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DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN  
THE MATTER OF POLITICAL RIGHTS

Note by the Secretary-General

As requested in the second operative paragraph of resolution 4 (XVIII), which the Commission adopted at its eighteenth session, the Secretary-General transmitted to the Governments of States Members of the United Nations and of the specialized agencies the text of the draft principles on freedom and non-discrimination in the matter of political rights drawn up by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/213, para. 370), as well as the suggestions made by the Commission on the Status of Women (E/CN.6/L.336), so that they could submit their comments on the substance of the draft principles and the form in which such principles should be embodied.

The comments received from the Government of the Byelorussian Soviet Socialist Republic are transmitted to the Commission herewith.

In the Byelorussian SSR as in the other Republics of the Soviet Union the principles of freedom and non-discrimination in the matter of political rights are applied in practice. This is ensured by the Constitution of the Byelorussian SSR, the legislation of the USSR and the Byelorussian SSR, and the action of the Government and the Communist Party.

The Constitution of the Byelorussian SSR guarantees to the citizens of the Republic freedom of speech, freedom of the Press, freedom of assembly, including the holding of mass meetings, freedom of street processions and demonstrations, freedom of conscience, freedom of religious worship and of anti-religious propaganda, the right to unite in public organizations, the inviolability of the person, the inviolability of the home, privacy of correspondence, etc.

Discrimination of every kind, including discrimination in the matter of political rights, is prohibited in the Byelorussian SSR. Under article 98 of the Constitution of the Byelorussian SSR, the equality of rights of citizens of the Byelorussian SSR, irrespective of their ethnic origin or race, is an indefeasible law in all spheres of economic, State, cultural, social and political life. Any direct or indirect restriction of the rights of, or conversely, any establishment of direct or indirect privileges for, citizens on account of their race or ethnic origin, as well as any advocacy of racial or ethnic exclusiveness or hatred and contempt is punishable by law. Article 97 of the Constitution provides that women in the Byelorussian SSR are accorded equal rights with men in all spheres of economic, State, cultural, social and political life.

Under the Constitution and the law all citizens of the Byelorussian SSR are guaranteed the right to work, the right to rest and leisure, the right to education, and the right to maintenance in old age and also in case of sickness and disability. These rights enable all workers to enjoy the other rights and freedoms, including political freedoms.

All the aforesaid rights and freedoms are not only proclaimed by statute but are also accompanied by the guarantees necessary to enable the citizens of the Byelorussian SSR to enjoy them in practice. These guarantees are secured by the socialist character of Soviet society and by the entire body of measures taken by the Government and the Communist Party in the people's interests.

At the present stage in the development of the Byelorussian SSR, just as of the Soviet State in its entirety - the stage of large-scale construction of a Communist society - personal freedom and civic rights are being further broadened in both scope and content. At this stage the Soviet Socialist State, which was originally a dictatorship of the proletariat, has become a State of the entire people and an organ expressing the interests and the will of the people as a whole. Being an organization of the entire people, the State aims in particular at protecting the rights and freedoms of the citizens and socialist law and order.

During the period of the large-scale construction of Communism, the main objective in the development of socialist statehood, as defined in the Programme of the Communist Party of the Soviet Union adopted in 1961, consists in the over-all development and improvement of socialist democracy, the active participation of all citizens in governing the State and directing its economic and cultural development, the improved functioning of the State apparatus, and increased control by the people over the activities of the State.

As socialist democracy further develops, the organs of the State will gradually become transformed into self-governing organs of society in which the Soviets of Working People's Deputies and the trade-union, co-operative and other organizations of the working people will become merged. This process will mean a further development of democracy in a manner that will ensure the active participation of all members of society in the management of public affairs. Public functions, similar to the present State functions, relating to the direction of economic and cultural activities will subsist under Communism but will be modified and improved in conformity with the development of society, and their character and application will be different than under socialism. The organs responsible for planning and accounting, for directing the economy and for cultural development, which today are State organs, will become self-governing organs of society. Communist society will be a highly organized form of co-operation among the working people. Uniform and universally accepted rules of communist intercourse will emerge, and their observance will become an inner necessity and way of life for all people. All this will result in the flourishing of personal freedom and civil rights.

The Byelorussian SSR holds that all States should abide consistently by the principles of freedom and non-discrimination in the matter of political rights. This goal could be furthered by the adoption of an international instrument embodying the principles of freedom and non-discrimination in the matter of political rights, along with appropriate guarantees.

As regards the draft general principles on freedom and non-discrimination in the matter of political rights drawn up by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, it is the view of the Byelorussian SSR that this text could serve as a suitable basis for the adoption of an international instrument on the subject.

The following amendments and additions to the draft general Principles are nevertheless considered advisable:

1. Principle I should be supplemented by a provision to the effect that all colonial countries and peoples must, in accordance with General Assembly resolution 1514 (XV), be immediately granted full freedom and independence in order that they may decide their own destinies and found their own national States in keeping with their freely expressed will.

Similarly, Principle XV should be supplemented by the following sentence: "With a view to the application of these principles in all colonial countries, in accordance with General Assembly resolution 1514 (XV), urgent steps shall be taken to transfer all powers forthwith to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will, without any distinction as to race, colour, language or creed."

2. Principle III should be supplemented by a provision that freedom of opinion and expression and freedom of peaceful assembly and association shall not be used for propaganda in favour of war, fascism, national, racial or religious hatred or hostility between peoples, or for the establishment or functioning of any organization engaged in such activities.

Principle VIII (d) should be similarly amplified.

3. Principle IV should be supplemented by a provision that universal and equal suffrage shall be extended to all persons of full age in all countries, without any limiting qualifications (based on educational, property, tax, residential or other status) and without any discrimination.

4. The wording of Principle II is not sufficiently precise and may offer a basis for discrimination against particular population groups in the matter of political rights. For example, the notions "reasonable requirements", "reasonable qualifications" and "reasonable period" employed respectively in sub-paragraphs (a), (b) and (c) of this Principle are subject to varying interpretations. In many countries this interpretation actually results in discrimination in the matter of the political rights of citizens, for instance the right of citizens with low incomes to take part in elections or the access of women to public office. The same applies to the expression "meeting the just requirements" in Principle XXX.

The retention of Principle XI (d) would be tantamount to approving the fact that in some countries one sector of the population has fewer political rights than another sector. Such a situation is, however, contrary to the principles of the Charter, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples.

For these reasons it would be inadvisable to retain Principle XI in its present form.

5. Principle XIII should be supplemented by a statement that States should undertake to adopt the constitutional, legislative and other measures which would best guarantee the compliance with the principles of freedom and non-discrimination in the matter of political rights, for neither Principle XIII nor the draft Principles as a whole provide, in essence, for guarantees that the principles will be observed.

As to the eventual form of the international instrument on freedom and non-discrimination in the matter of political rights, the competent authorities of the Byelorussian SSR reserve the right to express their views on this matter at a later stage.

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