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Chairman: Mr. LALLAH

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE
COVENANT: INITIAL REPORTS OF STATES PARTIES DUE IN 1977 (agenda item 4) (continued)

Report of Czechoslovakia (CCPR/C/1/Add.12) (continued)

1. Mr. TOMUSCHAT drew attention to the statement in the first paragraph of the comments in the report of Czechoslovakia (CCPR/C/1/Add.12) on article 5 of the Covenant to the effect that it was impossible to interpret the Covenant incorrectly. In his view, no State could maintain that its interpretation was always consistent with the provisions of the Covenant; each one should therefore provide some machinery for the settlement of any disputes that arose regarding points of interpretation because, as an international treaty, the Covenant was subject to the general rules regarding the interpretation of treaties. It was obvious that the Committee had a leading role to play in the interpretation of the Covenant, and States had to take careful account of the Committee's rulings even if they were not formally binding; any departure would in any event, have to be justified in a detailed and substantiated manner.
2. With regard to the comments on article 6, he had some misgivings concerning the crimes for which the death penalty could be imposed. However, that point had already been dealt with by previous speakers and he would not revert to it. He wished to touch on a question that might have even greater relevance, i.e. the general rules governing the use of firearms by the police. A heated discussion was taking place in his own country concerning the circumstances in which the police were entitled to open fire. The important place occupied by the right to life in the hierarchy of values established under the Covenant was clear, and article 6 was the first of the specific rules enumerated. He therefore thought that particular attention should be given to that question, and he would appreciate additional information on whether Czechoslovakia had any legislation, regulations or administrative orders on the subject.
3. Referring to the comments on article 7, he asked whether the rules described in the report were in accordance with United Nations standards and principles, such as the Standard Minimum Rules for the Treatment of Prisoners or the code of conduct for law enforcement officials. Members were all aware that methods of interrogation deserved close scrutiny. It was clear, for example, that an unduly long interrogation period might jeopardize the health of the person being questioned.
4. With regard to the comments on article 12, he had some misgivings concerning the concept of the prohibition of residence, for it was not clear from the first paragraph under that heading in the report whether it implied emigration or whether the person concerned could choose another place of residence in Czechoslovakia. He would also appreciate information on the legal consequences of such prohibition of residence, as well as further details of the legal texts relating to the right of persons to leave the country. He recalled in that regard, that the Hungarian Government had provided a complete breakdown of travel permits granted during the past year and felt it would be helpful if the Czechoslovak Government could follow that example. He would also like to know for what reasons a person could be denied the right to emigrate and whether there were any rules which enabled families to be reunited.

5. Referring to the comments on article 13, he said that decisions on the expulsion of aliens were usually taken by administrative agencies. He asked whether that was also the case in Czechoslovakia or whether a court decision was always required. It would also be useful to know whether an individual who had recourse to remedies could remain in the country until such remedies had been exhausted.

6. At to the comments on article 14, he would appreciate additional information on the question of closed trials and the legal guarantees that ensured the independence of judges.

7. Referring to the comments on article 17, he drew attention to the last sentence and asked whether the information given on pages 13-14 related to police activities or exclusively to penal proceedings.

8. In the comments on article 18, it was stated in broad terms that the rights in question were guaranteed by article 32 of the Constitution and a number of laws giving effect to its provisions. He noted that as it was the Committee's task to monitor and ensure that the rights under the Covenant were in fact enjoyed by individuals, attention should be focused not only on constitutional provisions but also on related laws and administrative practices. In that connexion, it would be useful if the text of Government Decree No. 219/1949 mentioned in the report could be made available to the Committee. He understood that, according to article 2 of that Decree, clergymen could carry out religious activities only with the consent of the State and that the competent State agency was not under any obligation to grant the necessary permit. Such rules did not appear to be in strict conformity with the last sentence of article 18, paragraph 1, of the Covenant. He therefore asked whether the authorization granted to a clergyman to engage in religious activities could be revoked by the State and, if so, under what conditions. He would also like to know whether there had been any such cases. In addition, he would appreciate information on whether religious communities were allowed to make their views known on moral questions. For a religious community to continue to exist, it must be able to transmit its beliefs to the younger generation. Specifically, he found nothing in the report to indicate that the liberty of parents, referred to in article 18, paragraph 4, of the Covenant, was ensured. He was aware that atheistic thought played an important role in Czechoslovakia, but drew attention to the obligation assumed by States parties under article 18, paragraph 4, of the Covenant. He would therefore welcome clarification in that regard, as well as information on whether the holding of a religious belief by a public servant was grounds for dismissal.

