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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

CZECHOSLOVAKIA */

[11 January 1989]

The Czechoslovak Socialist Republic considers apartheid to be the most extreme form of racial terror and injustice. The struggle against apartheid is at the present time a key issue not only on the African continent, but also elsewhere in the world. In practice, apartheid means racial segregation and denial of political, civil, economic and social rights to the black population. Yet, apartheid is not only an anti-human, barbarian policy flouting all principles of human morality and humanism, it is also a real threat to international peace and security. This year international agreements were signed on termination of the war in Angola and Namibia but developments in the region are yet to show their viability and in particular earnestness on the part of the South African Government.

*/ The initial, second and third reports submitted by the Government of Czechoslovakia (E/CN.4/1277/Add.6, E/CN.4/1983/24/Add.5 and E/CN.4/1986/29/Add.8 were considered by the Group of Three at its 1978, 1983 and 1986 sessions respectively.

The eradication of apartheid cannot be achieved through partial reforms but only through the comprehensive democratization of the whole society. It is essential that South Africa should be totally isolated both in political and, especially, in economic terms.

The Czechoslovak Socialist Republic strongly condemns all manifestations of either direct or indirect co-operation with the South African régime. It believes that isolation of the Government of racist South Africa can be accomplished only through implementation by all United Nations Member States of United Nations resolutions on the severance of economic, political, military, cultural and other ties with South Africa.

The Czechoslovak Socialist Republic, having acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid, unreservedly fulfils all its obligations arising under this Convention. The law of the Czechoslovak Socialist Republic contains rules ensuring implementation of the provisions of the Convention in the country. Article 20 of the Czechoslovak Constitution proclaims the equality of all citizens in the Czechoslovak Socialist Republic not only in terms of rights and duties, but also as regards nationality and race. Equal legal status of all citizens under Czechoslovak law as well as in all fields of political and public life is provided for in the following Acts: the Penal Code (No. 140/1961, Collection of Laws), the Code of Penal Procedure (No. 141/1961, Collection of Laws), the Civil Code (No. 40/1964, Collection of Laws), the Labour Code (No. 65/1965, Collection of Laws), the Family Code (No. 94/1963, Collection of Laws), etc.

Legal regulations forming part of Czechoslovak penal law protect all positive relations and interests of value to and recognized by society regardless of whether they are pursued by members of different racial groups. Czechoslovak penal law also provides for uniform action to be taken towards any person suspected of having committed a criminal offence regardless of his or her race. These principles have to be viewed in the context of the application of the principle of equality of all citizens before the law, regardless of their national, racial or ethnic affiliation, by means of granting everyone equal rights and duties and taking the same action towards everyone in specific situations foreseen by the penal law.

At present, as apartheid is not defined in the Czechoslovak penal law as a specific offence, other provisions of the Penal Code are invoked in prosecution. Section 198 (on defamation of a nation, race or conviction) stipulates imprisonment for up to one year or reformatory measures for those who defame a nation, its language or a race publicly or in a manner causing indignation. It is also possible to invoke the provisions of Section 260 of the Penal Code which stipulates imprisonment for one to five years for an offender who supports or propagates fascism or another similar movement whose aim is to suppress the rights and freedoms of the working people or to preach national, racial or religious hatred. The Penal Code, Section 196, also prosecutes violence against a group of people or an individual, stipulating penalties for the use or threat of violence against the life, health or property of persons because of their affiliation to a certain nationality, race or creed.