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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/

[28 October 1980]

1/ The initial report submitted by the Government of the Ukrainian Soviet Socialist Republic (E/CN.4/1277/Add.17) was considered by the Group of Three at its 1979 session.

As was pointed out in the previous report on this question (E/CN.4/1277/Add.17, of 20 November 1978) the Ukrainian SSR and the entire Ukrainian people resolutely condemn the inhuman and criminal system of apartheid and consistently demand its earliest complete and unconditional abolition.

All manifestations of the ideology and practice of apartheid and racial discrimination, which we regard as being among the most barbaric and flagrant mass violations of human rights and as criminal anti-human acts, are profoundly alien to our socialist society.

During the period since the submission of its previous report, the Ukrainian SSR has continued in every area of political, economic, social and cultural life consistently to implement the constitutional principle of genuine equality of citizens irrespective of their nationality or race. The principle of racial and national equality has been further developed in the new Constitution and other laws of the Ukrainian SSR adopted since the previous report.

For example, article 1 of the Constitution of the Ukrainian SSR adopted on 20 April 1978 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".

The principle of equality of citizens before the law is enshrined in article 32 of the Constitution which reads: "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.

The equal rights of citizens of the Ukrainian SSR are guaranteed in all fields of economic, political, social and cultural life".

Article 34 of the new Constitution of the Ukrainian SSR stresses the principle, one which is natural in a socialist society, of the equality of citizens of the Ukrainian SSR of different races and nationalities: "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".

All activities violating the principle of the equality of citizens of different races and nationalities and propaganda promoting racism or racial discord are prohibited in the Ukrainian SSR. Thus, article 34 of the Constitution of the Ukrainian SSR, mentioned above, goes on to state:

"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".

The State and all its organs act on the basis of socialist legality to ensure the implementation of the Constitution and to protect the legal order, the interests of society and the rights and freedoms of citizens.

Enlarging on the provisions of article 34 of the Constitution, article 66 of the Criminal Code of the Ukrainian SSR, in conformity with the international obligations of the Ukrainian SSR, provides that "propaganda or agitation designed to incite to racial or national hatred or discord, and also the direct or indirect limitation of rights or the establishment of direct or indirect privileges for citizens on account of their race or nationality, are punishable by deprivation of liberty for a period of from six months to three years, or by banishment for a period of from two to five years".

As a result of the absence, in the Ukrainian SSR, of the political, economic or social conditions for the violation of racial and national equality and of the steadfast observance of this constitutional principle, there has not in recent years been a single case of a person being condemned in the Republic on the basis of article 66 of the Criminal Code of the Ukrainian SSR.

The Constitution of the Ukrainian SSR guarantees equality of rights irrespective of race or nationality not only to citizens of the Republic but also to other persons in its territory. For example, article 35 of the Constitution provides that "citizens of other countries and stateless persons in the Ukrainian SSR are guaranteed the rights and freedoms provided by law, including the right to apply to a court and other State bodies for the protection of their personal property, family and other rights".

Article 36, moreover, states that "The Ukrainian SSR grants the right of asylum to foreigners persecuted for defending the interests of the working people and the cause of peace, for participating in revolutionary or national liberation movements, or for progressive social and political, scientific or other creative activity".

Irrespective of race or nationality, the citizens of the Ukrainian SSR are guaranteed and ensured the right to work (article 38 of the Constitution), the right to rest and leisure (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 enjoy cultural benefits (article 44) and the right to education (article 43), which is ensured by the free provision of all forms of education, etc.

The Labour Code of the Ukrainian SSR, in the articles defining the guarantees for admission to employment (article 22) and the system of remuneration for work (article 94), stresses that in labour relations as well as in other spheres of social relations, any direct or indirect limitation of the rights of citizens or the establishment of direct or indirect privileges for citizens on grounds of sex, race, nationality or attitude to religion, are prohibited.

Article 154 of the Constitution guarantees the equality of citizens before the courts and the law. This principle is also developed in other legislative texts governing the activity of the courts. For example, article 5 of the Law on Court Organization in the Ukrainian SSR provides that "Justice in the Ukrainian SSR shall be administered on the principle of the equality of citizens before the law and the courts, irrespective of their social, property and occupational status, nationality, race or creed". Similar provisions are also contained in the Code of Criminal Procedure (article 16) and the Code of Civil Procedure (article 6) of the Ukrainian SSR.

Other important legislative instruments guaranteeing the equality of citizens of different races and nationalities, prohibiting racial or national discrimination and ensuring national and racial equality have also been adopted in the Ukrainian SSR.

The law of the Ukrainian Soviet Socialist Republic concerning elections to the Supreme Soviet of the Ukrainian SSR adopted on 19 December 1978 guarantees the voting rights of citizens and excludes any discrimination on racial or national grounds in this sphere also.

