

**INTERNATIONAL
COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



Distr.
GENERAL

CCPR/C/SR.32
23 August 1977

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Second Session

SUMMARY RECORD OF THE 32nd MEETING

held at the Palais des Nations, Geneva,
on Friday, 19 August 1977, at 3.20 p.m.

Chairman: Mr. MAVROMMATIS

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GE.77-8559

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT: INITIAL REPORTS OF STATES PARTIES DUE IN 1977 (agenda item 3) (continued)

Report of Ecuador (CCPR/C/1/Add.8) (continued)

1. Mr. VALDEZ, continuing to answer the questions put to him at the previous meeting, said that two copies of the two alternative draft constitutions which would be submitted to the Ecuadorian people in a referendum had been given to the Secretariat. He hoped that before the end of the session each member of the Committee would be provided with copies.
2. Replying to the question whether the present political situation in Ecuador had adversely affected the access of its citizens to the courts and whether they were ever tried by special courts rather than the ordinary courts and, if so, in what circumstances, he explained the structure of the legal system in Ecuador and how members of the various courts were appointed. Since 1970 there had been hardly any change in the membership of the Supreme Court and higher courts, and not a single member of the so-called military dictatorship served on any of them. There were, of course, special courts which pronounced judgment on members of the armed forces, and it was true that special courts had functioned for two years between February or March 1972 and August 1974. No person in Ecuador was at present denied access to the courts, however, and penal cases entailed no expenses for the accused. In other cases, when the judgment was favourable to a worker, or when the case involved a minor or a co-operative, no court expenses were payable.
3. Another question had related to section I, article 141, paragraph 4 of the Constitution, and he explained that only the State could recruit personnel for the armed forces. There was compulsory military service for a period of one year at the age of 18, except for university students for whom military training was compulsory only during the three-month university holiday. Paramilitary recruitment was not permitted by the Constitution.
4. With regard to exceptions, established by the law, to the secrecy and inviolability of all forms of correspondence laid down in Section I, article 141, paragraph 9, he explained that a judge could ask experts to examine the correspondence and accounts of a firm which had been declared bankrupt, provided that a warrant had been obtained for the purpose, with a view to preventing fraudulent bankruptcies. Similarly, when the minority shareholders of a limited company requested that a special investigation company should inquire into its activities, the authorities could authorize it to do so. Again, in court cases involving tax matters, the fiscal court was permitted to appoint experts affiliated to the Federation of Accountants to investigate questions concerning the preparation of two sets of accounts for different purposes.
5. With regard to the freedom of business and industry and the limitations thereon established under Section I, article 12 of the Constitution, he explained that the only monopolies that were permitted were State monopolies, and that the only one in existence at present was the fuel marketing monopoly. It was, however, also true that only the Ecuadorian army could manufacture armaments and explosives; similarly, drugs and narcotics could be sold only by authorized chemists in accordance with WHO prescriptions.

6. Referring to Section II, article 142 of the Constitution, he explained that spouses had enjoyed equality of rights only since 1945. Before that date a wife could not sign a contract on her own behalf or administer her own money; now she could manage her own business and go to court in her personal capacity without prior authorization from her husband.

7. He had been asked to explain the institution of family property rights: a married couple could establish family property rights in the interest of their children or family or for their own benefit if they had no descendants. Those rights could not exceed a maximum of approximately \$ 75,000 and were inalienable. In the event of divorce, the law prescribed the manner in which the children's interests or those of others entitled under the law were protected; copies of the relevant legislation could be made available to members of the Committee.

8. He had also been asked to comment on the right of property set out in Section IV, article 146 of the Constitution and explained that, for reasons of national security, aliens could not own immovable property within 50 kilometres of the national frontiers or on the Pacific Ocean.

9. Turning to the question of press laws and Ecuador's experience with journalists, he said that a new law had been promulgated in 1970, a copy of which would be sent to the Secretariat. Undertakings could only employ journalists who possessed a diploma from a school of journalism attached to an Ecuadorian university or who had worked on a newspaper for not less than five years.

