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POLITICAL RIGHTS**



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Held at Headquarters, New York,
on Friday, 20 April 1979, at 10.30 a.m.

Chairman: Mr. MAVROMMATIS

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant: initial reports of States parties due in 1977 and 1978 (continued)

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

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT: INITIAL REPORTS OF STATES PARTIES DUE IN 1977 AND 1978 (continued)

Romania (CCPR/C/1/Add.33) (continued)

1. At the invitation of the Chairman, Mr. Stoica, Mr. Mircea and Mr. Bolintineanu (Romania) took places at the Committee table.
2. Mr. STOICA, speaking of Romanian penal policy, said that there was a constant trend in Romania towards limiting the scope of the penal law. Under the legislation now in force, that trend had been reflected, in particular, in the decriminalization of certain acts which had constituted offences under earlier penal legislation, the exclusion of petty violations from the category of offences, the reduction of prison terms for many offences and the commutation of prison sentences to fines, the abolition of certain severe penalties such as hard labour, the introduction of administrative penalties for types of offences representing little danger to society, and the serving of sentences of imprisonment without deprivation of liberty (through correctional work).
3. The central concern of the new penal policy was to prevent aberrant behaviour on the part of individuals and, failing that, to help them to correct their behaviour, with special attention to the prevention of offences through education and persuasion. In December 1977 it had been decided to introduce new penalties in place of deprivation of liberty, which would in future be imposed only for a serious offence which impaired important values of the social and State order. The penalty for minor offences would be supervision of the offender by workers' collectives. Prison sentences would be imposed only in the case of serious offences.
4. For offenders between the ages of 18 and 21, there was a separate system. Most penalties applicable to them consisted of supervision by workers' collectives or State agencies. It was only in the case of a serious offence that the offender might be committed to an institution where he could complete his education or learn a trade. That legislation would come into effect shortly, perhaps within 12 to 18 months.
5. He reiterated that there were no political prisoners in Romania. He also wished to state that political prisoners had not been used for the construction of the canal from the Danube to the Black Sea. The only persons confined in psychiatric institutions were those who were mentally ill and represented a real danger to society.
6. The Romanian Penal Code stipulated, as a safety measure in the case of persons representing a danger to society, that alcoholics or drug addicts must report for regular medical treatment until they were cured; a drug addict or mentally ill person who had committed an offence and who represented a danger to society was liable to confinement in a medical institution; and an accused person was forbidden

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to live in the place where he had committed the offence if he represented a serious danger to society. Romanian law also provided for the expulsion of aliens who had committed an offence and for the confiscation of property obtained through the commission of or complicity in an offence.

7. There was no restriction on the admission of evidence under Romanian law. In accordance with article 67, paragraph 2, of the Code of Criminal Procedure, a request for admission of evidence could not be denied if the evidence was reliable and useful.

8. Article 68 of the Code of Criminal Procedure prohibited the use of violence, threats, compulsion or promises with a view to obtaining a confession from the accused. Under article 266 of the Penal Code, such acts were punishable by imprisonment for a term of one to five years. Article 69 of the Code of Criminal Procedure stipulated that an uncorroborated statement by the accused had no probative force.

9. The reference on page 12 of the report to fraud in connexion with the non-fulfilment of contractual obligations was an error.

10. The principle of public trial was established in article 103 of the Constitution and in article 10 of the Act on Organization of the Judiciary, which made exceptions in the case of trials involving a minor and in cases where trial in public might be prejudicial to the interests of the State or to socialist morality - offences against the latter being understood to mean any acts contrary to public policy - might impair the dignity of an individual. In civil cases, proceedings could be in camera, at the discretion of the judge, for reasons of public order or morality. In all cases, judgement was pronounced in public. Proceedings, in camera, which were extremely rare in practice, could involve part or all of the trial. Public trials could be attended by all citizens, foreigners and foreign press correspondents accredited to Romania.

11. Where correspondence was concerned, article 98 of the Code of Criminal Procedure provided for the acceptance and dispatch of letters, telegrams and any other type of correspondence sent by the accused or addressed to him, whether directly or indirectly. Finally, the Romanian Constitution guaranteed the secrecy of telephone conversations, and there was no law allowing them to be monitored.

