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Seventh session

SUMMARY RECORD OF THE 153rd MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 31 July 1979, at 10.30 a.m.

Chairman: Mr. MAVROMATIS

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The meeting was called to order at 10.40 a.m.

ORGANIZATIONAL AND OTHER MATTERS (continued)

1. The CHAIRMAN said that any time-table for consideration of the Committee's agenda would have to be tentative because of such uncertainties as whether Barbados would send a representative in connexion with the submission of its report under item 4, and what progress would be made in the consideration of communications under item 6. He suggested that consideration of the report from Barbados should be postponed until the Committee's forthcoming session in New York, where, unlike in Geneva, that country had a Permanent Representative. He also suggested that a minimum of eight meetings should be devoted to consideration of communications. The officers of the Committee would, of course, monitor progress as the session proceeded.
2. Mr. TARNOPOLSKY said it was not certain whether the Committee would have a quorum when the time came to draft its annual report.
3. The CHAIRMAN said that if decisions taken with respect to communications were to be included in the report, they could be dealt with only in the last few days of the session.
4. Mr. MOVCHAN said that he had three specific requests to make. The first concerned agenda item 7. At all the sessions of the Committee, many different interpretations, suggestions, and wishes had been expressed regarding co-operation between the Committee and the specialized agencies, and he felt that the issue should be dealt with in the light of past experience. The relevant information in the annotations to the provisional agenda was not clear and even included misleading statements. He therefore suggested that the Secretariat should prepare a brief reference paper indicating which questions had not yet been dealt with, directly quoting the decisions which the Committee had already taken and giving the dates of those decisions. The aim would be to recapitulate the Committee's experience rather than to produce a legally binding document.
5. As to his second request, he observed that in discussing the draft rules of procedure, he had defended the Secretariat against any attempt to burden it with duties which were incompatible with its impartiality. The Secretariat should not, for example, be called upon to make subjective judgements as to whether States had behaved correctly. Unfortunately, there was still no proper understanding of what the Secretariat should or should not do, and it would be extremely helpful to have a document prepared by the Secretariat regarding its rights and obligations.
6. His third request related to the preparation of the Committee's annual report to the General Assembly. In the past, members had had insufficient time to make corrections. He therefore requested the Rapporteur to distribute the earlier parts of the report as soon as possible so that the last day of the session might be devoted to discussion of the later parts.

7. Sir Vincent EVANS said that he agreed with the comments made by Mr. Tarnopolsky and Mr. Movchan with respect to the annual report. It would be better to distribute the various parts as soon as they were prepared by the Secretariat so that they could be adopted earlier. He supported Mr. Movchan's request for a document indicating what matters were outstanding with respect to the question of co-operation between the Committee and the specialized agencies. He hesitated, however, to endorse the suggestion that the Secretariat should prepare a document indicating its rights and obligations. The Committee was a unique body and might frequently find itself asking the Secretariat to perform unusual tasks. Rather than straitjacket the Secretariat, it might be better to define the Secretariat's rights and duties empirically. The Committee and the Secretariat should act as a team with the common purpose of promoting human rights.

8. Mr. LALLAH, Rapporteur, referring to the suggestion that parts of the report should be considered during the session; observed that a great deal of work still had to be done with respect to the consideration of communications.

9. Mr. MOVCHAN said that his request regarding the order of discussion of the report was simply intended to facilitate the work of the Secretariat.

10. Mr. GRAEFERATH agreed with the previous speakers regarding the preparation of the report. He also agreed that it was a good idea to reflect on the rights and obligations of the Secretariat and did not consider that Mr. Movchan's suggestion had been intended to straitjacket the Secretariat. Even a team required a clear notion of its rights and obligations.

11. Mr. van BOVEN (Representative of the Secretary-General) said that the Secretariat would have no difficulty in complying with Mr. Movchan's request for a document concerning the Committee's co-operation with the specialized agencies. As to his request for a document setting out the Secretariat's rights and obligations, that was a far broader matter and touched upon the entire structure of the United Nations, although it was true that the Committee itself enjoyed a special status. He drew specific attention to article 36 of the Covenant under which the Secretary-General must provide the necessary staff and facilities for the effective performance of the functions of the Committee. However, that raised the very important question whether the Secretariat had been provided with the means to perform that task properly, given the fact that the representative of the Secretary-General had the right to attend the Committee's meetings and make statements. In any event, it would be impossible to prepare a paper on the Committee's rights and obligations before the end of the current session, but he assured members that the question would receive due attention.

