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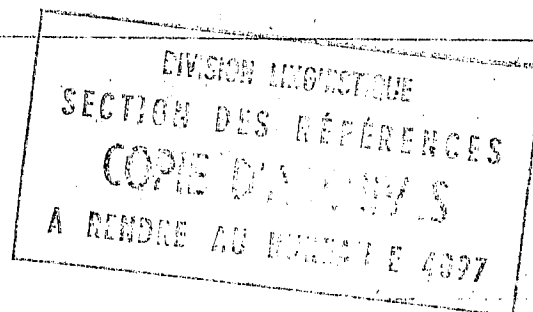


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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION
AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

UKRAINIAN SOVIET SOCIALIST REPUBLIC 1/

[20 December 1984]

1/ The initial, second and third reports submitted by the Government of the Ukrainian SSR (E/CN.4/1277/Add.17, E/CN.4/1415/Add.5 and E/CN.4/1983/24/Add.11) were considered by the Group of Three at its 1979, 1981 and 1983 sessions respectively.

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Following the victory of the Great October Socialist Revolution, which put an end to social and national oppression, solid foundations have been laid in the Ukrainian SSR for the equality of all citizens irrespective of their national or racial origin. The principle of equality of all members of society without discrimination on grounds of race or nationality expresses the essence of a socialist State such as the Ukrainian SSR.

This principle is set forth above all in the Republic's Constitution, article 1 of which states that "The Ukrainian Soviet Socialist Republic is a socialist State of the whole people, expressing the will and interests of the workers, peasants and intelligentsia, the working people of all nationalities of the Republic".

Apartheid, which springs from racism, is utterly incompatible with the principles underlying the social structure of the Ukrainian SSR. Apartheid represents the most cruel form of racial terror; it is a crude challenge to mankind, and a serious threat to international peace and security. In the International Convention on the Suppression and Punishment of the Crime of Apartheid and in decisions of the United Nations and other international forums, the policy and practice of apartheid are branded as a crime against humanity, as the most barbarous form of gross and mass violations of human rights.

The people of the Ukrainian SSR fully endorse this assessment of apartheid, support the relevant decisions of the United Nations and other international forums relating to this issue, resolutely condemn the criminal policy and practice of apartheid, and demand its earliest and complete elimination.

In the conviction that the struggle against racism and its ugliest manifestation, apartheid, is one of the most important aspects of the international protection of human rights, the Ukrainian SSR plays an active part in this field.

Although the whole tenor of political and social life in the Republic completely excludes all social, economic, political, legal, ideological and other conditions for the occurrence or existence of such phenomena as apartheid and racism, the Ukrainian SSR, guided by humanitarian motives and a feeling of sincere friendship and respect for the dignity of other peoples, supports in every possible way the international community's efforts to eliminate racial oppression. The Ukrainian SSR is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the International Convention on the Elimination of all Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UNESCO Convention Against Discrimination in Education, a number of ILO conventions prohibiting discrimination in labour relations and other agreements relating to the struggle against racism and apartheid.

The Ukrainian SSR was one of the first countries to sign and ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid, which it strictly observes.

The implementation of Leninist national policy and the construction of socialism have eliminated for all time all possibility of any manifestation in the Ukrainian SSR of the ideology or practice of apartheid or racial or national discrimination, which are alien to the Soviet people.

All the conditions have been created in the Ukrainian SSR for the free and all-round development of all nationalities and peoples. The equality of citizens of all races and nationalities is an unshakeable constitutional principle. The Constitution of the Republic provides: "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" (article 32).

This article contains the general statement of the legal equality of citizens of the Ukrainian SSR. In addition, the Constitution also affirms specific major aspects of the equality of citizens, irrespective of their national or racial origin, embracing the full range of rights and freedoms: the right to work (article 38 of the Constitution), the right to rest (article 39), the right to health protection (article 40), the right to maintenance in old age, in sickness, and in the event of complete or partial disability or loss of the breadwinner (article 41), the right to housing and education, the right to enjoy cultural benefits and the right to take part in the management of State and public affairs and in the discussion and adoption of laws and decisions of All-Union and local significance, freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations (article 48), freedom of conscience (article 50), and so forth.

According to the Constitution, this equality extends not only to citizens of the Ukrainian SSR but also to citizens of other Union Republics. Article 31 states that "Citizens of other Union Republics enjoy in the territory of the Ukrainian SSR the same rights as citizens of the Ukrainian SSR".

The constitutional principle of national and racial equality in the Ukrainian SSR is not merely something that is solemnly proclaimed, but also the daily practice of socialist society, secured by various material, organizational and legal measures and guarantees.

Article 34 of the Constitution states: "Citizens of the Ukrainian SSR of different races and nationalities have equal rights.