12. Mr. Stoica, Mr. Mircea and Mr. Bolintineanu withdrew.

13. At the invitation of the Chairman, Mr. Morenilla Rodríguez (Spain) took a place at the Committee table.

14. Mr. MORENILLA RODRIGUEZ (Spain), outlining Spain's recent experience in attempting to achieve, through peaceful legal means, the political transition from an autocratic régime to a democracy, said that at the time when Spain had signed the Covenant the fundamental law, which had originated during the preceding régime, had consisted of the "Basic Laws of the Nation", containing declarations

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(Mr. Morenilla Rodríguez, Spain)

of rights and freedoms the violation of which was punishable under either penal or administrative procedures. However, no special remedy had been provided for violation of the recognized rights, the only protection for which had been afforded by the judicial organs in the exercise of their respective jurisdictions.

15. The approval by national referendum of the Political Reform Act had provided the legal framework necessary for the transition to a democratic form of government and had ushered in a process of political evolution. The Political Reform Act had introduced two new and fundamental principles into the Spanish legal order, namely, the recognition that the law was the expression of the sovereign will of the people and the recognition that the rights of the human person were inviolable and were binding on all organs of the State. Those principles constituted the embryo of the new Constitution, in article 1 of which they were entrenched, and the keystone of the legislative work performed subsequently.

16. Three phases could be distinguished in Spain's transition toward political democracy. The first phase had begun when the Government had convened a democratic Cortes to legitimize the new political reality; at the same time, it had been essential to establish a system of public freedoms as a democratic framework to ensure from the outset that the constituent phase would not be jeopardized. In short, it had been necessary to detach the existing legal order from the political context of the previous régime, using its own legal instruments. In that first phase many legislative measures had been adopted and, as a consequence of the Government's resolve to protect fundamental rights and freedoms, Spain had ratified the major international agreements relating to the free exercise of human rights.

17. The second phase, which might be called constituent or pre-constitutional, had begun after the general election in June 1977. Its special political significance lay in the fact that new legal provisions had been enacted on the basis of a consensus among the various political groups represented in the Cortes concerning the legislative policy programme. That phase had been of tremendous importance, since it had been a period of intensive legislative activity ranging from the passage of the law granting amnesty for all political offences committed in Spain to the adoption of measures aimed at guaranteeing fundamental rights such as trade union freedoms, freedom of association and expression and the right to vote. Changes had also been made in punitive or preventive legislation and the laws on criminal procedure, which in some respects had reflected political or ethical concepts that had become outdated. Those reforms were of a provisional nature, since the new Constitution and the laws supplementing it would reform existing legislation in those fields. A similarly provisional programme of legislative measures had been initiated to institutionalize the autonomous organization of the various historical regions constituting the Spanish State. Those measures were part of a "pre-autonomy" process that had begun with the provisional re-establishment of the Generalidad of Catalonia, followed by the successive approval of autonomous régimes for the other regions.

18. In order to prepare the draft Constitution, a Constitutional Committee had been established in the Cortes, composed of experts in constitutional law from the

(Mr. Morenilla Rodríguez, Spain)

various political parties represented in the parliament so that the text would be the work of all political groups and would express the consensus among them. The final draft, after approval by the Congress and the Senate, had been ratified by an overwhelming majority of the Spanish people in a referendum in December 1978. The definitive text signified the establishment of a new political and legal system for the protection of fundamental rights fully recognized by the Constitution and also constituted the framework in which the work of organizing the powers and institutions of the State would be completed. Title I of the Constitution, entitled "Fundamental rights and duties", was essentially in keeping with the provisions of the Covenant, and it should be noted in particular that the Constitution specifically entrusted the protection of individual rights to two organs, the State Counsel's Department (Ministerio Fiscal) and the People's Advocate (Defensor del Pueblo). The function of the State Counsel's Department was specified in article 124, paragraph 1, of the Constitution. The People's Advocate was a new institution in Spanish law, similar to an ombudsman, and his functions were specified in articles 54 and 162 of the Constitution.