10. Ecuador had no State-financed official press; the Government did not own or have shares in any Ecuadorian organization which disseminated news about the country except for a minor radio station which attracted few listeners. An official register of laws and decrees was also published but it did not contain a Government commentary on them. He mentioned the case of a journalist who had been accused of slandering a Minister of State but had been found not guilty; the freedom of the press was certainly respected in Ecuador. He went on to explain that cases relating to matters concerning the press were dealt with by a tribunal set up by the National Union of Journalists, and described the membership of the tribunal, which ensured its impartiality and could not fail to strengthen freedom of expression. Moreover, referring to a question concerning the enforcement of the constitutional provision that prohibited seizure of printed matter or the imprisonment of journalists, he said that not a single journalist had been imprisoned. It was, however, true that under a different régime a small provincial printing press had been seized by the Government in 1944.

11. Any petition presented to the authorities by a citizen had to be considered within 30 days. If the matter did not concern taxes or other levies and the citizen received no answer within that period, he could refer the matter to a special committee which dealt with disputes with the administration. If it concerned taxes or other levies, failure to reply within the prescribed period signified that the citizen had won his case.

12. Turning to Section III, article 143 of the Constitution, he explained the meaning of the provision that students must be imbued with a democratic spirit of Ecuadorianism and of human solidarity. It was incumbent upon the State to foster national values and provide education on the basis of a democratic spirit of human solidarity, in conformity with the aims and objectives of the Charter of the United Nations. It was the intention of the Constitution that that should be done from the earliest age.

13. He had been asked why Section V, article 148 referred to work as a social duty. It could equally well have referred to it as a right, for in his view rights and duties were interrelated and complementary. Perhaps the intention behind that provision was to promote the work ethic and a desire to engage only in work of social value. He had also been asked how the courts applied the provision and whether people who did not work were punished, and he explained that, under the section of the Penal Code dealing with the most minor offences, the police could punish persons who were proved to be vagrants or professional beggars.

14. Referring to Section IV, article 146 of the Constitution, and in particular the provision that no expropriation should take place except for reasons of public benefit or social interest, he explained that, under the Agrarian Reform Law, which had been in force since 1964, agrarian property had been organized in the best possible way to satisfy the production requirements of the country.

15. He said that, in principle, any institution which had knowledge of a violation of constitutional law could bring it to the attention of the competent body, namely, the Tribunal for Constitutional Guarantees, which was not functioning at the moment, however, provision for such a tribunal was made in both the draft constitutions to be submitted to a referendum and any citizen would be able to appeal to it.

16. With regard to the limitations established by the Constitution on the exercise of the right of suffrage, he said that that right was restricted in the case of members of the armed forces and ministers of any religion. Persons on active service did not have the right to vote, nor could they be elected to office; that measure was designed to prevent any interference by the armed forces in elections. Ecuador had also found that it was unwise to allow the clergy to engage in politics; members of the clergy could vote but could not be elected as representatives. They could, however, hold certain offices, such as university chairs.

17. He had been asked whether exceptions had been made to all the guarantees in the Constitution or only to those in Title XIII. He explained that when the President who had preceded the so-called military dictatorship had assumed absolute power on 21 June 1970, he had declared the Constitution of the country operative with the exception of Title XIII, which was not in accordance with the objectives of the Government.

18. At the previous meeting he had gone through the entire Covenant on Civil and Political Rights article by article, and the Committee had been able to note that all the rights provided for in the Covenant were exercised in Ecuador with the exception of those contained in articles 22 to 25, which would be implemented at the latest by the middle of 1978. He had been asked whether the Covenant on Civil and Political Rights constituted an integral part of Ecuador's domestic law

and could be invoked as domestic law; the answer to both questions was in the affirmative. Any citizen could denounce any violation of the Covenant, but he was not aware that any such denunciations had been brought before the courts. The present régime was not a harsh but a benevolent dictatorship.

19. With regard to the educational system for the rural population, he explained that the indigenous population was bilingual, speaking both Quechua and Spanish. At school, instruction was in both languages, some subjects being taught in Quechua and others in Spanish. The teachers in both public and private schools in rural areas had to be bilingual, as was the parish priest.

20. Questions had also been raised about the inviolability of the home, to which reference was made in article 141, paragraph 8, of the Constitution. In Ecuador, the home was sacred; it could be searched only if a warrant for that purpose had been issued and only in the cases laid down by law.