"Exercise of these rights is ensured by a policy of the all-round development and drawing together of all the nations and nationalities of the USSR, by the education of citizens in a spirit of Soviet patriotism and socialist internationalism, and by the possibility afforded to citizens of using their native language and the languages of other peoples of the USSR".

Furthermore, this article of the Constitution establishes that the violation of rights on grounds of race or nationality is an offence. "Any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or contempt, are punishable by law". This provision is spelled out in the Republic's Criminal Code, article 66 of which provides: "Propaganda or agitation designed to incite racial or national hatred or discord, and the direct or indirect limitation of rights or the establishment of direct or indirect privileges for citizens on account of their race or nationality, shall be punishable by imprisonment for a period of six months to three years or deportation for a period of two to five years".

Guided by respect for the national dignity of all nations and nationalities, the legislation of the Ukrainian SSR extends the regime enjoyed by nationals to

aliens and stateless persons (article 35 of the Constitution). According to this article, such persons enjoy all constitutional rights and freedoms except active and passive electoral rights.

A broad set of legislative, administrative and other measures is in force in the Ukrainian SSR to create a firm basis for the further development of all races and nationalities.

The general provisions set forth in the Constitution of the Ukrainian SSR to ensure the full equality of citizens in all walks of life irrespective of their racial and national origin are spelled out in the Republic's legislation in specific fields. This question has been thoroughly explored in the periodic reports of the Ukrainian SSR submitted in 1978, 1980 and 1983 (E/CN.4/1277/Add.17, E/CN.4/1415/Add.5 and E/CN.4/1983/24/Add.11).

For many years the Ukrainian SSR has consistently spoken out in international forums for the complete elimination of apartheid, racism and racial discrimination. It is therefore unlikely that persons associated with the crime of apartheid or guilty of other racially motivated crimes should seek asylum in the Republic, which has been combating their practices since the first days of its existence. However, even if special cases of such a kind should arise in connection with the unlawful entry of criminals into the territory of the Republic, the Ukrainian SSR is ready to co-operate with concerned States in the use of the instrument of extradition of the criminals. Bearing in mind that racists frequently commit their offences on the territory of other countries, the Ukrainian SSR is interested in the effective use of the institution of extradition.

The position of the Ukrainian SSR with regard to the institution of extradition of criminals does not differ from the generally accepted practice in international law, in which the principle of non-extradition by a country of its own nationals has already become established. This position is the natural consequence of the principle of State sovereignty, under which the State itself punishes its citizens who are within the bounds of its jurisdiction.

The Ukrainian SSR does not carry out extradition on political grounds. The Constitution of the Republic provides the right of political asylum for aliens persecuted for defending the interests of the working people and the cause of peace, or for participation in the revolutionary and national-liberation movement, or for progressive social and political, scientific or other creative activity.

The institution of extradition of criminals presupposes the effort to combat grave criminal offences. A request for extradition as a general rule may be complied with if special agreements have been concluded between the States concerned, in accordance with the provisions of such agreements and on the basis of strict reciprocity. Extradition may take place only if the offence exists in the law of both States and is punishable by imprisonment for a period of more than one year or by some more severe penalty.

In the multilateral conventions relating to offences of an international character, the parties undertake to include such offences in the extradition treaties they conclude. Even if no special extradition treaties exist between States, each of these multilateral conventions may be considered as providing the legal basis for the extradition of persons who have committed such offences.

A person who has committed an offence against peace, against mankind and against humanity is liable to compulsory and unconditional extradition. Such offences include apartheid, along with war crimes, aggression, war propaganda, and genocide. In accordance with articles V and VII of the Convention on the Suppression and Punishment of the Crime of Apartheid, the Ukrainian SSR strictly adheres to the principle of punishment of crimes against humanity and the extradition of those guilty of the commission of such crimes.

Guided by the Leninist principles of foreign policy, the Ukrainian SSR takes a firm and consistent stand against apartheid, racism and racial discrimination and plays an active part in the work of the international forums aimed at eliminating these shameful phenomena. In recent years alone the delegations of the Republic have taken an active part in the organization and holding of important international events such as the World Conference for Action against Apartheid (Lagos, 1977), the Conference in Support of the Peoples of Zimbabwe and Namibia (Maputo, 1977), the First World Conference to Combat Racism and Racial Discrimination (Geneva, 1978), the International Conference on Sanctions against South Africa (Paris, 1981), the International Conference in Support of the Struggle of the Namibian People for Independence (Paris, 1983), the Second World Conference to Combat Racism and Racial Discrimination (Geneva, 1983), the Conference of Arab Solidarity with the Struggle for Liberation in Southern Africa (Tunis, 1984), the Seminar on the Activities of Foreign Economic Interests in the Exploitation of Namibia's Natural and Human Resources (Ljubljana, 1984), the Regional Symposium on International Efforts to Implement Decree No. 1 for the Protection of the Natural Resources of Namibia (Geneva, 1984).