19. With regard to the judicial organs responsible for full implementation of the law and the protection of individual rights, the Constitution provided for two distinct and separate orders: judges and courts, constituting the judiciary, and the Constitutional Court, with exclusive jurisdiction over appeals on the ground of unconstitutionality or violation of rights and over jurisdictional disputes between the State and the autonomous communities or among the autonomous communities themselves.

20. Since the laws to supplement article 53, paragraph 2, and article 161, paragraph 1 (b), of the Constitution had not yet been formulated, the legislation in force was Act No. 62/1978 concerning judicial jurisdictional protection of the fundamental rights of the individual, the scope of which was limited to the freedoms recognized in articles 16 to 22 of the Constitution. The final clause of the Act provided that, pending the formulation of the definitive legislation concerning the procedure for the protection of individual rights and remedies for their violation, such judicial protection should be extended to the rights recognized in articles 18, 19, 20 (c) and 28 of the Constitution.

21. Once the Constitution had been promulgated, a stage of systematic adjustment would begin, for which there was envisaged a minimum programme including, inter alia, a general statute of public freedoms, a law concerning the general electoral régime, organic laws concerning the administration of the State and its legal régime, the judiciary, local administration or autonomous administrations, principles of military organization and the forces of public order, a general law concerning the public administrative Code of Procedure, a new Penal Code and a reform of the Civil Code in all matters relating to family law.

22. With regard to the specific implementation of each article of the Covenant, he pointed out, in respect of article 1, that the entire trend in the Spanish legal and political order since the accession to the throne of Juan Carlos I in 1975 had been a constant reform of the legal instruments of the previous régime with a view to restoring the sovereignty of the Spanish people and guaranteeing fundamental rights and freedoms.

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(Mr. Morenilla Rodríguez, Spain)

23. The Constitution embodied the rights proclaimed in the Covenant and in the European Convention on Human Rights and expressly provided that the legislation concerning the fundamental rights and freedoms recognized in the Constitution should be interpreted in accordance with the Universal Declaration of Human Rights and with international treaties and agreements on human rights ratified by Spain.

24. With regard to articles 2 and 26 of the Covenant, the principle of non-discrimination was present throughout the Spanish Constitution and was expressly proclaimed in article 14. Article 13 provided that foreigners should enjoy in Spain the public freedoms guaranteed in title I of the Constitution, and article 27 of the Civil Code stated that foreigners should enjoy in Spain the same civil rights as Spanish nationals, except as otherwise provided in special laws or treaties. The principle of non-discrimination was also expressed elsewhere in very specific terms, for instance in article 32, paragraph 1, concerning the complete legal equality of men and women, and in article 39, paragraph 2, concerning the full protection of children.

25. The provisions of the Constitution designed to provide full equality before the law were being prepared on the basis of a reform of previous legislation. The Penal Code had been amended so as to abolish or amend laws which had discriminated against women in such matters as differential penal treatment of spouses for adultery (Act No. 22/1978), prohibition of the sale of contraceptives or birth control devices (Act No. 45/1978) or the legal age for penal protection of women in case of sexual offences (Act No. 46/1978). The Civil Code would be amended with regard to parental authority and marriage law in order to give women equality with men, and another reform of the Civil Code was being drafted to ensure equal rights for children born in or out of wedlock. The Danger to Society Act had been amended to exclude from its scope homosexual acts between consenting adults.

26. Where the gipsy population was concerned, an Interministerial Commission had been established under Royal Decree No. 250/1979 to study problems affecting that community with a view to preventing any form of discrimination or exclusion.

27. With regard to measures to give effect to the rights recognized in the Covenant where not already provided for by existing legislative or other measures (art. 2, para. 2), the system established by the Constitution provided for three types of proceedings: firstly, ordinary jurisdictional proceedings in the courts which had jurisdiction over cases of every kind; secondly, proceedings on a priority, summary basis to obtain protection for the freedoms and rights recognized in articles 14 to 29, conducted in the ordinary courts (art. 53 of the Constitution), and habeas corpus proceedings to bring before the court immediately any person unlawfully detained (art. 17); thirdly, proceedings in the Constitutional Court, which heard appeals on the ground of unconstitutionality of laws regulating the exercise of such rights and freedoms (arts. 53 and 161) and appeals for protection of the freedoms and rights referred to in articles 14 to 30 (arts. 53 and 161). Until such time as those proceedings were provided for in organic laws, the legal protection of individual rights was secured by means of the proceedings provided for in Act No. 62/1978, entitled "Judicial Protection of the Fundamental Rights of the Individual", which had been supplemented by Royal Decree No. 242/1979.