21. Some members of the Committee had asked, in connexion with the fourth subparagraph of paragraph 10 of article 141 of the Constitution, what constituted press offences and whether individuals arrested for such offences were allowed to contact their lawyers. Details of the offences for which members of the press might be imprisoned were given in the Ecuadorian legal code, copies of which would be sent to the Secretariat in the near future; they included libel, slander, false information and attacks on the honour of persons. The first step in the investigation of any punishable offence was preventive imprisonment, which could not last more than 48 hours. The detainee could not be held incommunicado for more than 24 of those 48 hours, and then only if he was charged with a serious offence. Any person in preventive detention had the right to contact his lawyer. If, for financial reasons, he was unable to engage a lawyer, the services of a legal expert were made available to him by the Government.

22. One member had put another question about Quechua, and he explained that, under the school radio programme system, which had been introduced as a means of bringing education to remote rural areas, a large part of the curriculum was broadcast in Quechua.

23. Questions had also been put about the private and official systems of education to which reference was made in article 143 of the Constitution. In Ecuador, private education was education provided by schools and colleges belonging to private persons or groups; it was not free of charge. Official education was education provided by the State, and was free of charge. Primary education was compulsory for children up to the age of 12. One member had suggested that article 148 (p) of the Constitution implied that minors under the age of 12 could be employed to do work other than domestic service, and had asked how that was compatible with the provision, in article 143 of the Constitution, that elementary education was compulsory. The answer to that was that, under the Ecuadorian Labour Code, employers of minors must allow them to attend school for at least four hours a day. There was no upper age limit for attendance at primary schools. As in all Latin American countries, a large number of Ecuadorian adults were illiterate; many of them attended night courses at the primary level and, as a result of the Government's literacy campaign, there had been a considerable decline in the percentage of illiterates in the population.

24. In reply to a question concerning the treatment of foreigners, he said that an alien could be expelled from Ecuador if he interfered in the country's politics.

25. Referring to the question concerning the guarantees afforded the indigenous population against discrimination on any grounds, he said that there had never been any discrimination in Ecuador against indigenous peoples, who were entitled to attend schools, universities and other institutions of learning on an equal footing with the rest of the population; they could also attend theatres and other places of entertainment. In the Ecuadorian transport system, compartments were not reserved for special classes or groups of the population. The indigenous population had access to all State services.

26. One member had asked a question about the infant mortality rate in Ecuador. As he had indicated at the previous meeting (CCPR/C/SR.31) Ecuador was experiencing a population explosion; inevitably, therefore, the infant mortality rate was high. Steps were being taken to remedy the situation, however, and the hospitals and health centres that had been established in rural areas by the Ministry of Health had succeeded in lowering the infant mortality rate.

27. In conclusion, he said that at present there were no political prisoners in Ecuador; the only persons in prison were citizens who had committed common law offences.

28. The CHAIRMAN thanked the representative of Ecuador for answering the questions put by members of the Committee and for circulating copies of the Ecuadorian Constitution.

Report of Hungary (CCPR/C/1/Add.11)

29. The CHAIRMAN welcomed the representative of the Hungarian People's Republic and invited him to take a seat at the Committee's table. He could introduce his country's report, add any supplementary information he considered appropriate and later answer any questions that might be put by members of the Committee.

30. Mr. VARGA (Hungary) drew attention to the first two paragraphs of his country's report (CCPR/C/1/Add.11) and said that, by signing the Covenant, his Government had demonstrated its intention to expand co-operation with all States parties in matters covered by the Covenant. As further proof of its determination to develop, such co-operation, his Government had entered into an agreement on tourism with Greece, Cyprus and Portugal, and was conducting negotiations on the same subject with Austria, Turkey and Italy. It had also offered to abolish the mandatory diplomatic and official visa system in respect of 17 countries, including the United Kingdom, the United States of America, the Federal Republic of Germany, France, Canada, Turkey and Greece. In the opinion of his Government, those measures were in complete harmony with the provisions of the Covenant and served as a basis for international co-operation and the strengthening of civil and political rights on the national and international levels. He assured the Committee that all the political and legislative measures listed in his country's initial report and the annex thereto were fully implemented in the Hungarian People's Republic. All

communities in Hungarian society, without distinction as to national or ethnic origin, race, sex or religion, were treated on a basis of equality in the exercise of civil, political, economic, social and cultural rights. His Government had complied with its obligations under article 40 of the Covenant because it was convinced that its report on the implementation of civil and political rights would foster mutual understanding between States parties.