12. The CHAIRMAN said it was his understanding that Mr. Movchan's suggestion regarding the Secretariat's rights and obligations related only to the outstanding rules of procedure and to those matters on which the Secretariat might be called upon to render subjective judgement. The question was whether the Secretariat felt it could deal with that aspect of the matter during the current session, while leaving the general issue to a later date.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT:
INITIAL REPORTS OF STATES PARTIES DUE IN 1977

Ukrainian Soviet Socialist Republic (CCPR/C/1/Add.34)

13. At the invitation of the Chairman, Mr. Kochubei (Ukrainian Soviet Socialist Republic) took a place at the Committee table.

14. Mr. KOCHUBEI (Ukrainian Soviet Socialist Republic) said that in the comparatively short period during which the Committee had been functioning since the entry into force of the International Covenant on Civil and Political Rights, it had established itself as one of the most authoritative bodies in the sphere of human rights and one which worked strictly in accordance with the provisions of the Covenant with the aim of securing the promotion and observance of, and respect for, human rights and freedoms. Credit for that achievement was, of course, due to the Chairman and all the members of the Committee, who were highly-qualified experts and in that capacity carried out their functions carefully, conscientiously and competently.

15. The procedure established on the basis of the provisions of the Covenant and applied by the Committee for the consideration of reports of States parties to that most important international legal instrument, concerning the fulfilment of the obligations they had assumed in the sphere of respect for civil and political rights, had stood the test of time and proved its viability. A willing and unprejudiced dialogue between the members of the Committee and the representative of States parties could be useful in generating ideas and the exchange of experience and thus contribute to the more effective implementation of the provisions of the Covenant by States parties, to the benefit both of individual citizens and of society as a whole. It was with great pleasure, therefore, that he submitted to the Committee for its consideration the report of the Government of the Ukrainian SSR on the steps it had taken to implement the Covenant (CCPR/C/1/Add.34). The persons who had drafted the report had endeavoured to meet all the requirements of the Covenant in accordance with the useful guidelines offered as to its form and content. He would simply like to add a few comments of a general nature on the implementation of the Covenant in his country and in particular to mention measures which had been adopted in that sphere since the submission of the report.

16. The Ukrainian SSR was, as members of the Committee knew, a sovereign soviet socialist State which had, on the basis of the self-determination of its people, joined with the other 14 soviet socialist republics to form a single united multinational State - the Union of Soviet Socialist Republics. The 325th anniversary of the union between the Ukraine and Russia had been celebrated in January 1979.

17. The legal status of the Ukrainian SSR and other republics of the union as sovereign socialist States was best illustrated by their right to representation in international relations. That was clearly shown in article 74 of the 1978 Constitution of the Ukrainian SSR, which affirmed the right of the Republic to conclude treaties with other States. International agreements signed by the

Ukrainian SSR, including the International Covenant on Civil and Political Rights, were implemented through domestic legislation and also through orders and decrees of the State authorities. The Government of the Ukrainian SSR was obliged to ensure the fulfilment of its international commitments but was free to choose the means by which that should be done - a concept fully in accord with the views of jurists the world over. The legislation of the Ukrainian SSR took full account of the Republic's international obligations and guaranteed compliance with them. Many of his country's codes of law contained clauses providing that, in the event of a divergence between the rules they contained and those contained in an international treaty or agreement signed by the USSR or by the Republic, the rules of the international agreement or treaty should apply in the territory of the Ukrainian SSR. Such a provision was, for example, contained in article 201 of the Ukrainian code on marriage and the family. That approach was fully in accord with the pacta sunt servanda principle, which was basic in international law, and contributed to the strengthening of international law and order.

18. As could be seen from the report before the Committee, the implementation of all the articles of the Covenant was ensured by the Ukrainian Constitution and other related legislation of the Republic, in accordance with article 2 of the Covenant.

19. Ever since the Great October Socialist Revolution, all workers and hence each individual in the Ukrainian SSR had been guaranteed freedom from oppression, exploitation and poverty, as the very basis of all other rights and freedoms; civil and political rights were founded upon social and economic rights. The enormous destruction, suffering and loss of life which the Second World War had caused in his country had convinced it of the need to support international peace and security, the relaxation of international tension and disarmament, and to oppose colonialism, racism, racial discrimination, apartheid, aggression and all forms of foreign domination. His country believed that only if those goals were secured would it truly be possible to guarantee human rights and fundamental freedoms. As a founder Member of the United Nations, and in accordance with the Charter, the Ukrainian SSR was playing an active part in international co-operation to secure respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. It had contributed to the formulation of the basic international legal instruments in the sphere of human rights, including the International Covenant on Civil and Political Rights, and had subsequently become a party to them.