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(Mr. Morenilla Rodríguez, Spain)

27a. The equality of men and women, proclaimed in article 3 of the Covenant, was a corollary of the principle of non-discrimination and, as such, was embodied in the Constitution.

28. With regard to article 4 of the Covenant, the possibility of public emergencies which would necessitate measures suspending the exercise of fundamental rights had been provided for in article 55 of the Constitution, which, together with article 116, provided for the suspension of certain rights "when a state of emergency or state of siege is declared as provided for in the Constitution". The rights the exercise of which could be suspended related to freedom of person, inviolability of the domicile, privacy of communications, freedom of residence and movement, freedom of expression and freedom to impart and receive information, as well as the right of assembly, the right to strike and the right of workers and management to take collective action in case of dispute. Article 55 also provided that even under a state of emergency the right of a detained person to be informed of the reasons for his detention, his right not to be required to make a statement and his right to be assisted by counsel were maintained.

29. Other rights could not be suspended, which meant that article 4, paragraph 2, of the Covenant was complied with. In that regard, it should be noted that articles 6, 7, 8 (paras. 1 and 2), 11, 15 and 18 of the Covenant corresponded to articles 16 (right to life and prohibition of torture), 10 (personal dignity), 25 (principle of legality, rehabilitative character of imprisonment and prohibition of administrative penalties involving deprivation of liberty), 25 (non-retroactivity of penal laws) and 16 (freedom of thought) of the Constitution.

30. The conditions under which rights might be suspended were laid down in article 116 of the Constitution, which stated that an organic law should govern states of alert, emergency and siege. Article 53, paragraph 2, provided for a special form of "individual" suspension of the rights to a time-limit on detention pending trial, to inviolability of the domicile and to privacy of communications (art. 17, para. 2, and art. 18, paras. 2 and 3, of the Covenant) in connexion with investigations into the acts of armed bands or terrorist groups. That suspension would have to be governed by an "organic law", which would define the form and the cases of suspension, with the necessary judicial intervention and suitable parliamentary control. It was expressly stipulated that any unjustified use or abuse of the powers conferred by the organic law would entail criminal liability.

31. In relation to article 6 of the Covenant, the right to life was recognized in article 15 of the Constitution, which also abolished the death penalty, except as might be otherwise provided by military criminal laws in time of war. Under Royal Legislative Decree No. 45/1978, the Code of Military Justice, the Criminal and Procedural Law of Aerial Navigation and the Criminal and Disciplinary Law of the Merchant Marine had been reformed, the death penalty being replaced by 30 years' imprisonment, which was the maximum duration of the penalty of rigorous imprisonment provided for in the Penal Code.

32. With regard to article 7 of the Covenant, the prohibition of torture or of

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(Mr. Morenilla Rodríguez, Spain)

cruel, inhuman or degrading punishment or treatment was expressly formulated in article 15 of the Constitution. Moreover, Act. No. 31/1978 had changed the Penal Code by introducing the crime of torture as a specific offence committed by public authorities or officials or prison officials who performed or allowed others to perform, acts that were an affront to an individual's physical or moral integrity for the purpose of obtaining a confession or testimony.

33. With respect to article 8, paragraphs 1 and 2, of the Covenant, the Constitution contained no provision prohibiting slavery or servitude. The general principle reflected in article 10 of the Constitution, which proclaimed the dignity of the individual, his inherent rights and the free development of his personality, made such a declaration unnecessary. In any case, the reference in article 10, paragraph 2, to the Universal Declaration of Human Rights and the relevant treaties ratified by Spain served to dispel any doubt with regard to that matter.