9. With regard to article 19 of the Covenant, which laid down the fundamental principles of a free society, he asked whether a private individual could subscribe to and receive on a regular basis such newspapers as Le Monde, Neue Zurcher Zeitung, Corriere della Sera and Pravda.

10. Referring to article 20 of the Covenant, he said that Czechoslovakia was to be complimented on fulfilling the obligation imposed on States parties. Noting how difficult it was to define war propaganda in a precise manner, he said that it would be helpful if the text of the relevant statute could be made available for the information of other States.

11. With regard to the comments on articles 21 and 22, he asked whether persons not satisfied with existing trade unions were free to establish their own unions and whether the approval of the authorities was required.

12. As to the comments relating to article 23, he asked whether any rules governed the status of children whose parents lived abroad, and whether such children would be prevented from leaving Czechoslovakia if the authorities considered that the parents had left the country illegally.

13. Referring to the comments on article 27, he noted that the status of legal and ethnic minorities was governed by Constitutional Act No. 144/1968, and thought it would be useful to have statistical data concerning those groups. He also asked whether the children of such minority groups had the right to attend schools in which instruction was given in their mother tongue.

14. In conclusion, he expressed his appreciation to the Government of Czechoslovakia for having submitted a very detailed and comprehensive report.

15. Mr. HANGA noted that the report submitted by the Government of Czechoslovakia had been drafted in accordance with the Committee's recommendations.

16. Referring to the comments on article 3, he observed that the equality of men and women in exercising their civil and political rights was ensured by the Constitution, whose principles were implemented inter alia by the Family Code and the Labour Code. However, he would welcome information on the economic and social content of the political and civil rights of women which enabled them to enjoy equality with men.

17. The comments on article 21 of the Covenant referred to restrictions on the exercise of the freedom of assembly, and he asked whether those mentioned in the last sentence on page 17 of the report had the same meaning, content and limits as those envisaged at the end of article 21 of the Covenant.

18. With regard to the comments on article 23 of the Covenant, he noted the progressive nature of Czechoslovak legislation on the question of marriage and asked how the marital regime in Czechoslovakia ensured equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.

19. Referring to the third paragraph of the comments on article 26 of the Covenant, he requested information on the economic structure which guaranteed the enjoyment of civil and political rights for all citizens, without any discrimination. That was an important matter, because there was a dialectical relationship between the rights in question, legislative provisions and economic and social circumstances.

20. Mr. OPSAHL expressed his gratitude to the Government of Czechoslovakia for having ratified, thereby bringing into force, the Covenant which had already been signed in 1968 by a previous Government.

21. As the report under consideration made reference, however indirectly, to the events which had taken place in 1968 in connexion with article 1 of the Covenant and article 1 of the Constitution of the Republic, i.e. the article which

embodied the right of all peoples to self-determination, he wished to express his admiration to all the peoples of the Czechoslovak Republic who had, through their economic and social achievements, demonstrated in an exceptional manner their ability to exercise that basic right which other States parties to the Covenant were also bound to respect.

22. The Government of Czechoslovakia was to be commended for having assumed the basic obligation set forth in article 2, paragraph 1, of the Covenant, as well as for its comprehensive and clear report submitted under article 40. Its co-operation and constructive dialogue with the Committee demonstrated that it did not regard the Committee's consideration of the human rights situation in the country as interference in its internal affairs.

23. The reports considered so far by the Committee seemed to contain little information on the progress made in the enjoyment of the rights recognized in the Covenant. That was also true of the report submitted by the Government of Czechoslovakia, and he hoped that future reports would indicate the economic, social and cultural obstacles which made it difficult for individuals to enjoy such rights. In addition, it would be useful if future reports submitted by the Czechoslovak Government contained information concerning the right of women to be elected to political office.

24. He noted that the report under consideration made no mention of mass arrests, ill-treatment, or lengthy detention without trial. Moreover, it was a matter for concern that articles 16 and 34 of the Constitution stipulated political conditions for the enjoyment of human rights.