20. In its report, the Ukrainian SSR had endeavoured to show as clearly as possible how it was implementing the provisions of the Covenant. Naturally, together with their rights and freedoms, Ukrainian citizens also had obligations, as was stated in article 57 of the Constitution. Ukrainian social activity was based on the principle of the harmonization of the interests of society as a whole and those of the individual - interests which, by the very nature of the socialist society, ought not to conflict with each other. The broad range of rights and freedoms guaranteed to Ukrainian citizens was constantly being widened, as the fulfilment of programmes for social, economic and cultural development permitted. Nor had the development and improvement of his country's legislation slackened: on the contrary, it had proceeded at a greater pace since the adoption of the new Ukrainian Constitution in April 1978. Many legal provisions enacted since the submission of his country's report were directly related to the practical development and realization of the rights and freedoms guaranteed by the Constitution.

21. Other legal enactments were directly connected with certain provisions of the Covenant. Among them, mention should be made of the adoption by the Supreme Soviet of the Ukrainian SSR at its ninth session, in December 1978, of a law concerning the Council of Ministers of the Ukrainian SSR and a law concerning elections to the Supreme Soviet of that country, and the adoption, at its tenth session, in June 1979, of a law concerning elections to the local soviets of people's deputies.

22. The first of those laws was designed to strengthen the legal basis of the State's activities and to raise the level of its role and responsibility vis-à-vis the people. The law provided for greater participation by citizens, workers' collectives and social organizations in the matter of government. Article 3 of the law required the Council of Ministers to ensure strict observance of the Constitutions of the USSR and of the Ukrainian SSR and other legal instruments, to heed, where relevant, proposals made by State organs, social organizations, workers' collectives and citizens, and to inform the population about its work and about important decisions which it adopted. Article 2 of the law stated that one of the important tasks of the Council of Ministers of the Republic was to raise the social and cultural level of the people, to defend the rights and freedoms of citizens, and to create favourable conditions for the all-round development of the individual. The law as a whole was permeated by the idea of the closest possible link between the Government and the people.

23. The second law to which he had referred affirmed and spelt out the electoral rights enshrined in the Ukrainian Constitution. The new law governed virtually all questions concerning the preparation and conduct of elections. In particular, in article 1, it stated that elections of deputies to the Supreme Soviet of the Republic were to take place on the basis of general, equal and direct suffrage by secret ballot. Article 2 provided that all citizens aged 18 years or over had the right to elect or be elected to the highest organ of State power of the Republic. Previously, the age limit for the exercise simply of the right to participate in elections had been 21 years. The law prohibited any direct or indirect limitation of the electoral rights of citizens for reasons connected with their origins, social or material situation, race or nationality, sex, education, language, religious affiliation or period of residence in a given place or the nature of their occupation. The law considerably liberalized the conditions for the nomination of candidates as deputies and for the conduct of electoral campaigns. It defined the constitutional position regarding voters' mandates, as a genuine expression of socialist democracy, and contained a number of articles on the subject of guarantees for the activities of candidates seeking nomination as deputies.

24. The third law was yet another example of the work being done in the Republic to bring the existing legislation into line with the new Ukrainian Constitution. The entire law was permeated by a concern for the creation of the best possible conditions and genuine guarantees for the exercise by citizens of their electoral rights.

25. The period since the submission of his country's report had also seen the adoption of other laws aimed at the implementation of existing constitutional principles and the provisions of the Covenant. Thus, for example, in December 1978, the Supreme Soviet of the Republic had issued a new version of two laws, one concerning the procedure for the recall of deputies to the Supreme Soviet of the Ukrainian SSR and the other concerning the procedure for the recall of deputies to provincial, regional, town, district and village soviets of people's deputies. Those laws confirmed and regulated one of the basic elements in the socialist democratic system, namely, the right of electors to recall deputies who did not justify their confidence or who acted in a manner not in keeping with their high office.

