



SEVENTH SESSION

DENIAL OF HUMAN RIGHTS IN EASTERN EUROPE

Report introduced at the 86th Meeting of the
Plenary Assembly, on December 9, 1960, held
in New York, by Mr. Boleslaw Biega (Poland),
Rapporteur

Albania
Bulgaria
Czechoslovakia
Estonia
Hungary
Latvia
Lithuania
Poland
Romania

On the occasion of the twelfth anniversary of the proclamation by the United Nations of the Universal Declaration of Human Rights, the Assembly of Captive European Nations seizes once again the opportunity to call the attention of the peoples of the free world to the undeniable fact of flagrant violation or outright denial of human rights and fundamental freedoms by the regimes in power in Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania.

The recognition and observance of human rights and freedoms by all the peoples and governments are prerequisites for the establishment of justice and peace in the world. To become a reality, the observance of the principles contained in the Universal Declaration of Human Rights must be enforceable and protected by law. To implement the principles of the Universal Declaration, the United Nations charged its Commission on Human Rights with the task of preparing a legal document, a covenant, in which the specific obligations of signatory powers would be spelled out. This Commission, after years of discussion, is still nowhere near the accomplishment of its task. Meanwhile, the appalling situation of the peoples oppressed by the Communist regimes, deprived of their rights to freedom and national independence, is allowed to continue unimpeded by the United Nations.

The primary and most consequential violation of human rights stems from the virtual denial of independence and sovereignty to each of the Soviet-subjugated countries. This fact results further in the annulment of the basic right of self-determination as well as the non-existence of legal and judicial safeguards to protect the rights and privileges of individuals.

ACEN Documents Nos. 236 - 244 (VII) Gen. recently issued present in detail the way in which the Communists seized power in each of the captive European countries, so this report will be limited only to a brief summary of the facts.

During the course of World War II, and since the cessation of hostilities, the government of the Union of Soviet Socialist Republics committed the following aggressive acts against the sovereign states of Central-Eastern Europe:

- (1) the Soviet Union entered into and carried out secret agreements with Hitler's Germany to destroy the political independence and territorial integrity of Estonia, Latvia, Lithuania, Poland and Romania;
- (2) she invaded, with armed forces, the territories of Estonia, Latvia and Lithuania, imposed upon them governments subservient to Moscow, and forcibly incorporated these states into the Soviet Union;
- (3) by means of military force, fraud and terror, she imposed Communist regimes subservient to Moscow on Poland, Romania, Hungary, Bulgaria and Albania;
- (4) by subversion and threat of force she staged a coup d'etat in Czechoslovakia and enforced upon that country a Communist regime servile to Moscow, and a Soviet system.

The subjugation of nine sovereign nations has created the situation in which the Communist regimes are in a position to keep these nations in bondage, to deprive their peoples of fundamental rights and subject them to ruthless colonial exploitation.

In every single case the Soviets achieved their goal by the use of force and fraud, in violation of international law and obligations under the United Nations Charter, thus creating a situation precluding the establishment of a just and durable peace in the world.

The captive European Nations are ruled by totalitarian regimes that flagrantly disregard the human rights of personal and political freedoms and the will of the nations to elect governments of their own choosing.

These undeniably established facts lead to an obvious conclusion, that the peoples of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania are captive peoples, deprived of the right to full self-determination, that the regimes in power in these countries do not represent the will of the nations and that the representatives now seated in the United Nations have no right to speak there in their name. The speedy restoration to these nations of their right to full independence is due to them in the name of justice and in the interest of universal peace.