Article 2 of that law specifically states that "Any direct or indirect limitation of the voting rights of citizens of the Ukrainian SSR on grounds of origin, social or property status, race or nationality, sex, education, language, attitude towards religion, period of residence in the locality or type and nature of occupation, are prohibited".

In accordance with the new Constitution, the provisions of other laws of the Republic also have been revised or improved, including those contained in the plan for the further ensuring of national and racial equality.

The provisions of the Constitution and of various laws of the Ukrainian SSR quoted above are convincing evidence that such phenomena as apartheid, racism and racial discrimination are wholly incompatible with the principles on which our socialist society is based.

The legislative instruments adopted in the Ukrainian SSR require the relevant State bodies and social organizations to take the necessary measures to ensure observance of the rights and freedoms of all Soviet citizens, complete racial and national equality, the education of all citizens in a spirit of respect for the rights, honour and dignity of other persons irrespective of their racial or national origin and the strengthening of friendship among all the nations and nationalities in the country.

State bodies and public organizations in the Ukrainian SSR continue to devote much attention to the question of educating the entire population, and particularly young people, in a spirit of internationalism, equality and the friendship of peoples, and of intolerance towards colonialism, racism and apartheid and everything which gives rise to them or preserves them. All conditions have been created for the implementation of the provisions of article 67 of the Constitution of the Ukrainian SSR, which states that "It is the internationalist duty of citizens of the Ukrainian SSR to promote friendship and co-operation with the peoples of other lands and help maintain and strengthen world peace".

The Ukrainian SSR, guided by the Leninist principles of foreign policy, consistently and unfailingly upholds the principle of the equality of peoples, resolutely opposes all forms and manifestations of racism and apartheid, actively participates in international efforts for their eradication and is an implacable foe of all types of exploitation and social oppression, including oppression on grounds of race or nationality.

In pursuit of this general policy and in accordance with article VI of the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Ukrainian SSR strictly observes the decisions of the United Nations and other international bodies aimed at eradicating apartheid and actively co-operates in implementing them.

The Ukrainian SSR strictly observes all the decisions and recommendations of international bodies aimed at the isolation and boycotting of the racist régime of Pretoria, maintains no relations whatever with it and resolutely supports the demands of the African peoples for the application against the racist of comprehensive and mandatory sanctions, in accordance with chapter VII of the Charter of the United Nations. The Ukrainian SSR is a sponsor of many General Assembly resolutions to that effect, and actively supports the implementation of the decisions of the United Nations and other international organizations and forums in the sphere of the struggle against apartheid, including the programme of activities for the second half of the Decade for Action to Combat Racism and Racial Discrimination adopted by the General Assembly at its thirty-fourth session.

As a member of the United Nations Special Committee against Apartheid for over 10 years, the Ukrainian SSR takes an active and direct part in the important work done by this body in the mobilization of international efforts towards the eradication of the criminal system of apartheid, the drafting of appropriate recommendations to the General Assembly and the co-ordination of efforts with other international organizations.

In accordance with article VII of the Convention, the Ukrainian SSR offers political, moral and material assistance and support to the fighters against apartheid, colonialism and racism and to the national liberation movements of South Africa and Namibia, and contributes regularly to the United Nations Trust Fund for South Africa. Students from southern Africa are being trained in the Ukrainian SSR.

The public at large and individual inhabitants of the Republic are kept informed through the press, radio and television about the crimes of apartheid, the heroic struggle of the peoples of southern Africa for their liberation and the international efforts, including those sponsored by the United Nations, aimed at eradicating racism and apartheid.

Mass gatherings and meetings take place in the cities of the Republic every year, with the participation of public organizations, workers, eminent scholars, individuals prominent in culture and in the arts, foreign students, including students from South Africa and Namibia, to mark the International Day for the Elimination of Racial Discrimination, Africa Day, the International Week of Solidarity with the Struggling Peoples of Southern Africa, the International Day of Solidarity with South African Political Prisoners, the International Day of Solidarity with the Struggling People of South Africa, Namibia Day and other such days. All these measures and celebrations receive wide coverage in the press and on radio and television, which helps mobilize public opinion in support of the just struggle of the oppressed peoples of southern Africa and Namibia and educates them in a spirit of opposition to racism and apartheid and solidarity with the national liberation struggle of the peoples of southern Africa.

The International Anti-Apartheid Year was widely observed in the Ukrainian SSR.

Information on all these measures is regularly submitted to the United Nations.

The Ukrainian SSR and the representatives of its people have taken an active part in the work of the United Nations and other important international forums, such as the World Conference to Combat Racism and Racial Discrimination, and have contributed in every way possible to the adoption by them of effective measures for the eradication of apartheid and the unmasking of the crimes and intrigues of the racists and their accomplices.

The Ukrainian SSR will continue in the future to co-operate actively in international efforts in this field, to support the anti-colonial and anti-racist liberation struggle of the peoples of Africa, to press for the complete and unconditional eradication of apartheid and racism in all its forms and manifestations and to carry out the relevant decisions of the United Nations and the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid.