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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

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC 1/

[25 January 1983]

1/ The initial and second reports submitted by the Government of the Byelorussian Soviet Socialist Republic (E/CN.4/1277/Add.14 and E/CN.4/1415/Add.4) were considered by the Group of Three at its 1979 and 1981 sessions respectively.

The Byelorussian SSR is a party to many international legal instruments and always fulfils their provisions. Among such instruments, the International Convention on the Suppression and Punishment of the Crime of apartheid occupies a place of honour.

Not long ago, on 30 December 1982, the Soviet people, together with its numerous friends throughout the world, observed a memorable date, the sixtieth anniversary of the founding of the Union of Soviet Socialist Republics, the first federated State aligning workers and peasants.

The birth of the Union of Soviet Socialist Republics was the result of the victory of the Great October Socialist Revolution of 1917. The October Revolution smashed the chains of social and national oppression and elevated all the peoples of our country to the status of independent historical agents. The establishment of working-class power and of public ownership of the means of production laid durable foundations for the free development of all nations and nationalities, for their close unity and friendship.

The implementation of Leninist national policy and the construction of developed socialism eliminated once and for all the possibility of any manifestation in the Byelorussian SSR of the ideology and practice of apartheid or discrimination on grounds of race or nationality, which are alien to the Soviet people.

Complete equality of races, nations and national groups has been established in Soviet socialist society. Complete mutual trust, voluntary consent and the preclusion of inequality in any form are the pledge of the durability of the Union of Soviet Socialist Republics.

Carefully taking into account the interests and needs of each nation and nationality, combining them organically with the interests of the Soviet people as a whole, concerting the workers' efforts in solving the urgent tasks of social development - all these are at the centre of attention of the Communist Party of the Soviet Union.

The Soviet Republics, including the Byelorussian SSR, have multinational populations. All nations are duly represented in Party and State bodies, the practical competence and ideological and moral qualities of the individual representatives being taken strictly into account.

The system of public, political, social and economic life which has come into being in the Byelorussian SSR precludes the possibility of the occurrence of discrimination on racial or national grounds. Article 34 of the Byelorussian Constitution states that "Citizens of the Byelorussian SSR of different races and nationalities have equal rights". "Exercise of these rights," the article proceeds, "is ensured by a policy of all-round development and drawing together of all the nations and nationalities of the USSR, by educating citizens in the spirit of Soviet patriotism and socialist internationalism, and by the possibility open to them of using their native language and the languages of other peoples of the USSR".

Article 62 of the Constitution of the Byelorussian SSR establishes the duty of every citizen of the Byelorussian SSR "to respect the national dignity of other citizens, and to strengthen the friendship of the nations and nationalities of the multinational Soviet State".

The principle set forth in the Byelorussian Constitution of citizens' equality in all fields of economic, political, social and cultural life without distinction of race and nationality, is unswervingly put into practice. Punishment is provided under the law. In the Republic, all limitation of rights or establishment of direct or indirect privileges on grounds of race or nationality, and all advocacy of racial or national exclusiveness, hostility or contempt are punishable by law (article 34 of the Constitution). Article 72 of the Criminal Code of the Byelorussian SSR provides that "Any propaganda or agitation for the purpose of arousing racial or national hostility or dissension, and likewise any direct or indirect restriction of the rights of, or the establishment of any direct or indirect privileges for, citizens according to their race or nationality, shall be punishable by imprisonment for a term of not less than six months and not more than three years or by exile for a term of not less than two and not more than five years."

The provisions of this article of the Criminal Code of the Byelorussian SSR meet the requirements of article 4 of the International Convention on the Elimination of all Forms of Racial Discrimination in that they apply both to individuals and to organizations. In the Byelorussian SSR, there are and can be no organizations which promote and incite racial discrimination since there is and can be no socio-economic, legal or any other basis for activities of this kind.

Citizens of the Byelorussian SSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile, or other status (article 32 of the Constitution). In the Byelorussian SSR justice is administered only by the courts (article 150 of the Constitution). All courts are formed on the principle of the electiveness of judges and people's assessors (article 151 of the Constitution). Judges and people's assessors are independent and subject only to the law (article 155 of the Constitution). In accordance with article 156 of the Constitution, justice is administered in the Byelorussian SSR on the principle of the equality of citizens before the law and the courts.

Article 158 of the Constitution of the Byelorussian SSR provides that "Judicial proceedings shall be conducted in the Byelorussian or Russian languages or in the language of the majority of the population of the locality concerned. Persons participating in court proceedings who do not know the language in which they are being conducted shall be ensured the right to become fully acquainted with the materials in the case, the services of an interpreter during the proceedings, and the right to address the court in their own language."