26. As the report showed with reference to article 24 of the Covenant, his country was constantly concerned with the rising generation. The Presidium of the Supreme Soviet of the Ukrainian SSR had adopted a special decree concerning the celebration in that country of the International Year of the Child declared by the United Nations General Assembly at its thirty-first session. The decree dealt, amongst other things, with the enactment of measures in the Republic for the further protection of mothers and children, the health and welfare of children and their education.

27. His country would continue, as necessary, further to improve and expand its legislation and to bring it closer into line with the new Constitution. The work being undertaken to that end touched upon various aspects of life in his country and the legal status of the individual. One important item in the programme was the preparation of a code of laws of the Ukrainian SSR which was due to be promulgated during the period 1982-1986. The establishment of such a code would strengthen the legal basis of his country, render the laws more accessible to its citizens, and uphold the interests of society and the rights and freedoms of citizens. Among the measures contemplated in the near future for the further improvement of the living and working conditions of workers in his country, mention might be made of a legislative provision concerning the procedure for the consideration and fulfilment of electors' mandates, a code of administrative offences and a law concerning the procedure for the conduct of a referendum. It should be noted that the procedures in his country for the adoption of legislation were very democratic. For example, the texts of laws were widely publicized in the press and discussed throughout the country. It was open to every citizen to make proposals and suggest amendments, which were carefully considered and, where appropriate, adopted. The right of citizens of the Ukrainian SSR to participate in the consideration and adoption of laws and decisions of national and local significance was proclaimed in article 46 of the Constitution which, moreover, enumerated the guarantees for the exercise of that right.

28. In conclusion, he expressed his delegation's willingness to co-operate in the Committee's discussion of his country's first report and of its subsequent reports.

29. Sir Vincent IVANS thanked the Government of the Ukrainian SSR for its report and the representative of that country for his introductory statement. The Committee could be proud of the frank and constructive way in which the examination of States' reports had been proceeding; the co-operation and goodwill shown by reporting States and their representatives were of great assistance to it. The report of the Ukrainian SSR contained a great deal of valuable information set out in a clear and orderly manner, and the representative of that country had supplemented that information in his statement.

30. The report was of particular interest in view of the status of the Ukrainian SSR as a constituent republic of the Union of Soviet Socialist Republics. Since the Soviet Union was one of the most important and powerful States in the world, events which occurred there, including those bearing on the enjoyment of human rights, were followed with a great deal of attention and concern in other countries. The examination of the Ukrainian report would give members of the Committee the opportunity to seek clarifications on many matters, some of which might not be well understood in other countries. The discussion in the Committee would thus provide an invaluable opportunity for an exchange of views and information which he sincerely hoped would contribute to mutual understanding and help promote the cause of human rights.

31. The Committee had already had before it at its fifth session, in October 1978, the report submitted by the Union of Soviet Socialist Republics on the implementation of the Covenant in the Union as a whole. However, the Ukrainian SSR, in its independent and sovereign capacity, had also ratified the Covenant. Thus, while the Government of the USSR was responsible for the implementation of the Covenant in the Union as a whole, that of the Ukrainian SSR was directly and independently responsible for the performance of the same obligations within its territory.

32. That raised in his mind the question of the relationship between the Republic and the Union in regard to the implementation of the Covenant. What was the division of responsibility between them? The Constitutions of both the Union and the Republic within the Union contained provisions relevant to the implementation of the rights and freedoms defined in the Covenant. But the implementation of the Covenant must depend not only on broad constitutional principles, but even more on the detailed laws and practices in force in each State party. The report rightly recognized in the second paragraph on page 2 that it was not enough for rights and freedoms to be accorded by legislation. As important, if not more important, was the extent to which they were exercisable in practice. How much discretion did each constituent Republic of the Union have in those matters and what degree of federal control was exercised to promote uniformity in the laws and practices of the constituent Republics? To what extent was it possible for a

constituent Republic like the Ukrainian SSR to adopt different standards -- perhaps more liberal or perhaps more restrictive -- as regards such matters as freedom of movement, conscience or expression from those which constituted the general norm in the Union as a whole?

33. The Covenant was concerned primarily with the basic rights and freedoms of the individual in his relations with the State and the authorities of the State. In order that the individual might take steps to safeguard and promote his rights under the Covenant, it was important that he should be able to find out what those rights were. It was for that reason that the General Assembly, when adopting the International Covenants in 1966, had passed a resolution calling upon Governments to publicize the texts as widely as possible. What steps had been taken in the Ukrainian SSR to publicize the texts in languages which the people could understand?

34. The first paragraph on page 2 of the report stated that the new Constitution of the Ukrainian SSR fully guaranteed and ensured in practice the implementation of all the provisions laid down in the International Covenant on Civil and Political Rights, and that the provisions of the Covenant were reflected in existing legislative acts. His understanding, particularly of the last statement, was that it did not mean that all the provisions of the Covenant which defined the rights recognized in it were themselves incorporated in, and made part of, the domestic law of the Ukrainian SSR; it simply meant that Ukrainian domestic laws and practices were in conformity with the provisions of the Covenant. Now if an individual was of the opinion that some law or practice in the Ukrainian SSR was not in accordance with the rights defined in the Covenant, what remedy would he have? Could he invoke the provisions of the Covenant before the courts, so that those provisions might be taken into account by the courts when they interpreted and applied the relevant laws? Could he invoke the provisions of the Covenant before the administrative authorities so that they might take the provisions into account in the exercise of their powers? Was he free to raise the matter of some inconsistency between the laws and practices of the Republic and the provisions of the Covenant? Was the individual free to raise such a matter for public discussion in the press or elsewhere without the risk of repressive or punitive action being taken against him by the authorities of the State?

35. Apart from referring to articles of the Constitution which defined certain basic rights and freedoms, the report said very little about the constitutional framework within which effect was given to civil and political rights in the Ukrainian SSR. It would be helpful to receive more information about the organs of Government, how they were constituted, their powers and their relations with each other. There were a number of references to the Soviets of People's Deputies, at both the national and local levels, and he understood that they were elected bodies through which the people exercised power. But how representative were they in practice? How were the candidates for election chosen? Was it possible for any citizen who was interested in presenting himself as a candidate for election to do so? How much choice did the voter have when elections took place? What was the role of the Communist Party in relation to the organs of Government? It was

somewhat surprising to find so little reference to the Communist Party since it was well-known that that Party exercised great influence within the State. By what means did it exercise its influence? What precisely were its prerogatives within the system of Government? What other political parties were there and what restrictions were there on the formation of other political parties? All those questions would appear to be relevant to the implementation of the rights set out in article 25 of the Covenant, which sought to guarantee to every citizen the right to take part in the conduct of public affairs, directly or through freely chosen representatives.

36. It would also be helpful to know more about the judicial system in the Ukrainian SSR and what courts there were. Were there administrative courts, were there military courts, and how was the independence of the judiciary and of the courts assured? How were the judges appointed and in what circumstances might they be removed? Those questions were relevant to the remedies available under the system to persons who might complain that their rights had been violated, and also to the independence of the judiciary as required under article 14 of the Covenant.

37. The representative of the Ukrainian SSR had mentioned in his opening remarks that a summary of legislation was to be published in the 1980s. That seemed to be an extremely interesting and progressive idea. One of the problems of the individual in many countries was the number and complexity of the laws with which he was required to comply. The idea of some kind of summary of legislation should help the individual to ascertain and understand his legal position in society. He would welcome further information on the projected summary and the status which such a document would have within the legal system of the Ukrainian SSR.

38. Turning to the implementation of specific rights under the Convention, and more particularly non-discrimination on the grounds mentioned in article 2, paragraph 1, and article 26 of the Covenant, he noted that article 32 of the Constitution, which was quoted on page 2 of the report and provided that "Citizens of the Ukrainian SSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile or other status", differed in two important respects from the relevant provisions of the Covenant. The prohibition of discrimination in article 2 of the Covenant applied not only to equality before the law, which was one of the rights defined in the Covenant, but also to all the other rights recognized in the Covenant, and the Covenant included among the grounds on which discrimination was prohibited "political or other opinion". It was true that article 32 of the Constitution went on to say that "the equal rights of citizens of the Ukrainian SSR are guaranteed in all fields of economic, political, social and cultural life", but that was not the same thing as prohibiting discrimination on the grounds of political or other opinion in respect of all the rights in the Covenant. Were persons discriminated against if they held political views which they sought to promote peacefully but were considered to be at variance with those of the régime?