25. With regard to the comments on article 9, paragraph 3, of the Covenant, he asked whether Czechoslovak legislation provided that persons arrested or detained on a criminal charge must be brought promptly before a judge or other officer authorized by law, or whether that depended on a complaint by the accused, to be decided on by the court, as mentioned on page 7 of the report. The provisions of article 9, paragraph 4, of the Covenant were not limited to persons arrested on criminal charges, but it was not possible to determine from the report whether persons placed under institutional care were entitled to take proceedings before a court.

26. With regard to the comments on article 14 of the Covenant, he would welcome clarification of the expression "presumption of being not guilty" in the last paragraph on page 11 of the report. Under article 14 of the Covenant, everyone had the right to be presumed innocent until proved guilty, whereas the report indicated that everyone was presumed innocent until pronounced guilty. There could be a great difference between "proved" and "pronounced", and he would like information in that regard. As to the publicity of court proceedings, he asked whether it was true that such proceedings could be closed to the public for reasons of State interest in general, and not only for reasons of national security, as mentioned in article 14.

27. Referring to the comments on article 19, he asked whether there were any lists of prohibited books and records. In that connexion, he noted with interest that freedom of expression was guaranteed in Czechoslovakia by the fact that working people and organizations had at their disposal "publishing and press enterprises, radio, television and film". In many societies, in particular in

non-socialist countries, one of the difficulties affecting the enjoyment of the right of freedom of expression was the fact that access to the press and publishing enterprises was determined by private economic interests. However, he wondered whether the requirement in article 28 of the Constitution that the exercise of the freedom of expression must be in conformity with the interests of the working people did not affect the enjoyment of that right.

28. Noting the restrictions on the exercise of the right of assembly mentioned in article 21 of the Covenant, he asked whether the restrictions under article 28 of the Constitution, on the exercise of that right could be justified as being necessary in a democratic society.

29. Lastly, he referred to the comments relating to article 22 of the Covenant and asked whether it was true that the establishment of organizations required prior authorization by the Government.

30. Mr. GRAEFRATH thanked the representative of Czechoslovakia for his illuminating introduction. He observed that the procedure adopted thus far for the consideration of reports by States parties precluded the Committee from taking into account information from sources other than the reports themselves and the Governments concerned, such as non-governmental organizations or the press. The Committee's task was not to conduct an inquiry but to promote an exchange of views and experience relating to the provisions of the Covenant. With regard to the question of reflecting the provisions of the Covenant in national law, he said that the national legal order and the methods used to integrate the Covenant in domestic legislation varied from State to State. There were many countries in which the individual could not directly invoke the provisions of the Covenant but must rely on domestic legislation; in his view, systems of that type were fully consistent with article 2 of the Covenant.

31. The question of the right to life could not be reduced to the issue of the death penalty, but embraced also the question of infant mortality and life expectancy. He would welcome information on the steps taken in Czechoslovakia to reduce the mortality rate.

32. Turning to the comments on article 9 and, in particular, the statement that "custody may be replaced by guarantee of a social organization for the accused person's further behaviour" (page 7), he requested further information about that practice and asked what type of social organization was involved.

33. The report contained several references to the socialist order and the interests of the working people. Was he correct in assuming that those concepts corresponded, in a socialist State, to the public order to which frequent reference was made in the Covenant?

34. The comments on article 14 included the statement that "Equality before courts ... follows from constitutional equality of all citizens" (page 11). He would welcome information concerning the position of aliens in that connexion.

35. Turning to the comments on article 24 (page 20), he observed that the situation of children born out of wedlock created problems in a large number of countries. With regard to the particularly delicate matter of inheritance rights, the report stated that such children enjoyed the same position as those born in wedlock, and he requested further information on that point.

36. Sir Vincent EVANS thanked the Czechoslovak Government for its report and said that the presence of Government representatives at the meeting was to be welcomed as a gesture of co-operation with the Committee. The oral introduction to the report had been very interesting, and he was eagerly awaiting the Czechoslovak representative's reply to the many questions which had been asked.

37. He considered that the method chosen to give effect to the provisions of the Covenant was a matter for each State party to decide in accordance with its legal system and practice. The essential consideration was that the State should not plead domestic systems or practices as a reason for failing to implement the Covenant. As he understood it, the provisions of the Covenant as such had not been made a part of Czechoslovak law. That was also the case in his own country; nevertheless, a provision of the Covenant could be invoked in a British court as an aid to interpretation of the law. He asked whether it would be possible to invoke provisions of the Covenant in cases involving interpretation of the Czechoslovak Constitution, and how much weight courts would give to those provisions as opposed to existing jurisprudence, which had for the most part been developed before the entry into force of the Covenant in respect of Czechoslovakia. The comments on article 5 (page 3) included the statement that "restrictions upon any of the rights or any of the freedoms recognized by the Covenant as a result of incorrect interpretation of the Covenant are impossible". If, notwithstanding that statement, an individual were to consider that a law or practice was inconsistent with his rights or to disagree with the Government's interpretation of the Covenant, how would he raise the question and seek to have the law or practice changed? Would he be able to take up the issue before a court or to make it a matter of public debate, for instance in an article or pamphlet?

38. Several speakers, referring to article 12, paragraph 2, of the Covenant, had requested the representative of Czechoslovakia to provide information concerning restrictions on the right to leave the country. In that connexion, he hoped that the representative could furnish some statistics indicating how hard or easy it was to obtain an exit visa, how long it took to do so, what proportion of applications was refused and for what reasons, and whether there were more restrictions on travel to some countries than to others. Furthermore, he wished to know whether Czechoslovak law imposed any restrictions on the exercise of the individual's right to enter his own country as set out in article 12, paragraph 4 of the Covenant.

39. He considered the provisions of article 25, paragraph (b), to be central to any democratic system of government. Understood in their broadest sense, they might imply a right for a person of any political creed to offer himself for election to the legislature of the country and a right for his supporters to vote

for him by secret ballot. He asked how much freedom there was in practice for persons of different political creeds to seek election to the Federal Assembly of Czechoslovakia or to the Czech and Slovak National Councils, and for individuals to form political parties or associations with a view to seeking the election of their representatives to those bodies. It would also be interesting to know what were the political and other qualifications required of candidates for election to those bodies, what were the restrictions placed in practice on the formation of new political parties, and how much choice the elector in fact enjoyed under the Czechoslovak system when he cast his vote.

40. The right to freedom of opinion and freedom of expression was an essential prerequisite for the effective exercise of political rights. It was stated in the comments on article 19 that "the realization of these freedoms may not be in contradiction with the interests of the working people", and that "Publicizing of information which endangers the interests of the society or citizens protected by law represents misuse of the freedom of expression, speech and the press" (page 16). He asked to what extent those conditions in practice restricted and inhibited the freedom of opinion and expression, particularly with regard to criticism of the regime or the public authorities. The subordination of those freedoms to the interests of the socialist society could be enforced in a manner that was highly protective of the existing regime and highly restrictive of the free expression of opinion. To inhibit the free interchange of ideas to that extent would, in his view, be difficult to reconcile with the State party's obligations under articles 18 and 19 of the Covenant. He was not suggesting that individuals should be allowed to seek change by violent means; indeed, every State was clearly justified in dealing with men and women of violence by due process under its criminal law. However, he would welcome information on any restrictions that were imposed in practice in Czechoslovakia on individuals who sought to promote and propagate their political views by peaceful means, as well as on how such restrictions were enforced. For example, could an individual be detained or otherwise restrained because of his political beliefs only if he was found guilty by an independent court, or could he be detained without trial? Were there any such political detainees in Czechoslovakia at the present time and, if so, how many?

41. Mr. MOVCHAN associated himself with the Committee members who had expressed appreciation to the Czechoslovak Government for its report and to the Government's representative for his introduction. The fact that the Government had submitted a report to the Committee and delegated two representatives to the present meeting bore witness to the importance it attached to the fulfilment of its international obligations under the Covenant. Even though the report had been submitted before the Committee had laid down its guidelines on reporting, the information it contained was both comprehensive and well presented.

42. Several speakers had referred to the serious and complex question of reflecting the Covenant's provisions in domestic law. That question, which had been touched upon by the Czechoslovak representative in his introduction, was closely connected with both the implementation of the Covenant's provisions and the exercise of the Committee's functions. It would appear that, as in Denmark and other countries, Czechoslovak courts could not refer directly to the Covenant, and he would welcome a more detailed explanation of the situation in that respect.

43. Most of the questions asked thus far related to the restrictions and limitations that were acceptable under Czechoslovak legislation. References had also been made to different schools of thought, such as the positivist and the Marxist schools. In that connexion, it was worth recalling the Rousseauian concept that one person's freedom ended where the next person's freedom began, and it was certainly true that an individual could not have absolute freedom without depriving others of theirs. There were certain generally recognized principles of international law regarding freedoms and restrictions which all international jurists must take into account, regardless of the school to which they belonged. Indeed, each article of the Covenant indicated the restrictions which might be reflected in a country's domestic legislation.