34. The prohibition of forced labour referred to in article 8, paragraph 3 (a) and (b) of the Covenant was expressly formulated in article 25, paragraph 2, of the Constitution. Furthermore, the draft General Penal Institutions Act stipulated that work would be considered a right and a duty of the prisoner and would not be used as a corrective measure or in such a way as to constitute an affront to the prisoner's dignity. Concerning work or services which, according to article 8, paragraph 3 (c), of the Covenant, were not considered forced or compulsory labour, article 30, paragraph 2, of the Constitution established that the law would determine the military obligations of Spaniards and would regulate, with the proper safeguards, conscientious objection as well as other grounds for exemption from compulsory military service. Article 30 also provided for the establishment of a civil service to pursue objectives which were in the general interest, and for the regulation of the duties of citizens in cases of grave danger, disaster or public calamity.

35. Article 17 of the Constitution contained, in substance, the provisions of article 9, paragraphs 1, 2 and 3, of the Covenant. A reform of the Criminal Procedure Act was under way which would bring it into conformity with those principles and establish the habeas corpus procedure. The assistance of a lawyer for a detained person in police and judicial proceedings was guaranteed (art. 17, para. 3 of the Constitution).

36. The right to take proceedings before a court, referred to in article 9, paragraph 4, of the Covenant, was fully regulated in the existing Criminal Procedure Act. Also, Act No. 62/1978 covered legal protection against illegal arrest.

37. The right to compensation mentioned in article 9, paragraph 5, of the Covenant would be expressly regulated in a law currently being formulated. In existing legislation, compensation for injury caused by illegal arrest fell within the purview of penal law, since those who caused such injury were guilty of offences as covered by articles 184 to 188 of the Penal Code (included among offences committed by public officials against the exercise of human rights

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(Mr. Morenilla Rodríguez, Spain)

recognized by law) or by articles 480 to 483 of that Code ("illegal arrest") when the arrest was carried out by private persons. According to article 19 of the Penal Code, any person criminally responsible for an offence also bore civil responsibility, and that civil responsibility included compensation for the injury caused.

38. With reference to article 10, paragraphs 1 and 2, of the Covenant, he said that the treatment of persons deprived of their liberty was included in the general principle enunciated in article 7 of the Covenant and recognized in the relevant article of the Constitution, which prohibited cruel, inhuman or degrading punishment or treatment. Moreover, article 25, paragraph 2, of the Constitution provided that persons sentenced to imprisonment should enjoy fundamental rights, except for those which had been expressly limited by the content of the sentence, the sense of the penalty and prison law, and that, in any case, they should be entitled to paid employment and to the corresponding social security benefits, as well as to access to culture and to the over-all development of their personalities.

39. Furthermore, the draft of the General Penal Institutions Act had incorporated almost word for word the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on Prevention of Crime and Treatment of Offenders. Also, the Criminal Procedure Act of 1882 established that arrest, as well as remand in custody, should be effected in such a way as to do as little harm as possible to the person and the reputation of the accused, and that his liberty should be restricted only to the extent absolutely necessary to ensure his presence and prevent communications which might prejudice the preparation of the case. Furthermore, the Penal Code specified abuses committed by prison officials with respect to arrested persons (arts. 187, 387 and 204 bis).

40. Article 25 of the Constitution established that the penalty of deprivation of liberty and the security measures taken should be directed toward re-education and rehabilitation, in accordance with article 10, paragraph 3, of the Covenant.

41. With respect to article 11 of the Covenant, prison sentences could be imposed only on convicted persons, according to article 25 of the Constitution. Under article 1 of the Penal Code, only acts punishable by law constituted criminal offences. In Spanish penal legislation, the insolvency of a debtor, except when fraudulent, did not constitute an offence; under article 25 of the Constitution, administrative sanctions involving deprivation of liberty could not be imposed, and Royal Legislative Decree No. 6/1977 established that the requirement of secondary personal liability did not arise in the case of failure to pay fines imposed for acts contrary to public policy.

42. With regard to article 12 of the Covenant, he said that liberty of movement and freedom to choose one's residence were recognized in article 19 of the Constitution.