31. Mr. OPSAHL said that there did not seem to be any reference in the Hungarian report to measures taken by the State in fulfilment of its obligations under article 2, paragraph 3, and article 3 of the Covenant.

32. It was very gratifying to note, in the sixth paragraph of section 4 of the report, that investigations into the cases of persons under remand should be terminated within 30 days and that the trial had to be held within 30 days of the filing of the indictment. In many countries, criminal proceedings were much more protracted. The words "as a rule" implied that there were exceptions to the rule. It would be interesting to know whether, in practice, there were cases in which the procedure was completed less expeditiously.

33. Referring to article 14 of the Covenant, he asked how the independence and impartiality of the judiciary were guaranteed in Hungary.

34. In conclusion, he asked whether the restrictions on the right to freedom of expression referred to in the second paragraph of section 14 of the report were the only restrictions that had been imposed and what they were about.

35. Mr. TOMUSCHAT said he wished to raise three points, all of which concerned article 26 of the Covenant. That article contained a general prohibition of discrimination and should be read in conjunction with the other specific guarantees contained in the Covenant. It went without saying that no one should be discriminated against for exercising one of the rights covered by the Covenant. Article 26 emphasized that there could be no discrimination on the grounds of a person's religious beliefs. In the first paragraph of section 21 of the Hungarian report it was stated that discrimination against any citizen on grounds of religion was a severely punishable offence. It would be interesting to know what measures had been taken by the Government of the Hungarian People's Republic to prevent any unfavourable treatment of members of a church. It would be quite improper, particularly with regard to admission to schools, universities and other institutions of vocational training, to place at a disadvantage persons whose views differed from those held by the population in general. Such unfavourable treatment might not be in direct conflict with the provisions of article 18 of the Covenant, but would certainly be at variance with those of article 26. He therefore attached importance to the fact that, as was stated in the ninth paragraph of section 13 of the report, the personal data of Hungarian citizens did not indicate whether or not they belonged to a church. Perhaps the representative of Hungary would comment on the point he had raised.

36. Article 26 of the Covenant also prohibited discrimination based on grounds of political conviction, and that prohibition was closely linked with the provisions of article 19 of the Covenant. Obviously, members of the Committee might not be fully in agreement with the construction of article 19. In particular, determination

of the proper meaning of the words "public order" would probably give rise to difficulties. He felt, however, that members of the Committee should be able to reach agreement on the basic purpose of article 19 which, in his opinion, was to provide legal safeguards against Government interference with a person's opinions. Primarily, therefore, article 19 was directed against State Governments. It was designed to guarantee opinions which did not please the Government and which did not approve of the Government's general policy. If there was any suggestion that the only opinions that could be expressed were those deemed to be in accord with Government policy, article 19 would be useless. He would appreciate clarification on that point.

37. It appeared from page 14 of the supplementary report submitted by the Hungarian People's Republic that Parliament was empowered to set aside even judicial decisions. If that was so, the provisions of article 14 of the Covenant were being infringed. It would be helpful if the representative of Hungary could supply further information on that point.

38. Mr. HANGA, referring to article 23 of the Covenant, noted that on page 15 of the supplementary report it was said that "Article 1 of the Family Law states it to be the purpose of the act to regulate and protect the institution of marriage and family, to secure in marriage and in family life the equal rights of the spouses, to increase responsibility for the child, and to promote the development and upbringing of youth in pursuance of Articles 15, 16 and 62 of the Constitution and in accordance with the social order and the socialist morality of the Hungarian People's Republic." He would like to know what was the positive role of socialist morality in Hungarian law at the present time with respect to human rights.

39. He noted that section 21 of the report related to article 26 of the Covenant on equality before the law, and that there was a dialectic relationship between legal institutions and the material structure of ownership in its various forms. How did the legal structure of ownership guarantee that equality?

40. Sir Vincent EVANS observed that the Government of Hungary had anticipated the wishes of the Committee in setting out its report article by article.

41. He noted that it was stated, in the third line of the report, that the Covenant was "part and parcel of the national law of Hungary". Did that mean that the provisions of the Covenant could be invoked by individuals in proceedings before Hungarian courts or administrative authorities? Was the representative of Hungary aware of any cases in which the Covenant had been invoked and with what results? And would the Covenant prevail in cases of conflict with the Constitution and **other** legislation?

42. Section 2 of the report relating to article 7 of the Covenant stated that "The legal system of Hungary allows no cruel, inhuman or degrading punishment", whereas article 7 of the Covenant referred to "treatment or punishment"; he would like to know whether there were any regulations in force in Hungary governing the actions of the police and authorities in respect of persons not yet convicted of offences.

43. With reference to article 12 of the Covenant concerning freedom of movement, the third sentence of section 7 of the report referred to the possibility of a passport being withheld when travel abroad was "prejudicial to the state or economic interests ... or any other important public interest"; it seemed that those restrictions on the issue of passports could be interpreted and applied extremely widely. Was any statistical information available on the number of persons who had applied to travel to various countries and the number whose passports had been withheld?

44. Section 8 of the report referred to Government Decree No. 27/1966 (IX.25.) laying down the rules on aliens' entry into and departure from the territory of Hungary. It would be helpful to the Committee to have a copy of that Decree, or information on its contents.

45. Section 14 of the report referred to article 64 of the Constitution which guaranteed "the freedom of speech, the freedom of the press," in accordance with "the interests of socialism and the people,". The implication was that those freedoms were allowed subject to conformity with a particular ideology or social system; those were very substantial restrictions, and were difficult to reconcile with those permitted in the Covenant, especially article 19. If restrictions were imposed to the extent suggested by article 64 of the Constitution, was it possible to have any freedom of expression in the widest sense - at least in political matters - except on subjects and within the limits laid down by the State in accordance with its own ideology? Were there any legitimate means by which a person who disagreed with the State ideology could promote his ideas in a specific manner? The State was no doubt justified in applying penalties if ideas were promoted by violent means, but to suppress the opinions of or to detain a person for his political beliefs could be said to be contrary to articles 19 and 2 of the Covenant. Were there any such political detainees in Hungary and, in particular, were there any held without trial?

46. Section 17, relating to article 22 of the Covenant on freedom of information, contained references to provisions of the Civil Code and other legislation. It would be of great assistance to the Committee to have copies of that legislation, as well as of articles 71 to 73 of the Constitution, which were mentioned in section 20 of the report.

47. Mr. GRAEFRATH said he would appreciate further information on the role of society in guaranteeing the implementation of the rights embodied in the Covenant.

48. Information was given on page 10 of the report and also on page 10 of the supplementary report regarding article 3 of the Covenant and the equal rights of women. He realized that implementation of such legislation was a long and difficult task but would like to have further information on what was done in that field.

49. He also raised the question of article 6 concerning the right to life, and noted that information on infant mortality and life expectancy was important in that it permitted the action taken by society to guarantee life to be evaluated.

50. The information given in the fifth paragraph on page 3 of the report, referring to article 9, that release on financial security was not possible, was a violation of the prohibition of detention but was understandable as the principle of bail favoured those who had the financial means to take advantage of it; that point should be taken up again later. The information given in section 20 concerning article 25 with regard to participation in public affairs related mainly to participation in elections, and, further information on other similar provisions would therefore be welcome.

51. Mr. KOULISHEV noted that the Hungarian report was very close to the model which the Committee needed in order to study how the provisions of the Covenant were being implemented. It would be useful, however, to have further information on the legal technicalities involved in incorporating the provisions of the Covenant into the Constitution. In that connexion, he felt that the second sentence of the report beginning "It may also be noted..." was not clear; did it refer to the Constitution or the Covenant?

52. With reference to section 6 of the report, he asked whether the Hungarian legal system laid down any specific provisions with respect to article 11 of the Covenant.

53. Mr. MORA ROJAS said that the report, which was exhaustive and well-ordered, despite its failure to mention articles 1 to 5 of the Covenant, represented one approach to the question of solving human rights problems within a socialist legal system.

