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 Item 10 of the provisional agenda

GENOCIDE

Note by the Secretary-General

The following further replies have been received to the inquiry dispatched to Governments in accordance with the first operative paragraph of resolution 1420 (XIV) of the Economic and Social Council:

ARGENTINA

[Original: Spanish]  
 23 October 1969

No measures have been adopted recently with regard to this matter, the information provided in response to previous inquiries by the Secretary-General is still applicable.

AUSTRIA

[Original: English/German]  
 19 October 1969

The Austrian penal law sufficiently provides for the prosecution and punishment of persons who committed a crime of the nature specified in the Genocide Convention. No need was therefore felt to take special measures towards the

implementation of the Convention. In the course of a reform of the Austrian penal law, however, the Federal Government presented a new draft penal code to the Austrian parliament, which contains a special article on genocide. [This reads:]

"Article 342 (1) Any person who, with intent to destroy as an entity, in whole or in part, a group defined by the fact of its belonging to a church or religious society, a race, a people, a tribe or a State, kills members of the group, causes them serious bodily (article 97, paragraph (1)) or mental harm, inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposes measures intended to prevent births within the group or, by means of force or the threat of force, transfers children of the group to another group shall be punished by deprivation of liberty for life.

"(2) Any person who enters into a conspiracy to commit, in concert with another person, any of the offences referred to in paragraph (1) shall be punished by deprivation of liberty for a period of from one to ten years."

#### BULGARIA

[Original: French]  
26 August 1969

The People's Republic of Bulgaria is a party to the Convention on the Prevention and Punishment of the Crime of Genocide (Official Gazette, No. 153 of 30 June 1950).

The new Penal Code (Official Gazette, No. 26 of 2 April 1968) prescribes measures for the punishment of the crime of genocide. Article 416 of the Penal Code prescribes rigorous imprisonment for a period of from ten to twenty years or the death penalty for any person who, with intent to destroy, in whole or in part, a national, ethnic, racial or religious minority, causes the death of persons belonging to such a minority or causes them serious bodily or mental harm, inflicts on the said minority conditions of life calculated to bring about its destruction in whole or in part, imposes measures intended to prevent births, or forcibly transfers children of one ethnic minority to another. Penalties are prescribed for any person who incites others to commit the crime of genocide or makes preparations for its commission.

Article 79 of the Penal Code provides that these crimes involving genocide are not subject to any statute of limitations.

FRANCE

[Original: French]  
10 September 1969

French criminal legislation provides for the punishment, as criminal offences of different kinds, of the various acts which constitute genocide, and... there is no need to add to the provisions already in force in order to ensure France's compliance with the Convention, to which it is a party.

INDIA

[Original: English]  
19 December 1969

The Government of India have not adopted any specific measures to give effect to the Convention on the Prevention and Punishment of the Crime of Genocide, since the existing provisions of the Indian Penal Code adequately cover all crimes of genocide, as defined in the Convention.

LAOS

[Original: French]  
14 October 1969

No provisions relating to the prevention and punishment of the crime of genocide were enacted in 1969 by the Royal Government.

The most recent provisions relating to this matter are embodied in the draft Penal Code (article 284), which is to be submitted to the National Assembly in the near future.

"Article 284. Genocide.

"Any person who, in time of peace or in wartime, with intent to destroy, in whole or in part, a national, ethnic, racial, religious or political group, takes action to:

"(a) Kill or cause serious bodily or mental harm to members of the group, in any manner whatsoever;

"(b) Prevent births within the group; or

"(c) Bring about the forcible transfer or dispersal of population groups or children or their transfer under conditions which must necessarily lead to their dispersal shall be subject to a penalty of the fourth order of severity, other than a fine, in accordance with the seriousness of the case."

SPAIN

[Original: Spanish]  
September 1969

The Spanish Government has taken the necessary steps to initiate legislative action aimed at amending the Spanish Penal Code so as to meet the requirements of the above-mentioned Convention.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]  
11 September 1969

The Ukrainian SSR, having regard to the fact that genocide is a crime which violates the rules of international law and is contrary to the spirit and purposes of the United Nations, signed the Convention on the Prevention and Punishment of the Crime of Genocide in 1949 and ratified it in 1954.

In the Ukrainian SSR, the protection of the rights and legitimate interests of citizens is one of the primary functions of the State. The principle of the equality of all citizens, irrespective of the race, nationality or ethnic group to which they belong, is one of the most important principles reflecting the democratic nature of socialist society and ensuring the universal implementation of human rights and fundamental freedoms on the basis of equality. This principle is embodied in article 103 of the Constitution of the Ukrainian SSR, which proclaims that "equality of rights of citizens of the Ukrainian SSR, irrespective of their nationality or race, in all spheres of economic, governmental, cultural, political and other public activity, is an indefeasible law" and provides that "any direct or indirect restriction of the rights of, or, conversely, the

establishment of any direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, are punishable by law".

The Press, radio, television and the other mass media play an important role in international education in the Ukrainian SSR. Newspapers, magazines, and radio and television broadcasts regularly present material which shows how important friendship among peoples is to a successful solution of the nationalities problem, to the continued development of nations, and to the growth of material and spiritual resources. All possible means are employed to ensure that the ideas of friendship among peoples steadily develop and take on greater meaning and that they become an inner conviction for each individual.

All these measures rule out the possibility that any person, group or organization which pursues a policy of genocide could exist in the Ukrainian SSR.

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