44. Article 14, paragraph 1 of the Covenant stated that the press and the public might be excluded from all or part of a trial for reasons of morals, public order or national security in a democratic society. That issue had been taken up on previous occasions by the Committee in the framework of its constructive dialogue with States parties. The concept of a democratic society was often equated with the capitalist form of society but, for somebody who had been educated in the Marxist school, the socialist structure and the security of the socialist order also corresponded to a democratic society. He would be interested in hearing the Czechoslovak representative's views on that question. Furthermore, it was stated in the report that the civil and political rights of citizens in Czechoslovakia were frequently protected to a greater extent than required by the Covenant (page 1), and that one of the prerequisites embodied in the Czechoslovak Constitution was the "further deepening and broadening of the rights and freedoms of citizens" (page 3). He would be grateful if the Czechoslovak representative could clarify the latter concept.

45. Although the Committee had not yet laid down a specific framework for its deliberations, the question of co-operation with the specialized agencies and of documentation forthcoming from non-governmental organizations had been discussed, and the general opinion seemed to be that the Committee should study and discuss information from States parties but not from non-governmental sources or publications. The report submitted by Czechoslovakia could serve as a source of information on human rights in socialist countries, and he welcomed the fact that it was contained in a document intended for general distribution.

46. During the discussion of other reports submitted by countries which, according to their Governments, were part of the democratic society, it had emerged that war propaganda was not prohibited by law as required under article 20 of the Covenant, on the grounds that such prohibition would restrict the freedom of opinion guaranteed under article 19. As an international jurist, he could not understand the reasoning behind that contention. Prohibition of the threat of force was an imperative norm (jus cogens) of international law, and what was war propaganda if not a threat of force? War meant the destruction of all human rights and of the human being himself, and it was difficult to see how a State could allow war propaganda and at the same time purport to promote the freedom of opinion. Furthermore, it was somewhat contradictory to permit war propaganda on the one hand and to ban films which could serve as an incitement to certain acts on the other. What provisions had been included in Czechoslovak legislation to protect peace, bearing in mind the contention of some States that war propaganda limited the freedom of expression?

47. With regard to the right to leave a country, it was often necessary for the individual concerned to be in possession of a passport issued by a bureaucrat. What was the situation in Czechoslovakia in that respect?

48. The socialist concept that economic and social rights were part of the essential rights and liberties of the individual had now been generally accepted within the United Nations. Could the Czechoslovak representative furnish statistics which indicated how effect was given to those economic and social rights in his country?

49. It would also be interesting to know what legislative and administrative measures had been taken in respect of both Czechoslovak citizens and aliens to ensure the equality of husband and wife both during marriage and at the time of its dissolution. With regard to article 24 of the Covenant, he understood that all discrimination in respect of children was prohibited under Czechoslovak law. What steps had been taken to give practical effect to that prohibition?

50. Finally, he asked what was the position of the Czechoslovak Government in respect of article 18 relating to freedom of thought, conscience and religion. His understanding of that article was that it guaranteed, inter alia, the right not to have or adopt a religion.

51. The CHAIRMAN said that the representative of Czechoslovakia would reply to members' questions and comments at the Committee's next meeting.

Report of the German Democratic Republic (CCPR/C/1/Add.13)

52. Mr. HEILBORN (German Democratic Republic), speaking at the invitation of the Chairman, introduced his country's report (CCPR/C/1/Add.13) which described the legal situation that had prevailed and the legislation that had been enacted in his country in the light of the Covenant during the period from 1972 to 1976. As the report had been prepared before the Committee's adoption of guidelines concerning the form and content of reports submitted under article 40 of the Covenant, he would provide some additional information on the promotion, implementation and protection of civil and political rights in his country.

53. The implementation of civil and political rights in the German Democratic Republic should be seen in the light of the fact that the socialist system drew on the traditions of the German working class and that liberation from Hitlerian fascism 33 years previously had made it possible to build a socialist State, which was an expression of the national self-determination of the people. The socialist mode of production had drastically changed the social structure of his country: exploitation of man by man and class antagonism had been overcome and close relations of fruitful, comradely co-operation had developed between the working class, co-operative farmers, intellectuals and all other working people and citizens.