39. Article 6 of the Covenant was concerned with the right to life, and in commenting on the implementation of that article in the Ukrainian SSR, the report stated on page 5 that under existing criminal legislation, the death penalty was an exceptional measure of punishment and pending its abolition was applied for the most serious crimes. How exceptional was it in practice? He would be grateful to know on how many occasions the death penalty had been carried out in recent years and for what crimes. Were there any crimes not involving violence for which a person might be sentenced to death? A number of countries had now abolished the death penalty or suspended its use; was consideration being given to its abolition in the Ukrainian SSR? How could its continued use be reconciled with the principle stated in the second paragraph of page 11 of the report that punishment was aimed at reforming and re-educating convicted persons?

40. Article 7 of the Covenant prohibited cruel, inhuman or degrading treatment or punishment and article 10, paragraph 1, required that all persons deprived of their liberty should be treated with humanity and with respect for the inherent dignity of the human person. There had been reports of healthy persons being interned in psychiatric institutions for political or punitive reasons, a course which would appear to constitute a clear violation of articles 7 and 10 of the Covenant. What was the position in that regard in the Ukrainian SSR? What precautions were taken to ensure that such abuses did not occur and what remedies were available to any individual who considered that he was being detained wrongfully in a psychiatric institution?

41. Another form of treatment which, in his opinion, could be extremely cruel was to keep a person in solitary confinement. In what circumstances might a person be kept in solitary confinement in the Ukrainian SSR and for what period of time? Were there any regulations concerning the conditions in which he might be kept in solitary confinement, such as the size and amenities of his cell, the taking of exercise, the right to receive visits from his family and the right to see his lawyer, particularly if he was awaiting trial?

42. In regard to the treatment of prisoners, what means of supervision were exercised to ensure that the conditions in which they were kept were humane and that they received adequate food and medical care? In many countries there were arrangements for prison visitors to inspect prisons and to hear the complaints of prisoners; was there any system of supervision of that kind in the Ukrainian SSR?

43. In respect of article 9, the report contained much detailed information about the conditions under which persons might be arrested and detained pending trial on a criminal charge. It was indicated that existing legislation in the Ukrainian SSR permitted deprivation of liberty only for the commission of specific criminal acts, and only on the grounds, and in accordance with the procedure, established by law. Were there any circumstances in which a person might be detained, for instance, if he was of unsound mind or suffering from an infectious disease? If there were other circumstances, were any persons being detained without trial for political reasons and if so on what grounds and under what laws was that possible?

44. He noted that there were various time-limits for informing the procurator of an arrest or informing the accused of the charge against him once it had been decided to institute proceedings, and for a court hearing if the accused challenged the legality of his arrest or detention. But the Covenant also required that an accused person should be tried without undue delay. What was the maximum period for which an accused person might be detained pending trial and what was the average period for which persons were so detained?

45. The right of a person charged with a criminal offence to legal assistance of his own choosing was also of cardinal importance in the interests of justice. How soon after his arrest did an accused person have the right to consult counsel of his own choosing or until what stage in the proceedings might an accused person be kept in custody without being permitted to consult a lawyer of his own choosing, and was the exercise of his right subject to the control of the investigator, the procurator or the court?

46. Article 14 required that a defendant on a criminal charge should have the right to call witnesses on his own behalf. Were there any restrictions on that right under Ukrainian law?

47. The report was not very informative in respect of the implementation of article 12. What restrictions were in fact imposed on the movement of persons within the Ukrainian SSR and what controls were exercised? Was any permission required if a person wished to change his residence and what restrictions were placed on the right to travel abroad and the right to emigrate? What proportion of persons who wished to go abroad were refused permission and for what kind of reason? How were such controls justified as being in accordance with article 12 of the Covenant?

48. Article 19 of the Covenant set forth the right to hold opinions without interference and the complementary rights of freedom of expression and to seek, receive and impart information and ideas of all kinds. Those rights were clearly inherent in the dignity and worth of the human person and were essential to the full development of his personality. Those rights, including freedom of the press, were among the most important in a democratic society. They of course applied across the whole range of human experience, but they were not least important in the political field. They enabled the human being to take steps to ensure the enjoyment of all his rights and to canvass his ideas for the improvement of the society in which he lived. That was why article 19 of the Covenant stated that they should be subject only to such restrictions as were necessary for respect of the rights or reputations of others or for the protection of national security or of public order, or of public health or morals.