Passing now to the problem of the rights of the individual as they are defined in the Universal Declaration and their non-observance or violation by the regimes in the captive countries, it is necessary first to observe that there is a striking difference between the theory of granting the rights and the practice. The Communists have introduced in all the countries constitutions patterned on the Constitution of the Soviet Union. The constitutions apparently present surprisingly elaborate Bills of Rights not dissimilar to those of Western democracies. At the same time, certain provisions of some constitutions provide for the fundamental denial of these rights and privileges

to the majority of the population for, in effect, they deny any rights to citizens who do not agree with the official doctrine and aims of the Communist Party, who is the de facto ruler and de jure leader of the state, and, as everyone knows, they are a small minority of the population. For example, Article 4 of the new Czechoslovak Constitution of July 11, 1960, reads: "The vanguard of the working class, the Communist Party of Czechoslovakia, which is a voluntary militant union of the most active or politically mature citizens from the ranks of the workers, the peasants, and the intelligentsia, is the leading force in the community and in the state."

The implementation and protection of human rights is still further invalidated by a common, ambiguously formulated provision in the Constitution specifying that the rights and privileges of individuals may be suspended should the progress towards "socialism" and "classless society" necessitate such action by the government. Moreover, any human rights are countermanded by the terms and definitions of the laws, decrees, executive orders, judicial decisions and other official directives implementing the provisions of the constitutions.

This pattern of violations of human rights is very similar in all the nine captive countries of Central Eastern Europe. Occasional differences are due to the variety of economic and social conditions of the particular country and only in a negligible degree to the internal political situation (such as in Poland).

Even though the Communist regimes often present a restriction of the rights of individuals as a temporary measure, necessitated by the doctrine or a similar ideological excuse, past evidence proves quite the opposite. The deprivation of basic guarantees of political, economic and social rights of individuals have a tendency to be permanently entrenched in the legislation and practice. Deviations from this trend are temporary only, a passing spell, to bridge over a period of some internal trouble as, for instance, after the Hungarian revolution and the Polish uprising in the autumn of 1956.

Although the methods of outright terror and oppression of the Stalinist period underwent a change towards a more liberal attitude, nevertheless, the peoples in the captive countries are still deprived of most of the rights and freedoms to which they are entitled. The Communist regimes press upon them the sovietization of their life in all its aspects, despite their brave and determined resistance.

Each of the rights listed in the Universal Declaration is important and precious to everyone, but the privation of some of them is especially vexing from the individual point of view and dangerous from the point of view of national survival, of the preservation of national character. And it is precisely these rights that are most frequently and grossly violated by the Communist regimes of our nations. These rights are, in addition to the right of self-determination and the right to choose the form of government under which one wants to live, the following: the right to life, liberty and security of person; equality before the law; freedom from arbitrary arrest,

detention or exile; the presumption of innocence until proven to be guilty; freedom of movement and residence; the right to own property; freedom of thought, conscience and religion; freedom of opinion and expression; the right to freedom of peaceful assembly and association; the right to work and to free choice of employment; the right to form and join trade unions.

Every one of the above listed rights is essential for the formation of a democratic society, all of them are basic for mankind to feel and to be free. All of them are either non-existent in the captive countries or so restricted as to be meaningless. No cynical denials by the violators and culprits of these charges of oppression of facts, even when presented with irrefutable proof of their guilt, can change the reality of the crimes being committed by the Communists against the nations of Central Eastern Europe.

The purpose of this report is to introduce the subject of the general aspect of the denial or violation of human rights in the countries behind the Iron Curtain. The speakers representing each delegation to the Assembly of Captive European Nations will present the situation in their countries in more detail; in this way, by the end of the debate, the picture will be complete.

The rapporteur, being also the speaker for the Polish Delegation, before proceeding to draw conclusions arising from the general situation created by the denial or violation of human rights in the countries of Central Eastern Europe, will briefly present the actual situation in Poland.

It is generally known and admitted that at present the Polish pattern of violations of the fundamental rights and freedoms differs in more than one way from that of the rest of the countries concerned.

But, first it must be said that the dichotomy between the guarantees of freedoms written in the Constitution and practice in Poland is similar to that in other countries. There may be a difference in degree but not in substance. After a period of "liberalization" and "thaw" after October 1956, came the times of retrogression and the tightening of screws. However, several of the gains obtained by the Polish nation during the "thaw" are still there.

Let us take one by one the most essential rights as listed above and see how the Poles fare by them.