54. The humanist objectives and principles to which the German Democratic Republic was committed were embodied in the Constitution of 6 April 1968, which had been amended on 7 October 1974. According to article 105, the Constitution was a direct and binding law. Hence there was no need for a special act to give effect to its provisions, and the articles that guaranteed civil and political rights also

had immediate effect. It was the responsibility of the legislature to give substance to and state in detail the human rights embodied in the Constitution. His country's Constitution and its legislative system were based on the concept that it was not enough merely to lay down the rights of the individual in covenants and national legislation or to codify those rights and to leave their enforcement and implementation essentially to the people themselves. Thus, with regard to the implementation of human rights, the Constitution and other laws played an important role in the consolidation of socialist society, which assisted the individual whenever his rights were impaired or in cases where he himself lacked the strength or knowledge to protect them. All government agencies, enterprises and social organizations were therefore obliged to assume responsibility for the protection of human rights.

55. Explaining the legal obligations of State organs, the courts and the public prosecutors' office with respect to the protection of human rights, he said that article 97 of the Constitution provided that the public prosecutors' office should ensure strict compliance with legal procedures and protect citizens from violations of the law. Under article 93 of the Constitution, it was the responsibility of the Supreme Court to ensure the uniform application of the law by all courts. Article 87 of the Constitution provided that society and the State should guarantee the rule of law by associating citizens and their organizations with the administration of justice and with the measures taken by social and State bodies to ensure observance of the law. Article 88 stated that the responsibility of all State and economic officials should be guaranteed by a system of accountability. In other words, the Constitution clearly provided for a system of legal protection for all citizens.

56. Referring to the possible remedies available to citizens to ensure enjoyment of their rights, he said that article 103 of the Constitution provided that citizens could submit petitions or grievances to popularly elected bodies, to their deputies or to State and economic organs. Citizens could not be placed at a disadvantage for exercising that right. Article 104 of the Constitution stipulated that, in the case of damage inflicted on a citizen or his personal property as a result of unlawful actions by a public servant, liability lay with the government agency whose employee had caused the damage. Moreover, article 2 of the Constitution stated that all political power in the German Democratic Republic was to be exercised by the working people in towns and in the countryside so that man would be the focal point of all activities of society and the State. According to article 4, any exercise of power was designed to promote the welfare of the people, ensure their peaceful life and free development and guarantee human dignity. Article 5 of the Constitution stated that organs other than those specified by the Constitution could at no time and under no circumstances exercise State power.

57. According to article 8 of the Constitution, the generally accepted rules of international law serving peace and peaceful co-operation were also binding at the domestic level. Although the rights and obligations of individual citizens were not directly generated by multilateral international treaties, such as the Covenant, State organs in his country ensured that domestic laws and regulations were in keeping with the provisions of that instrument.

58. Basic provisions aimed at the protection of citizens' rights and freedoms and the strengthening of the rule of law were embodied in his country's Constitution, the Law on the Council of Ministers of 16 October 1972 and the Law on Local Popular Representative Bodies and Their Organs of 12 June 1973. The legality of arrests made by the police was, for example, subject to review by the public prosecutor, whose finding could, in turn, be reviewed by a court. An appeal against the decision of that court could be reviewed by the next higher court. In all such cases, it was a matter of principle that judicial decisions could be reviewed **only** by judges. He also drew attention to the fact that foreigners and stateless persons in the German Democratic Republic had the same status as citizens with regard to the protection and exercise of their rights; they also had a large number of legal remedies and means of appeal if they thought that their rights had been infringed or impaired. In that connexion, he noted that the rights of citizens were protected by means of special governmental and social review procedures and by control and supervisory bodies, such as the Workers' and Farmers' Inspection Units, the public prosecutors' offices, auditing and other authorities. According to article 61 of the Constitution, it was the task of the supreme representative body of the people not only to consider draft legislation, but also to ensure the enforcement of laws. To that end, the People's Chamber established, from among its members, permanent or temporary committees to deal with various subjects. Those committees were entitled to require the presence of the competent Government ministers, and all government agencies were obliged to provide the committees with any official and other information they required.

59. The right of citizens to address written or oral proposals or grievances to popularly elected bodies, such as the People's Chamber, to government agencies, to economic executive bodies and to individual deputies was embodied in article 103 of the Constitution and in the Petitions Law of 19 June 1975, which was designed to ensure that close attention would be paid to the suggestions and complaints of citizens and to give them greater opportunities for direct participation in public affairs and in the protection of their rights.

