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Declaration of CHARTER '77

On 13.10.1976, there were published in the Codex of Laws of the ČSSR /no.120, an "International Pact on Civil and Political Rights" and an "International Pact on Economic, Social and Cultural Rights", which had been signed on behalf of Czechoslovakia in 1968, confirmed at Helsinki in 1975 and which came into force in our country on 23.3.1976. Since that time our citizens have had the right and our state the duty to be guided by them.

The freedoms and rights of the people guaranteed by these pacts are important factors of civilization for which , throughout history, many progressive forces have been striving and their enactment can be of great assistance to the humanistic development of our society. We therefore welcome the fact that the Czechoslovak Socialist Republic has expressed adherence to these pacts.

But their publication reminds us with new urgency how many fundamental civil rights for the time being are - unhappily - valid in our country only on paper. Completely illusory, for example, is the right to freedom of expression, guaranteed by article 19 of the first pact.

Tens of thousands of citizens are not allowed to work in their own branches simply because they hold opinions which differ from official opinions. At the same time they are frequently the object of the most varied forms of discrimination and persecution on the part of the authorities and social organizations; they are deprived of any possibility of defending themselves and are virtually becoming the victims of apartheid.

Hundreds of thousands of other citizens are denied the right to "freedom from fear" /preamble of the first pact/, because they are forced to live in constant danger that if they express their opinions they will lose their possibility to work and other possibilities.

In contradiction to article 13 of the second pact, guaranteeing to all the right to education, there are countless young people who are prevented from studying because of their opinions or even those of their parents. There are citizens without number who must live in the fear that if they express themselves according to their convictions, they themselves or their children would be deprived of the right to education.

The implementation of the right " to seek, receive and spread information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, or by means of art" /pt.2, art.13 of the first pact/ is subject to persecution, not only outside the courts but judicially too, often under the guise of criminal charges /as is borne out, among others, by the trials of young musicians now going on/.

Freedom of public expression is suppressed by the central direction of all information media and publishing and cultural activities. No political, philosophical or scientific opinions or artistic expression, differing in the slightest degree from the narrow framework of official ideology or aesthetics, can be published ; public criticism of social phenomena of the crisis is made

impossible ; publicly defending oneself against the untrue and insulting charges of official propaganda is rendered impossible,/legal protection against "attacks on honour and reputation" unambiguously guaranteed by article 17 of the first pact is in practice non-existent/ ; false accusations cannot be challenged and any effort to achieve rectification or amendment by judicial means is in vain ; in the sphere of spiritual and cultural creative work frank discussion is ruled out. Many scientific and cultural workers and other citizens are discriminated against just because some years earlier they legally published or openly expressed opinions which are condemned by temporary political power.

Freedom of religious conviction, emphatically guaranteed by article 18 of the first pact is systematically restricted by arbitrary power by the curtailment of the activities of the clergy who are constantly under the threat of the withholding or loss of state agreement with the execution of their office, threats against the means of existence and other reprisals of those who express their religious beliefs by word or deed, the suppression of the teaching of religion and so on.

What constitutes an instrument for the restriction and often for the complete suppression of a whole number of civil rights is the system of the virtual subjection of all institutions and organizations in the state to the political directives of the apparatus of the ruling party and the arbitrary decisions of the influential individuals. The constitution of the ČSSR and other laws and legal norms do not define either the content or form the establishment and application of such decisions ; they are mainly exercised behind the scenes, often only verbally, unknown to the citizens of the country and beyond their control ; their originators are responsible to no one but themselves and their hierarchy, although they have a decisive influence on the activity of legislative and executive organs of state administration, justice, trade union and various other social organizations, other political parties, enterprises, factories, institutes, offices, schools and other bodies, while their orders have priority even before the law. Should organizations or citizens in the exercise of their rights and duties come into conflict with a directive, they cannot turn to any impartial institutio because none exists. These are all serious restrictions of the rights arising from articles 21 and 22 of the first pact / the right to assembly and the banning of any kind of restriction of their exercise/, also article 25 / equal rights to share on the running of public affairs/ and 36 / the elimination of discrimination before the law/. This state of affairs also prevents workers and other working people from establishing tradeunion or other organizations and freely using the right to strike /point 1, article 8 of the second pact/.

Other civil rights, including the express banning of "arbitrary interference in private life, the family, home and correspondence" /art.17 of the first pact/, are hazardously violated by the fact, too, that the Ministry of Interior

by various means controls the life of citizens, for example by the "bugging" of telephones and flats, control of posts, a watch on persons, the searching of homes, the creation of a network of informers from the ranks of the population /often recruited by impermissible threats or, on the contrary, promises/ etc. Often it intervenes in the decision-making of employers, inspires discriminatory campaigns on the part of offices and organizations, influences organs of the judiciary and direct propaganda campaigns of the information media. This activity is not regulated by laws, it is carried out secretly and citizens have no defence against it.

In cases of politically motivated criminal proceedings, the investigating organs violate the rights of the accused and their defence counsels, guaranteed by article 14 of the first pact and by Czechoslovak legislation. In prisons persons thus sentenced are treated in a manner violating human dignity, their health is endangered and attempts are made to destroy them morally.

Also generally contravened is point 2 of article 12 of the first pact which guarantees citizens the right to leave their country freely, under the pretext of "protecting national security /pt.4/, this right is bound up with various impermissible conditions. There is an arbitrary approach, too, in the granting of entry visas to subjects of states, many of whom may not visit Czechoslovakia because, for example, they may have had working or friendly contact with persons who are discriminated against in our country.

Some citizens - either privately, at their places of work or publicly - this latter being virtually possible only in foreign information media - call attention to the systematic violation of human rights and democratic freedoms and, in concrete cases, demand rectification. But in the majority of cases there is no response to their appeals or they themselves are subjected to investigation.

Responsibility for the observance of civil rights in the country naturally falls, in the first place, on the political and state power. But not on it alone. Each and every one of us has a share of responsibility for the general situation and thus, too, for the observance of the pacts which have been enacted and are binding not only for the government but for all citizens.

The feeling of co-responsibility, faith in the idea of civic involvement and the will to exercise it and the common need to seek new and more effective means for it expression led us to the idea of setting up C H A R T E R '7 7, the origin of which we are publicly announcing today.

CHARTER 77 is a free, informal and open association of people of different convictions, different faiths and different professions, who are linked by the desire, individually or jointly, to insist on the respecting of civil and human rights in our country and throughout the world, rights recognised for man both by the enacted international pacts, the Final Act of the Helsinki Conference and many other international documents against wars, violence and social and spiritual oppression and which are expressed as a whole in the United Nations Declaration of Human Rights.

CHARTER 77 arose from the background of the solidarity and friendship of people who share concern for the fate of the ideals to which they have linked their life and work.

CHARTER 77 is not an organization, it has no statutes, no parmanent organs and no organised membership. Everyone who agrees with the idea behind it, participates in its work and supports it is its member.

CHARTER 77 is not a base for opposition political activity. It wants to serve the general interest like many similar examples of civic iniciative in various countries - West and East. It does not want to lay down its own programmes of political or social reforms or changes but to engage in the spheres of its activity in a constructive dialogue with political and state power, especially by calling attention to various concrete instances of the violation of human and civil rights, to prepare documentation on them, propose solutions, submit various general proposals aimed at deepening these rights and guaranteeing them and to act as intermediary in cases of conflicting situations which can evoke wrongful action, etc.

By its symbolic name, CHARTER 77 emphasises that it is coming into being on the threshold of the year which has been declared the year of the rights of political prisoners and in which the Belgrade Conference is to check up on the fulfilment of the pledges undertaken at Helsinki.

As signatories of this declaration we have entrusted Prof.Dr. Jiří Hájek DrSc., Václav Havel and Prof.Dr.Jan Patočka DrSc. h.c., with the role of spokesmen of CHARTER ´77. These spokesmen have full power to represent it before the state and other organizations abd before our people and the world public and to guarantee by their signatures the authenticity of its documents. We and other citizens who join us will be their fellow-workers who will take part with them in necessary negotiations, undertake partials tasks and will share with them all responsibility.

We believe that CHARTER 77 will contribute towards all citizens in Czechoslovakia working and living as free people.

1.1.1977

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Správa vyšetřování StB

Č.j.:VS-ČVS-3/120-1977

O B Á L K A

s listinným doličným materálem,který byl odňat dne 7.ledna 1977 prováděné domovní prohlídce u:

PETRÁNEK Jan,bytem Praha 3,Jičínská ul.,č.35

1.Zkouška písma psacího stroje značky CONSUL,výrobní číslo 7221032862

SPORNÝ MATERIÁL

2.Strojopisový průpis Prohlášení Charty 77 ze dne 1.1.1977,ve čtyřech vyhotovení,celkem 16/šestnáct/listů

Podle výpovědi shora uvedeného obdržel průpis Charty 77 od Jiřího HÁJKA a na vlastním psacím stroji a pro svou potřebu prý, uvedenou Charu 77 asi 4x nebo 5x rozmnožil

poř.čís.protokolu o provedení DP 1

3.Strojopisový průpis s názvem DECLARATION of CHARTER 77,ze dne 1.1.1977, ve trojím vyhotovení,celkem 12/dvanáct/listů/

Podle výpovědi shora uvedeného si provedl s původní Charty kterou obdržel překlad do angličtiny a na vlastním psacím stroji do angličtiny přepsal.

poř.čís.protokolu o provedení DP 2

4.VOLNÁ PŘÍLOHA

- jeden kufříkový psací stroj s pouzdrem-kufříkem,značky CONSUL,výrobní číslo 7221032862

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