The Ukrainian SSR has repeatedly submitted or co-sponsored concrete proposals in the United Nations and its bodies on various aspects of the struggle against the criminal policy and practice of apartheid, all forms of racism and racial discrimination. In the course of the thirty-eighth session of the United Nations General Assembly alone the Ukrainian SSR co-sponsored 14 resolutions on questions relating to the struggle against apartheid.

As a member of the United Nations Special Committee against Apartheid the Ukrainian SSR has actively participated for many years in the extremely important work of that body in the mobilization of international efforts to eliminate the criminal system of apartheid in South Africa. The Ukrainian SSR also takes advantage of its participation in the Ad Hoc Committee on the Drafting of an International Convention against Apartheid in Sport to obtain the earliest conclusion of this international legal instrument and to make it fully effective.

The Republic's delegations actively condemn apartheid and take part in the preparation of the corresponding documents in the Commission on Human Rights too, of which the Ukrainian SSR is a member.

Our Republic unswervingly advocates the complete and final elimination of the shameful system of apartheid, and condemns the South African racists' policy of large-scale repression of the black African population, the continuing unlawful occupation of Namibia, and the unending acts of aggression against Angola and other independent African States. The apartheid regime is historically doomed; it would not be in a position to continue its inhuman policy and would have crumbled long ago without broad economic, financial, political and military assistance from the imperialist Powers, primarily the United States, and also Israel. These forces are interested in preserving the present regime in Pretoria, which they regard as their "historical ally".

With the active use of financial and economic levers, which they combine with forceful methods to bring pressure to bear on the progressive forces in Africa, the imperialist Powers and transnational corporations are intensifying their exploitation of the natural resources of southern Africa, and primarily the reserves of strategic resources.

The Ukrainian SSR has consistently advocated the granting of independence to Namibia in accordance with the relevant United Nations resolutions, including Security Council resolution 435, and firmly condemns any attempts by the South African racists and their protectors to settle the Namibian question by circumventing the United Nations.

As it has in the past, the Ukrainian people will continue to lend its full support to the just struggle of the Namibian people for independence under the leadership of its sole lawful representative, SWAPO.

In view of the tense situation which has developed in southern Africa, as a consequence of the Pretoria regime's policy, and which is a threat to international peace and security, the Ukrainian SSR advocates the use of the very strongest measures against the racists, going as far as the introduction of comprehensive and mandatory sanctions in accordance with Chapter VII of the Charter of the United Nations, including ensuring their general application and effective control of their observance.

Faithful to the principles of proletarian internationalism, and in accordance with article VII of the Convention, the Ukrainian SSR unfailingly offers political, material and moral support to the national liberation movements of the peoples of southern Africa and to all fighters against apartheid and racism. The Republic regularly contributes to the United Nations Trust Fund for South Africa (Canon Collins Fund) and grants scholarships to activists of the national liberation movement of southern Africa for training in the Republic's educational establishments.

In the Soviet Ukraine the public actively participate in the events organized to support the just struggle of the peoples of southern Africa, and make a considerable contribution to the activities aimed at condemning apartheid, racism and racial discrimination. The various dates connected with the struggle against apartheid and racism are widely observed in the Republic.

In the Ukrainian SSR mass public events are regularly held in connection with the International Day for the Elimination of Racial Discrimination (21 March), Africa Day and International Week of Solidarity with the Peoples of Southern Africa (25 May), International Day of Solidarity with the Struggling People of South Africa (16 June), Day of Solidarity with the People of Namibia (26 August), Day of Solidarity with South African Political Prisoners (11 October), and so forth. Vast masses of workers representing all sections of the population of the Republic take part in the solidarity meetings and public assemblies connected with these dates.

Information on the holding of these events is sent to the United Nations Secretariat.

The mass communication media of the Ukrainian SSR pay considerable attention to publicising the struggle of the peoples of southern Africa for independence; they unmask the crimes of the South African racists against the black population

of their country and their unlawful occupation of Namibia, and acquaint the public with various aspects of the struggle against apartheid and the activities of the United Nations for the eradication of that shameful phenomenon.

The Ukrainian SSR makes its contribution to the international community's struggle to eliminate apartheid in the belief that its eradication will serve to strengthen international peace and security and make possible the free and independent development of the peoples of southern Africa. An important measure in the struggle against apartheid and racism is to increase the numbers of States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid, as well as the strict implementation by all States of its provisions and of the decisions of the United Nations and other international forums for the elimination of that shameful phenomenon.