60. With regard to criminal law and procedure, he noted that, under section 91 of the Code of Criminal Procedure, accused persons, counsels, witnesses, experts, **aggrieved parties** and other persons were entitled to appeal to the prosecutor against any measures taken by investigating bodies and that the prosecutor had to decide on appeals within five days. Other legal remedies included appeals against orders for the protective seizure of property; appeals against warrants of arrest; and appeals against the dismissal of cases by the investigating authority. During court proceedings, objections could be raised against the court, and the court's decisions - which could be appealed - had to be taken after all parties had been heard. Court decisions relating to the execution of sentences could also be appealed. There were similar comprehensive regulations governing appeal procedures in civil, labour and family law proceedings, all of which were conducted on the basis of a uniform Code of Civil Procedure.

61. Referring to the second part of the guidelines adopted by the Committee, he drew attention to the fact that, on 5 May 1977, his Government had enacted a new law relating to the tasks, rights and duties of public prosecutors in the

supervision of the rule of law, the conduct of preliminary proceedings, the enforcement of penalties and the social rehabilitation of offenders. For example, paragraph 33 of that law provided that, during investigations of violations of the law, public prosecutors could request that the implementation of decisions taken by government agencies should be suspended if such suspension was necessary in order to safeguard the rights of citizens.

62. Equality of rights of men and women included complete equality at the place of work according to the principle of equal pay for equal work and the right of couples to adopt either party's name as the family name. In terms of civil, political, economic, cultural and social rights, there was no distinction between men and women in the German Democratic Republic.

63. In his country, the protection of the right to life, recognized in article 6 of the Covenant, was ensured by new penal regulations which supplemented existing environmental legislation, according to which action that caused damage to the environment was subject to punishment. Thus, new article 191, paragraphs (a) and (b), of the Penal Code stated that deliberate and, in some cases, negligent action causing environmental pollution were punishable offences. An aggravating circumstance of either offence was the death of a person or of several persons as a result of such action.

64. With regard to article 8 of the Covenant, he said that the second Act amending the Penal Code, which had been in force since 5 May 1977, had abolished the penalty of "correction through labour". Accordingly, any sentence entailing deprivation of liberty must specify the precise period of such deprivation. According to section 349 of the Code of Criminal Procedure, however, offenders could still be released on probation for good conduct or other socially recognizable reasons. Moreover, juvenile offenders in his country could no longer be sentenced to life imprisonment and were accorded treatment appropriate to their age and legal status, in accordance with article 10 of the Covenant.

65. The new Penal Execution Act of 5 May 1977 provided for the rehabilitation of offenders and was intended to prevent recidivism. Article 3 of that Act stated that, in the execution of a sentence, society and the State should be guided by justice and respect for the dignity of the individual and the human person. The Act prohibited discrimination against prisoners on grounds of nationality, citizenship, race, sex, opinion, religious belief or social background or status, and guaranteed the protection of the life, health and working ability of prisoners. Work done by offenders when serving their sentences was taken into account in computing their annuities and social insurance benefits. In the case of juvenile delinquents, who were separated from adults during detention, the Act placed particular emphasis on education, training and cultural activities which would enable them to acquire skills and qualifications for their future personal development in society. The rights of prisoners were described in detail in articles 34 and 35 of the Act.

66. That Act had been supplemented by the Reintegration Act, which had also entered into force on 5 May 1977 and which stipulated that the public administration had to provide released prisoners with suitable jobs and, if necessary, with accommodation.

67. The policy reflected in those Acts was that prisoners should be fully reintegrated into society once they had completed their sentences or been released on probation. It thus played an important role in his country's efforts to prevent crime and recidivism. According to that policy, inhuman or degrading penalties or treatment could be neither tolerated nor imposed. Moreover, the fact that offenders were provided with employment and paid according to their performance

68. He also noted that a law relating to the tasks and competence of the police in the German Democratic Republic had taken effect on 11 June 1968. According to that law, the police were responsible for maintaining good relations with citizens, providing them with help and advice and respecting human dignity. The rights of individual citizens could be interfered with only for the purpose of ensuring public order and security.

69. In accordance with article 15, paragraph 1, of the Covenant, article 99 of the Constitution of the German Democratic Republic stated that an act was punishable only if it had constituted a criminal offence at the time it had been committed and if the guilt of the offender had been proven beyond doubt. Penal laws had no retroactive effect in his country and criminal prosecution was possible only in accordance with valid penal laws.

