

CHARTER 77: FOUNDING DECLARATION¹

In the Czechoslovak Collection of Laws, no. 120 of 13 October 1976, texts were published of the International Covenant on Civil and Political Rights, and of the International Covenant on Economic, Social and Cultural Rights, which were signed on behalf of our Republic in 1968, were confirmed at Helsinki in 1975 and came into force in our country on 23 March 1976. From that date our citizens have the right, and our state the duty, to abide by them.

The human rights and freedoms underwritten by these covenants constitute important assets of civilised life for which many progressive movements have striven throughout history and whose codification could greatly contribute to the development of a humane society.

We accordingly welcome the Czechoslovak Socialist Republic's accession to those agreements.

Their publication, however, serves as an urgent reminder of the extent to which basic human rights in our country exist, regrettably, on paper only.

The right to freedom of expression, for example, guaranteed by article 19 of the first mentioned covenant, is in our case purely illusory. Tens of thousands of our citizens are prevented from working in their own fields for the sole reason that they hold views differing from official ones, and are discriminated against and harassed in all kinds of ways by the authorities and public organizations. Deprived as they are of any means to defend themselves, they become victims of a virtual apartheid.

Hundreds of thousands of other citizens are denied that 'freedom from fear' mentioned in the preamble to the first covenant, being condemned to live in constant danger of unemployment or other penalties if they voice their own opinions.

In violation of article 13 of the second-mentioned covenant, guaranteeing everyone the right to education, countless young people are prevented from studying because of their own views or even those of their parents. Innumerable citizens live in fear that their own or their children's right to education may be withdrawn if they should ever speak up in accordance with their convictions. Any exercise of the right to 'seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print' or 'in the form of art', specified in article 19, paragraph 2 of the first covenant, is punished by extrajudicial or even judicial sanctions, often in the form of criminal charges as in the recent trial of young musicians.

Freedom of public expression is repressed by the centralized control of all the communications media and of publishing and cultural institutions. No philosophical, political or scientific view or artistic expression that departs ever so slightly from the narrow bounds of official ideology or aesthetics is allowed to be published; no open criticism can be made of abnormal social phenomena; no public defence is possible against false and insulting charges made in official propaganda; the legal protection against 'attacks on honour and reputation' clearly guaranteed by article 17 of the first covenant is in practice non-existent; false accusations cannot be rebutted and any attempt to secure compensation or correction through the courts is futile; no open debate is allowed in the domain of thought and art. Many scholars, writers, artists and others are penalised for having legally published or expressed, years ago, opinions

¹ Prague, 1 January 1977.

which are condemned by those who hold political power today.

Freedom of religious confession, emphatically guaranteed by article 18 of the first covenant, is systematically curtailed by arbitrary official action; by interference with the activity of churchmen, who are constantly threatened by the refusal of the state to permit them the exercise of their functions, or by the withdrawal of such permission; by financial or other measures against those who express their religious faith in word or action; by constraints on religious training and so forth.

One instrument for the curtailment or, in many cases, complete elimination of many civic rights is the system by which all national institutions and organizations are in effect subject to political directives from the apparatus of the ruling party and to decisions made by powerful individuals. The constitution of the Republic, its laws and other legal norms do not regulate the form or content, the issuing or application of such decisions; they are often only given out verbally, unknown to the public at large and beyond its powers to check; their originators are responsible to no one but themselves and their own hierarchy; yet they have a decisive impact on the actions of the lawmaking and executive organs of government, and of justice, of the trade unions, interest groups and all other organizations, of the other political parties, enterprises, factories, institutions, offices, schools, and so on, for whom these instructions have precedence even before the law.

Where organizations or individual citizens, in the interpretation of their rights and duties, come into conflict with such directives, they cannot have recourse to any non-party authority, since none such exists. This constitutes, of course, a serious limitation of the right ensuing from articles 21 and 22 of the first-mentioned covenant, which provides for freedom of association and forbids any restriction on its exercise, from article 25 on the equal right to take part in the conduct of public affairs, and from article 26 stipulating equal protection by the law without discrimination. This state of affairs likewise prevents workers and others from exercising the unrestricted right to establish trade unions and other organizations to protect their economic and social interests, and from freely enjoying the right to strike provided for in para. 1 of article 8 in the second-mentioned covenant.