54. He endorsed the questions put by previous speakers, especially those asked by Sir Vincent Evans, and said it was important for the Committee to obtain the texts of the decrees mentioned in the report, and especially those concerning the freedom of movement of Hungarian citizens who were outside the country.

55. He would also appreciate further information on how freedom of belief, the press, expression and association was guaranteed under the law and how the socialist legal system applied the principles embodied in the Covenant on Civil and Political Rights.

56. In conclusion, he noted that the use of the word "merely" in section 6 of the report could imply that imprisonment for debt might occur; he wondered whether that was so.

57. Mr. ESPERSEN said he wished to ask a question with respect to article 14 of the Covenant referring to the exclusion of the press and the public from all or part of a trial. According to the information given in the second paragraph of section 9 of the report, application of the principle of equality before the law in criminal proceedings could be limited if so required on moral grounds; that seemed to be in conformity with the Convention. However, the text went on to say that "The pronouncement of a judgment, however, may take place in public even if the court has excluded the public from the trial", and the use of the word "may" could imply that judgment might also be pronounced in secret in cases where that was not in conformity with the Convention as, for example, with regard to official secrets. He would therefore like to know whether those provisions were to be interpreted in the sense that secret judgments could be pronounced only where exceptions to the general rule were made, as at the end of article 14, paragraph 1, of the Covenant which protected the rights of the family and young persons.

58. Mr. LALLAH said that the Hungarian Government was to be congratulated on its substantial and well-organized report.

59. He wished to be informed how the political rights embodied in article 25, providing for unrestricted participation by the individual in government and State organizations, article 19, providing for freedom of opinion and expression, and article 22, relating to freedom of association, were given effect in Hungary. The three articles could be regarded as interrelated since political rights could be effectively exercised only if there were freedom of expression and association. He wished to know whether there were any special rules governing the propagation of political views and the formation of associations to promote them, and whether such activities had to be pursued through any particular organizations.

60. His second question related to articles 3 and 23 of the Covenant, guaranteeing the equal right of men and women to the enjoyment of civil and political rights, and their right to marry and found a family: did Hungarian men and Hungarian women who had married non-Hungarians have the right to live with them in the country and, if so, subject to what conditions?

61. The CHAIRMAN observed that the representative of a State party might not always be in a position to give detailed answers to all questions asked by members of the Committee, and it was understood that it might be necessary in some cases for supplementary information to be forwarded to the Committee at a later stage.

62. Mr. VARGA (Hungary) welcomed the Committee's careful consideration of his Government's report and supplementary report. He appreciated that the references to various articles of the Hungarian Constitution and other legislative instruments would be more readily intelligible if the relevant documents were available, and undertook to arrange for copies of the Constitution and the Penal Code in English and French to be forwarded to the Committee.

63. He would endeavour to answer as many of the questions he had been asked as time permitted. Women's rights were fully guaranteed by the Constitution, and the same rights were equally available to male and female citizens. Hungarian law provided for full participation of women in social and public life, and they could be elected to the highest offices. There were, for example, three women at present holding ministerial posts in the Government, and many national organizations, such as the Hungarian Peace Council and the Teachers' Association, were headed by women. A distinction was indeed made between men and women in that the latter were not liable to compulsory military service, but that was the practice in many other States. Recent legislation also provided for paid maternity leave.

64. As to the question whether there were any exceptions to the rule that a person arrested must be brought to trial within 30 days, he assured the Committee that Hungarian law was very strict in that regard, and it was not possible for a person to be held for more than 30 days without trial. The police were required to inform persons of the charges against them at the time of their arrest, and judicial proceedings could be instituted only on the basis of a properly filed indictment which specified the offence.

65. Information on religious freedom in Hungary was contained in section 13 of the report. Although the churches were separated from the State, the Government provided all the resources they required, including the cost of maintenance or restoration of buildings; the salaries of clergymen were also paid by the State. Denominational schools operated freely and were financially supported by the State, as were seminaries for the higher education of priests. In Hungary religion was regarded as a private affair of citizens, and they were neither obliged to join a church nor prevented from doing so.