1. The Right to Life, Liberty and Security. On that score the situation in Poland, if far from satisfactory, is fairly bearable. The police terror has been liquidated and so far has not returned. The police and administrative pressure is an evil of a totalitarian regime, but the excesses are curbed and the independence of the judiciary is extensive but not complete. The Communist Party and its directives are always the ultima ratio, as under every Communist regime, used, however, in Poland with more discretion than elsewhere.

2. Arbitrary arrests and detentions do not plague the population, the air is easier to breathe.

3. The principle of the presumption of innocence until proven to be guilty is a notion alien to a police state. Therefore, that right is violated outright.

4. Freedom of movement and residence is restored, with the exception of restrictions on residence in certain areas on account of housing shortage. This, however, gives ample possibilities to the state administration for abuse and is often used as a pretext for pressure on opponents of the regime.

5. The right to own property is not denied, although with regard to land, it is limited. The independent peasant holds his own, so does the small artisan in his workshop, but they are under constant pressure of over-taxation, arbitrary and ruthless. Here their rights are manifestly violated.

6. Freedom of opinion and expression are severely curbed or suppressed by censorship and state monopoly of all publishing and all media of spreading opinions and information.

7. Freedom of peaceful assembly is non-existent.

8. The right to work and free choice of employment are not denied, although greatly curtailed through the so-called discipline of work.

9. The right to form trade unions is simply theoretic. The trade unions are under Communist Party control and serve as instruments of the government to discipline the workers and not as organizations to defend workers' rights.

10. Freedom of Conscience and Religion. This is a very special chapter of Polish life. After October 1956, the Catholic Church and the regime arrived at an agreement creating a sort of modus vivendi. Most of the imprisoned priests and prelates were freed, religious instruction was re-introduced in the schools, the state authorities ceased to interfere with the Church Administration. The Communist regime was forced by circumstances and the attitude of the whole nation to desist from the persecution of the Church, practised before October 1956. But the Communist Party by the nature of its doctrine cannot remain indifferent to the influence of religion on national life. The harassment of the Church, by all possible means, returned a long time ago. The uneasy arrangement of the modus vivendi is not yet broken, but it is getting more and more difficult to carry out. The freedom of religion in Poland is becoming constantly less realistic.

To sum up, one has to say that the denial or violations of human rights in Poland, although less harsh and less obvious than in the other countries, still is a reality.

After this digression into Polish affairs, let us return to our general considerations.

It should be remembered that it is again another anniversary of the proclamation of the Universal Declaration of Human Rights and the free world

should be reminded that one hundred million Europeans in Central Eastern Europe and over a billion people are forced to live under Communist domination to whom the rights inscribed in that Charter are denied. Being deprived of these rights, all these peoples are not members of the human family whose life is built on the foundation of freedom, but are second-class human beings, the enslaved peoples.

Their oppressors have the impudence to introduce in the United Nations the motion calling for granting forthwith complete independence and freedom to all colonial countries. When reminded of their own newly built colonial empire governed with a tyrannical hand and unprecedented cruelty, they raise well-staged angry protests. It has been shown in this report by what treacherous means the Soviets gained the upper hand in the captive countries and it is to be believed that no one is impressed or deceived by their protestations. If it is so, there is hope that the free nations, old and new, will take up the rightful cause of those who, with long tradition of independence, now have the misfortune of having lost their rights and freedoms.

It is perhaps a good omen that at the time when this report is being prepared the General Assembly of the United Nations is discussing a text of a declaration, sponsored mainly by newly freed nations, which, among other considerations, brings out the following points:

Alien rule or exploitation of peoples violates human rights and the United Nations Charter and is harmful to world peace and cooperation.

All peoples have the right to full self-determination, politically, socially and economically.

All armed action or repressive measures of any kind against dependent peoples must cease and the integrity of their national territory must be respected.

If the General Assembly of the United Nations adopts the declaration containing the above principles, there would be a new hope for the peoples of the captive nations that their inalienable rights will be restored to them through the directives and insistence of that Organization.