This constitutional provision is embodied in the Code of Civil Procedure and the Code of Criminal Procedure of the Byelorussian SSR. Thus, article 6 of the Code of Civil Procedure of the Byelorussian SSR stipulates that "Judicial proceedings in civil cases shall be conducted only by a court and on the basis of the equality before the law and the courts of all citizens, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile, or other status."

Article 9 of the Code of Civil Procedure of the Byelorussian SSR provides, inter alia, that "Judicial proceedings in the Byelorussian SSR shall be conducted in the Byelorussian or Russian languages or in the language of the majority of the population of the locality concerned."

The principle of national and racial equality is also established in chapter 5 (articles 31-36), chapter 6 (articles 37-67) and other articles of the Constitution of the Byelorussian SSR. Thus, article 31 of the Constitution provides that "Citizens of other Union Republics enjoy in the territory of the Byelorussian SSR the same rights as citizens of the Byelorussian SSR." The right of citizens of the Byelorussian SSR to education is assured under article 43 of the Constitution by, among many other guarantees, the opportunity to be taught in the native language.

Equality of rights without distinction of race or nationality is guaranteed in the Byelorussian SSR not only for Soviet citizens but also for other persons within the territory of the Republic. Article 35 of the Constitution provides that "Citizens of other countries and stateless persons in the Byelorussian SSR are guaranteed the rights and freedoms provided by the law, including the right to apply to a court and other State bodies for the protection of their personal property, family and other rights."

The status of foreign citizens in the Republic is regulated by the Act on the legal status of foreign citizens in the USSR, adopted in June 1981. Article 3 of the Act provides, inter alia, that "foreign citizens in the USSR shall enjoy the same rights and freedoms and have the same obligations as citizens of the USSR."

The Constitution of the Byelorussian SSR guarantees inviolability of the person to citizens of the Republic and provides that no one may be arrested except by a court decision or on the warrant of a procurator (article 52).

The principle of citizens' equality of rights without distinction of race or nationality was unwaveringly observed during the period under review in the day-to-day activities of all State bodies and public organizations. Citizens of all nationalities participate actively in administering the State. As is proclaimed in article 2 of the Constitution, "All power in the Byelorussian SSR belongs to the people."

The main trend in the development of the political system of Soviet society is towards the further growth of socialist democracy through steadily wider participation of citizens in administering the affairs of the State and of society; perfecting of the State apparatus; increased activity by public organizations; intensification of popular control; strengthening of the legal foundations of State and public life; increased publicity for court decisions and proceedings; and the constant taking into account of public opinion.

Previous reports by the Byelorussian SSR on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid gave a detailed account of the principles of complete national and racial equality set forth in numerous legislative acts regulating all aspects of social relations. These instruments include: the Labour Act, which provides guarantees of admission to employment without distinction of sex, race, nationality, attitude to religion, etc.

the Public Education Act, which guarantees the equality of all citizens as regards access to education; the Judicial System Act, which establishes the equality of citizens before the law and the courts; the Marriage and Family Code, which establishes the equal rights of citizens in family relations; and the Criminal Code of the Byelorussian SSR, which guarantees the suppression of any acts aimed at violating national and racial equality.

An important role in educating Soviet citizens in the spirit of fraternal friendship among the peoples of the USSR and of proletarian internationalism is played by the study of Soviet law and its provisions concerning the equality of all races and nationalities.

Matters relating to the struggle against apartheid, racism and racial discrimination are included in the syllabuses of the Republic's secondary schools and higher educational establishments.

The periodic press and other mass information media continue to contribute actively towards the education of citizens of the Byelorussian SSR in a spirit of intolerance of apartheid, racism and racial discrimination.

Guided by Leninist principles of foreign policy, the Byelorussian SSR always consistently defends the principle of the equality of peoples and speaks out resolutely against all forms and manifestations of discrimination and national oppression. The Republic resolutely condemns racism and apartheid and advocates the steadfast implementation by all States of decisions on the complete and unconditional eradication of apartheid and all other forms of racism, wherever and in whatever form they may be practised.

The press, radio, television and voluntary organizations in the Byelorussian SSR are carrying on a systematic campaign to provide the population of the Republic with information exposing and condemning the practice and inhuman policy of colonialism, racism and apartheid. The International Day of Struggle Against Racism and Racial Discrimination, the Week of Solidarity with Peoples Struggling Against Racism and Racial Discrimination, the Day of Solidarity with Political Prisoners in South Africa, the Week of Solidarity with the Struggle of the Peoples of Southern Africa, the International Day of Solidarity with the Struggling People of South Africa, Namibia Day, etc., are observed annually in the Byelorussian SSR.

Guided by Leninist principles of equal rights and friendship among peoples, the Byelorussian SSR will continue to give every possible support to the peoples fighting for their freedom and independence against colonialism, imperialism and their manifestations - apartheid and racial discrimination.