49. The individual should be free to express his views, offer his criticisms and canvass his ideas for change and improvement in the society in which he lived, provided he did so by peaceful means. All were aware that in the Soviet Union, including the Ukrainian SSR, so-called "dissidents" had been tried and sentenced to extremely long terms of imprisonment. It was not easy to see the necessity for the severe treatment apparently meted out to some of those people. They were not men of violence seeking to propagate their ideas by violent means. He was bound to say that people in other countries found it difficult to understand that treatment and to reconcile it with the provisions of the Covenant. It would seem that in so far as the ideas of the so-called "dissidents" had any validity, they should be listened to and in so far as they had no validity, it should be sufficient to answer them in public debate. He would welcome the observations of the representative of the Ukrainian SSR on that aspect of article 19.

50. Articles 23 and 24 of the Covenant dealt with the protection of the family and of the child. In that area, new social problems of a very serious kind had arisen in an age of sex equality, when it was customary for the wife, as well as the husband, to take employment outside the home. It was an area in which States had much to learn from each other's experience and it would be of great interest to know more about the experience of the Ukrainian SSR in dealing with the problem of giving adequate protection to the interests of children in homes with working mothers.

51. In conclusion, he wished to thank the Government of the Ukrainian SSR for its interesting report and he looked forward to hearing its comments on the points he had raised.

52. Mr. SADI said that the desire of the Government of the Ukrainian SSR to implement the Convention and to correct any possible shortcomings through its dialogue with the Committee had been proved by the lengthy report it had submitted and the presence of its representatives in the Committee.

53. He wished first of all to refer to the requirement set out in article 40 of the Covenant. It was important for the Committee to have reports on the measures adopted by State parties, but it was equally important to have information on the progress made in the enjoyment of the rights recognized in the Convention.

54. In connexion with article 2 of the Covenant, he had noticed an imbalance in the first part of article 32 of the Constitution, which contained no reference to political rights whereas the second part of that article mentioned such rights. He would like some clarification of that point. Article 2 also referred to the adoption of such legislative or other measures as might be necessary to give effect to the rights recognized in the Covenant. The representative of the Ukrainian SSR had stated that the Covenant was reflected in the Constitution and laws of that country, but in the event of a discrepancy or conflict between the Covenant and domestic law, where would the Covenant stand? He drew attention to the omission of the word "political" from article 5 of the Law of Court Organization; such an omission was of great importance and he looked forward to an explanation from the representative of the Ukrainian SSR.

55. With reference to article 3 of the Covenant, he believed that the principle of the equality of rights of men and women was a well-established fact in the Ukrainian SSR, and was an area in which its Government had observed not only the letter but also the spirit of the Covenant.

56. In respect of article 6 of the Covenant, the report was not sufficiently informative about the more serious crimes for which capital punishment could be enforced and some additional information would make it possible to establish whether or not there was a violation of the Covenant.

57. Article 7 gave rise to the question whether press reports should be regarded as factual information on which to judge certain States parties. He did not think that the Committee should make judgements concerning a possible violation of the article merely on the basis of several reports appearing in the press unless their accuracy was clearly established.

58. In connexion with article 8 of the Covenant, the Constitution of the Ukrainian SSR established equality between citizens, whereas the Covenant called for equality for all persons. That was an element which could perhaps be clarified by the representative of the Ukrainian SSR.

59. He would like some further clarification on the implementation in the Ukrainian SSR of article 12 of the Covenant; there had been reports in the press concerning the lack of freedom of movement in that country and there might be some inconsistency between the Constitution and actual practice.

60. In connexion with article 13, he was not sure that the Constitution was in conformity with the Covenant because of the distinction made between citizens and non-citizens. The commentary on article 19 referred to citizens, whereas the Covenant referred to the rights of all, citizens or non-citizens.

61. He was somewhat concerned about the role of the Communist Party which seemed to form the cornerstone of the Government and he had noticed, in connexion with article 18, that the Communist Party appeared to have displaced the Church in its relations with the State. There did appear to be some kind of violation when a certain political party was imposed as the chosen instrument through which a Government implemented its policies, but if that political party had been genuinely and democratically chosen by the people, it should be accepted since the Covenant upheld the right of people to choose their own political philosophy. It seemed that there were two rights involved which had to be reconciled.

62. He was able to state, from his own experience, that article 20, concerning the prohibition of propaganda for war, was scrupulously implemented in the Ukrainian SSR. He was extremely concerned by the statement, in connexion with article 23, that the role of the family was to take an active part in the building of communism. That appeared to him to be a violation of the letter and spirit of the Covenant, and he would appreciate some explanation by the representative of the Ukrainian SSR.

The meeting rose at 1.10 p.m.