66. With regard to freedom of movement, he said that, although the absolute number of Hungarians wishing to emigrate was very small, 92 per cent of applications to do so had been approved in 1976. A far larger number of Hungarians sought to return to their country, many of them older people who had wished to be reunited with their children living abroad but had eventually found it difficult to adapt themselves to life in a new society. Their special needs were now catered for in that they were issued with consular visas and passports which enabled them to retain their Hungarian citizenship even when they took the citizenship of the country to which they had emigrated; that facilitated their re-entry into Hungary. As far as the movement of tourists was concerned, some 3,942,000 Hungarian citizens had visited western countries in 1976, and 9,910,000 tourists had visited Hungary, the number of visits to socialist countries being of the same order. The figures for 1977 were expected to be considerably higher, since more than 3.5 million Hungarians had visited western countries in the first half of the year. Another indication of the importance attached by the Hungarian Government to freedom of movement was the fact that more than 200 million forints had been spent over the past three years in improving access facilities at frontier posts.

67. As to freedom of the press, the Presidential Council had adopted a number of new measures in the course of the past year with a view to issuing entry visas to correspondents within 48 hours of application and providing all necessary facilities to assist them in their work. Entry visas for sports reporters were issued immediately. He felt that, if members of the Committee were personally acquainted with the Hungarian press, radio and television, they would not consider it necessary to ask questions about freedom of expression and information in his country. There were no restrictions upon the open expression of their views by Hungarian people, irrespective of sex or ethnic group. They could express their views within their own associations, in trade unions or at party meetings, or yet by writing to the press. No punishment had been imposed over the past years for the exercise of that freedom. The situation was different when an individual sought to act against national security and the national interest, or to change the socialist order of Hungary. He was sure that, irrespective of the country concerned, the crime of seeking to overturn a Government or subvert the provisions of a constitution was regarded as one that should be punished. Such cases were, however, few and far between in Hungary, and could not be regarded as typical.

68. There were many associations that Hungarians could join, for example, the Patriotic People's Front, the Red Cross, trade unions and youth organizations, all of which worked in conjunction with the Hungarian Socialist Workers' Party and assisted the Government in its task of building a socialist society and creating better living conditions for the people. All Hungarians enjoyed the right of election to all posts, including the highest. Elections were completely open and

there was no possibility of two or three persons getting together to ensure the election of their friends; it was for the meeting itself to decide whether candidates were suitable for the posts they sought, which was facilitated by the council system which corresponded to an administrative hierarchy ranging from the city unit to the State as a whole. Voting was by secret ballot and electors were not only free to express their objections to candidates at the open meetings but to reject them by voting against them.

69. Absolute equality before the law, irrespective of sex, nationality, or ethnic group, was provided for by the Hungarian Constitution and Penal Code. For that reason there was no provision for release on bail since it involved making a distinction between those with means to pay and those without. It was one of the most important principles of the Hungarian social system that no exceptions were made to the application of its legislation. Any Hungarian citizen who considered that he had been denied equality of treatment before the law could apply to the highest authorities, including the Presidential Council, to ensure that effect was given to his rights. There had, however, been no cases of any such complaint by Hungarian citizens over the past years. Members of non-Hungarian nationalities within the State had the right to defend themselves before the courts in their mother tongue, either through an interpreter when the jury was Hungarian-speaking, or before jurors speaking their own language when the trial was held in a local court. In the event of the accused being found innocent, the cost of providing the interpreter was met by the Hungarian State.

70. As to the questions asked in connexion with article 7 of the Covenant, he could assure the Committee that there were no laws or regulations empowering the authorities to take any kind of measure against a citizen while denying him an opportunity to defend himself. Indeed, no arrest could be made or proceedings instituted without a written order from the President of the High Jury, and to obtain such an order the police were required to furnish evidence that a citizen had committed a specific crime or that there were grounds for suspecting that he was prepared to do so.

71. The answer to the question about the means open to a citizen to express disagreement with the official line taken by organizations and Government was that he could do so by resort to the councils, his representatives in Parliament, the Presidential Council, or indeed to any official Hungarian organization. He could express his views in and through the associations to which he belonged and state his reasons for disagreeing with any particular action taken by the Government or official organizations. He could also make his views known through the press and other news media.

72. As to the questions asked in relation to article 2 of the Covenant, he could assure the Committee that there were no political detainees in Hungary.

The meeting rose at 6.15 p.m.