Further civic rights, including the explicit prohibition of 'arbitrary interference with privacy, family, home or correspondence' (article 17 of the first covenant), are seriously violated by the various forms of interference in the private life of citizens exercised by the Ministry of the Interior, for example, by bugging telephones and houses, opening mail, following personal movements, searching homes, setting up networks of neighbourhood informers (often recruited by illicit threats or promises) and in other ways. The ministry frequently interferes in employers' decisions, instigates acts of discrimination by authorities and organizations, brings weight to bear on the organs of justice and even orchestrates propaganda campaigns in the media. This activity is governed by no law and, being clandestine, affords the citizen no chance to defend himself.

In cases of prosecution on political grounds the investigative and judicial organs violate the rights of those charged and of those defending them, as guaranteed by article 14 of the first covenant and indeed by Czechoslovak law. The prison treatment of those sentenced in such cases is an affront to human dignity and a menace to their health, being aimed at breaking their morale.

Paragraph 2, article 12 of the first covenant, guaranteeing every citizen the right to leave the country, is consistently violated, or under the pretence of 'defence of national security' is subjected to various unjustifiable conditions (para.3). The granting of entry visas to foreigners is also handled arbitrarily, and many are unable to visit Czechoslovakia merely because of professional or personal contacts with those of our citizens who are subject to discrimination.

Some of our people – either in private, at their places of work or by the only feasible public channel, the foreign media – have drawn attention to the systematic violation of human rights and democratic freedoms and demanded amends in specific cases. But their pleas have remained largely ignored or been made grounds for police investigation.

Responsibility for the maintenance of civic rights in our country naturally devolves in the first place on the political and state authorities. Yet, not only on them: everyone bears his share of responsibility for the conditions that prevail and accordingly also for the observance of legally enshrined agreements, binding upon all citizens as well as upon governments. It is this sense of co-responsibility, our belief in the meaning of voluntary citizens' involvement and the general need to give it new and more effective expression that led us to the idea of creating Charter 77, whose inception we today publicly announce.

Charter 77 is a free informal, open community of people of different convictions, different faiths and different professions united by the will to strive, individually and collectively, for the respect of civic and human rights in our own country and throughout the world – rights accorded to all men by the two mentioned international covenants, by the Final Act of the Helsinki conference and by numerous other international documents opposing war, violence and social or spiritual oppression, and which are comprehensively laid down in the United Nations Universal Declaration of Human Rights.

Charter 77 springs from a background of friendship and solidarity among people who share our concern for those ideals that have inspired, and continue to inspire, their lives and their work.

Charter 77 is not an organisation; it has no rules, permanent bodies or formal membership. It embraces everyone who agrees with its ideas, participates in its work, and supports it. It does not form the basis for any oppositional political activity. Like many similar citizen initiatives in various countries, West and East, it seeks to promote the general public interest. It does not aim then, to set out its own programmes for political or social reforms or changes, but within its own sphere of activity it wishes to conduct a constructive dialogue with the political and state authorities, particularly by drawing attention to various individual cases where human and civil rights are violated, by preparing documentation and suggesting solutions, by submitting other proposals of a more general character aimed at reinforcing such rights and their guarantees, and by acting as a mediator in various conflict situations which may lead to injustice and so forth.

By its symbolic name Charter 77 denotes that it has come into being at the start of a year proclaimed as the Year of Political Prisoners – a year in which a conference in Belgrade is due to review the implementation of the obligations assumed at Helsinki.

As signatories, we hereby authorize Professor Dr. Jan Patočka, Vaclav Havel and Professor Jiri Hajek to act as the spokesmen for the Charter. These spokesmen are endowed with full authority to represent it vis-a-vis state and other bodies, and the public at home and abroad, and their signatures attest the authenticity of documents issued by the Charter. They will have us, and others who join us, as their co-workers, taking part in any needful negotiations, shouldering particular tasks and sharing every responsibility.

We believe that Charter 77 will help to enable all the citizens of Czechoslovakia to work and live as free human beings.