43. With regard to article 13 of the Covenant, Spanish legislation provided for the expulsion of foreigners from the national territory as a security measure to

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(Mr. Morenilla Rodríguez, Spain)

be imposed on persons declared "socially dangerous" by judicial sentence in the presence of both parties to the action and with all procedural guarantees.

44. The procedural guarantees recognized in article 14 of the Covenant were embodied in article 24 of the Constitution; furthermore, various articles of the Constitution proclaimed equality before the law; the Criminal Procedure Act, which recognized the majority of those rights, would be reformed to make it consistent with the Constitution and the Covenant in the few instances where they did not coincide.

45. Although article 21, paragraph 1, of the Constitution was drawn up in terms similar to those of article 15, paragraph 1, of the Covenant, the principle of the non-retroactivity of unfavourable criminal law was stricter in the Constitution, as could be seen in article 9, paragraph 3. Furthermore, article 24 of the Penal Code established that penal laws would be retroactive when they favoured the defendant. Act No. 46/1977 had granted amnesty for crimes or offences of a political nature committed before 15 December 1976.

46. With regard to article 16, it should be noted that the principle laid down in that article was recognized in article 29 of the Civil Code, which stated that "birth determines legal personality", and that article was supplemented by article 32 of the Code, which stated that "civil personality shall cease upon the death of the individual".

47. The rights laid down in article 17 were similarly phrased in article 18, paragraph 1, of the Constitution; the use of information was restricted under paragraph 4 of that article. Protection of those rights was dealt with in articles 191 to 193 and 453 to 457 of the Penal Code, the Act on the Jurisdictional Protection of the Fundamental Rights of the Individual, and Royal Decree No. 342/1979.

48. In article 16 of the Constitution, provision was made for freedom of thought, conscience and religion in terms similar to article 18, paragraph 1, of the Covenant. The prohibition of coercion, to which reference was made in paragraph 2 of that article, was provided for in the Penal Code (arts. 205 and 207). According to article 16, paragraph 3, of the Constitution, there was no State religion. The obligation laid down in article 18, paragraph 4, of the Covenant was reflected in article 27, paragraph 3, of the Constitution.

49. With regard to article 19 of the Covenant, he pointed out that freedom of opinion was part of the ideological freedom guaranteed in article 16, paragraph 1, of the Constitution; all forms of freedom of expression were provided for in article 20 of the Constitution, with some restrictions which coincided with those mentioned in article 19, paragraph 3, of the Covenant. For example, under Act No. 48/1978, matters, acts, documents, information, data and objects, knowledge of which on the part of unauthorized persons could be detrimental or dangerous to State security and defence could be declared classified; such classification would be the exclusive responsibility of the Council of Ministers and the Council of the Chiefs of Staff, in their respective spheres of competence.

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(Mr. Morenilla Rodríguez, Spain)

50. With regard to article 20 of the Covenant it should be pointed out that, under the Penal Code, propaganda of any kind engaged in by Spaniards inside or outside the national territory was punishable as an "illegal propaganda" offence if its purpose was the violent subversion or destruction of the legal, political, social or economic order, or undermining, by any means, of the sovereignty, unity and independence of the country, its territorial integrity, and national security. The same applied to propaganda encouraging discrimination on grounds of race, religion, sex or property, and to propaganda made by persons who were subject to an international discipline and who proposed to establish a totalitarian system.

51. The right of assembly, to which reference was made in article 21 of the Covenant, was recognized in article 21 of the Constitution. According to the Penal Code the following types of assembly were unlawful: those which by virtue of their purpose or circumstances were contrary to public morals; those held for the purpose of committing a crime; those held with any of the purposes enumerated in article 172, paragraph 3, of the Penal Code; and those attended by a large number of persons with weapons, explosives, or objects of an offensive or any other dangerous nature. Articles 167 to 172 of the Penal Code contained regulations governing participation in meetings or demonstrations; moreover, a bill designed to establish regulations governing that right in conformity with the principles of the Constitution and the Covenant was under consideration.

52. The rights laid down in article 22 of the Covenant were recognized in articles 23 and 28 of the Constitution, which also specified their limits. As had already been stated, earlier legislation had been amended in order to give effect to that right. Article 1 of Act No. 62/1978 also dealt with the right of assembly and freedom of association.