70. In accordance with article 15, paragraph 2, of the Covenant, various articles of the Constitution and the Penal Code nevertheless provided that persons who had committed war crimes and crimes against peace, humanity and human rights in connexion with nazism and militarism during the period from 1933 to 1945 continued to bear criminal responsibility for those acts.

71. Referring to the legal status of foreigners in his country, he said that article 3 of the Decree on the stay of foreigners in the territory of the German Democratic Republic (16 December 1966) provided that foreigners who had received such permission enjoyed the same rights as citizens unless other legal provisions stipulated otherwise. Restrictions applied only to rights that were reserved to nationals, such as the right to hold a public office, to vote and to stand for election. The Decree to which he had just referred was based on the assumption that foreigners would, as a matter of course, respect the Constitution and laws of the German Democratic Republic. Expulsions of foreigners which might be necessary in individual cases were carried out in accordance with article 13 of the Covenant. Foreigners therefore had a right to object to expulsion orders and to have them examined by the competent authorities. Complaints submitted to the Ministry of the Interior within two weeks of the notification of expulsion had to be decided upon within three weeks. Foreigners having diplomatic status were covered by the customary international rules and regulations and, in particular, by the Vienna Convention on Diplomatic Relations.

72. Foreigners were also subject to the provisions of article 6 of the Law . Application Act of 5 December 1975, according to which the capacity of a person to establish rights and obligations through actions of his own was determined by the law of the State of which he was a citizen. Rights and obligations arising from contracts and other legal transactions were considered to have been effectively established by nationals of other States and by stateless persons in the German Democratic Republic if the criteria of legal capacity required under the law of the German Democratic Republic had been met. In that connexion, he also drew attention to article 181 of his country's Code of Civil Procedure under which nationals of other States, stateless persons and legal persons, whose legal status was not determined by the law of the German Democratic Republic, enjoyed the same treatment in civil proceedings as nationals and legal persons of the German Democratic Republic.

73. The participation of citizens in the management of political and economic affairs went far beyond the possibilities guaranteed in article 25 of the Covenant. Such participation included the election of deputies at all levels; the election of judges by popular representative bodies; the selection and nomination by the people of candidates for those offices; the direct election of lay judges and members of social

courts in enterprises; the participation by citizens in the administration of justice as lay judges and as social representatives in civil suits and labour and criminal proceedings; the involvement of citizens in commissions and meetings dealing with important public matters; and worker participation in enterprise management and decision-making through their trade union branches. The importance attached to the discussion of public matters affecting daily life was reflected in the fact that freedom of opinion and assembly were widely exercised in his country. Social organizations and trade unions also shared in the decision-making process. For example, trade unions played an important role in efforts to improve working and living conditions and in shaping and implementing social welfare policy. They also had the right to initiate legislation.

74. Lastly, he referred to the rights of the Sorbs, the only national minority in his country. The eleven districts of the Cottbus and Dresden counties where the 100,000 Sorbs lived had been declared bilingual. Articles 20 and 40 of the Constitution guaranteed that ethnic minority not only full civil rights and the right to develop their national characteristics and language, but also required the State to encourage and support such aspirations. Article 12 of the Court Constitution Act gave the Sorbs the right to use their language in court. There were Sorb deputies in the People's Chamber and in legislative assemblies at the county, district and municipal levels. Although the Sorbs had their own organization, the Domowina, they also took an active part in the work of other political parties and mass organizations in the German Democratic Republic.

75. They had their own secondary and extended secondary schools, a training institute for Sorbian teachers and a department for schools in bilingual areas at the Academy of Pedagogical Sciences of the German Democratic Republic. As a result of the policy of Germanization and oppression to which they had been subjected, there had been only seven Sorbian teachers in 1945, but, since then, over 2,000 Sorbian and bilingual teachers had been trained at the training institute for Sorbian teachers in Bautzen and at the Institute of Sorbian Studies at the Karl Marx University of Leipzig. The Sorbs had their own cultural groups and their own publishing house, and there were 11 Sorbian-language newspapers and periodicals. The Cottbus radio station had had a Sorbian language studio for 20 years. The Sorbian language had equal status with the German language in all government agencies, courts and public institutions. Bilingual names of towns and villages, and the use of Sorbian names on identity cards were common practice, as was the use of the Sorbian language in postal and telecommunication services.

The meeting rose at 6 p.m.