy, it has been reaffirmed that the process is a cause of all the people, all classes and social groups, nations and nationalities. A lasting principle is to give the responsible managerial posts to the most qualified and best trained individuals, Communists, non-Party members and members of other political parties. A significant

political and social task is to create conditions for a broader representation of women and talented young people in leading positions.

204. When choosing candidates for managerial posts democratic principles are applied which guarantee equal conditions of access to public service to the most qualified and the ablest. The evaluation of people is based on collective knowledge and viewpoints of work teams and organizations of the National Front, the selection of candidates is made from a bigger number of people - advertisement, tenders and elections of managers are in use. After a thorough assessment of skills of individual candidates for a leading post a short list in order of preference is made of those who are most suitable for the given position.

205. At present democratic principles are being strengthened in all spheres of social life. A certain form of direct democracy is represented by national discussion on the most significant bills, such as the bills on State enterprise, on co-operative farms and housing, consumer and producer co-operatives and the amendment of the Labour Code. In already adopted laws (Act No. 88/1988, Collection of Laws, on State enterprise, Act No. 90/1988, C. of L., on co-operative farms, Act No. 94/1988, C. of L., on housing, consumer and producer co-operatives) the principles of self-rule by work teams whose aim is to improve and expand socialist democratism in the production process are stipulated.

206. Also being considered are changes in the election Acts governing the elections to representative bodies at all levels in which more candidates would be presented than the number of mandates.

Article 26

207. The provision of article 26 of the Covenant is safeguarded in the Czechoslovak law above all by article 20 of the Constitution of the Czechoslovak Socialist Republic which states that "all citizens shall have equal rights and equal duties" and it is further stressed that equality of all citizens regardless of their nationality and race is guaranteed. The Constitution further guarantees equal status of men and women in the family, at work and in public life; social rights of all citizens regardless of their origin; right to protection of health and treatment and material security in old age and in case of inability to work; right to education, etc. This equality of citizens is not only proclaimed by law but also actually guaranteed by the Czechoslovak social and economic system. In the same way the right of all Czechoslovak citizens is guaranteed to turn to representative bodies and other State organs including courts. State organs have an obligation to deal with all claims responsibly and promptly.

208. Constitutional Act No. 144/1968, Collection of Laws, on the status of nationalities in the Czechoslovak Socialist Republic was passed in relation to the issue of nationalities. Article 4, paragraph 2 stipulates explicitly that being a member of any nationality cannot limit any citizen in his/her participation in the political, economic and social life.

209. In 1986, in the elections to the representative bodies, there were 8,115 deputies of Hungarian nationality, 1,756 of Ukrainian nationality, 481 of German nationality and 433 of Polish nationality elected

to national committees. The representation of citizens of Hungarian, Ukrainian, German and Polish nationalities in the Federal Assembly, Czech and Slovak National Councils corresponds to the numbers of citizens of the respective nationality in proportion to the number of citizens in the Czechoslovak, Czech and Slovak Socialist Republics.

Article 27

210. The status of nationalities in the Czechoslovak Socialist Republic is regulated by the Constitutional Act No. 144 of 27 October 1968. The Czechoslovak Socialist Republic "shall secure to the Hungarian, German, Polish and Ukrainian nationalities the possibility of and facilities for their all-round development in the spirit of socialist democracy and internationalism" (art. 1). The nationalities are proportionally represented in the representative bodies and other elected organs (art. 2). The citizens of the listed nationality are guaranteed, under conditions stipulated by law, the following:

- (a) Right to education in their own language;
- (b) Right to all-round cultural development;
- (c) Right to use their language in official communication in areas inhabited by the respective nationality;
- (d) Right to associate in cultural and social organizations of their nationality;
- (e) Right to press and information in their own language (art. 3).

211. All forms of pressure aimed at the estrangement of people from their respective nationalities are prohibited (art. 4, para. 3).

212. A majority of children of Hungarian and Polish nationality and about half of the children of Ukrainian nationality attend primary schools using their respective language as the language of instruction. In the school year 1985/1986 Hungarian language schools were attended by 50,178 pupils, Polish language schools by 3,710 pupils and Ukrainian language schools by 1,800 pupils.

213. A substantial dispersion of the German population and its age structure with older people prevailing do not allow the setting up of primary schools with instruction in German. But there are special lessons in German which were attended by 338 pupils of German nationality in the 1985/1986 school year.

214. Citizens of Hungarian nationality associate in the Cultural Association of Hungarian Working People in Czechoslovakia which has more than 80,000 members. It is a member of the Slovak National Front. Citizens of Ukrainian nationality set up a Cultural Union of Ukrainian Working People in Czechoslovakia which associates about 11,000 members.

215. The Polish Union for Cultural and Educational Activities and the Cultural Association of Czechoslovak Citizens of German Nationality are members of the Czech National Front.

216. There are also two permanent theatres - the Hungarian Regional theatre in Komarno and Ukrainian National Theatre in Presov. Many Hungarian, Ukrainian and Polish folk ensembles exist in the Czechoslovak Socialist Republic, various folk festivals and festivals of national cultures are held.

217. In the Slovak Union of Writers there are sections of Hungarian and Ukrainian literature.

218. The right of nationalities to press and information in their own language is guaranteed in Czechoslovakia under Constitutional Act No. 144/1968, Collection of Laws, (art. 3).

219. In keeping with the above, 32 publications are issued in Czechoslovakia in other languages focusing on, apart from political information, problems of youth, women, trade unions, agriculture, culture, schools and religion. The total circulation of these publications is 480,000.

220. Citizens of Hungarian nationality can choose from 20 publications, those of Ukrainian nationality from 6 publications, those of Polish minority from 5 publications and the German minority has 1 publication.

221. The Czechoslovak Radio broadcasts news programmes for minorities living in Czechoslovakia amounting to 51 hours a week (5 hours in the Czech Socialist Republic and 46 hours in the Slovak Socialist Republic).

222. The Czechoslovak Television broadcasts one and a half hours in Hungarian a week.

223. The population of the Czechoslovak Socialist Republic was 15,589,000 on 31 December 1987. According to data on the national composition of the population (the latest data published relate to the situation as of 31 December 1985) the following numbers of individual nations and nationalities lived on the territory of Czechoslovakia:

9,804,000 Czechs
4,804,000 Slovaks
47,000 Ukrainians
8,000 Russians
71,000 Poles
588,000 Hungarians
58,000 Germans
51,000 other or unstated nationality.