53. The protection of the family, which was dealt with in article 23 of the Covenant, was guaranteed in article 39, paragraph 1, of the Constitution; article 32, paragraphs 1 and 2, of the Constitution concerned marriage. The equality of spouses in marriage had already been recognized in a law of 2 May 1975, which was of a provisional nature pending the adoption of new rules concerning the economic régime for married persons. For that purpose, the Government had submitted to the Cortes a bill on the matrimonial régime in the Civil Code and the resulting legislation would be based on the principle of freedom of contract and, in the absence of a contract, on freedom of joint administration and disposal of property, and it would make the grounds for dissolution and liquidation of the partnership more flexible and would completely abolish the dowry, since it was considered anachronistic and discriminatory against women.

54. Referring to article 24 of the Covenant, he said that article 39, paragraph 4, of the Constitution dealt with the protection of children which, moreover, had always been the subject of special legislation. The age for criminal responsibility was set at 16 and over, and persons below that age were not regarded as criminals when they committed criminal acts, but were subjected to corrective measures of a tutelary nature ordered by a special court. Article 12 of the Constitution set the age for civil responsibility at 18 years and over.

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(Mr. Morenilla Rodríguez, Spain)

The new legislative reforms were designed to ensure legal equality among children, regardless of their parentage, and to ensure assistance of all kinds for children born in or out of wedlock while they were minors.

55. The rights set forth in article 25 of the Covenant were recognized in article 3 of the Constitution in almost identical terms. Act No. 1/1977 had established that deputies were to be elected by universal suffrage, and subsequently new electoral rules had been formulated; which had been applied in the referendum of 6 December 1978, in the general elections of 1 March 1979 and the local elections of 3 April 1979.

56. With regard to article 27 of the Covenant, it should be noted that in Spain there were no ethnic, religious or linguistic minorities in the sense of groups numerically inferior to the rest of the population of the State to which they belong and having cultural, physical or historical features, a religion or a language differing from those of the rest of the population. On the other hand, there were nationalities and regions that formed part of the Spanish nation, and whose rights were recognized and guaranteed in article 2 of the Constitution. Those nationalities and regions were the result of historical processes similar to those that had taken place in other European States; they were not ethnic or linguistic minorities that were subjected to discrimination but were historically distinct groups, with an awareness of their special characteristics, that had settled from the outset in extensive territories where they formed the majority of the population and the predominant cultural and economic nucleus with their own language, which differed from the "official" Castilian language. In his first message, on 22 November 1975, King Juan Carlos I had stated his determination to achieve a just order, equal for all, that would make it possible to recognize, within the unity of the Kingdom and the State, special regional characteristics reflecting the variety of peoples that constituted the reality of Spain.

57. Subsequent Spanish legislation had sought, by means of effective legal protection that respected individuality, to solve the question of coexistence within the State of different peoples satisfactorily. Title VIII of the Constitution made arrangements concerning the status of the autonomous communities in the light of the rights recognized in article 2. With regard to the protection of the various languages spoken in the Spanish State, article 3 of the Constitution was sufficiently clear.

58. In conclusion, he stressed that Spain was endeavouring to comply with the Covenant and to guarantee effective enjoyment of the rights recognized in the Constitution, which basically coincided with those set forth in the Covenant. Nevertheless, much remained to be done and, by means of intensive legislative work, efforts would be made to complete the development of the Constitution and establish legal machinery and institutions that would provide an effective guarantee for fundamental rights.

59. Mr. BOUZIRI said that he knew Spain and the Spanish people very well and he could testify that in that country an extremely important change had taken place. The transition from autocracy to genuine and complete democracy had, none the

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(Mr. Bouziri)

less, taken place in a peaceful manner, deserving of the great admiration of those who had witnessed that process. Although it had been said that much remained to be done, considerable achievements had already been recorded, and it was even possible to speak in terms of a revolution. That far-reaching change in the Spanish situation had enabled the Spanish people to enjoy all the rights set forth in the Covenant.

The meeting rose at 1.05 p.m.