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ON CIVIL AND
POLITICAL RIGHTS**



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HUMAN RIGHTS COMMITTEE

Twenty-third session

SUMMARY RECORD OF THE 565TH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 5 November 1984, at 3 p.m.

Chairman: Mr. BOUZIRI

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic reports of States due in 1985 (continued)

Union of Soviet Socialist Republics (CCPR/C/28/Add.3) (continued)

Item III. Self-determination, including external as well as domestic aspects (article 1)

1. Mr. BYKOV (Union of Soviet Socialist Republics) said that the Soviet Union regarded the right to self-determination as the basis for all rights and freedoms. It had taken an active part in the drafting of article 1 both of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Cultural and Social Rights. The Soviet people were proud that it was on their country's initiative that the United Nations had adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples. In its foreign policy, the Soviet Union abided strictly by the principle of equal rights of peoples and their right to decide their own destiny, as laid down in article 29 of the 1977 Constitution. The Soviet Union had also been instrumental in the adoption by the United Nations of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty and had actively supported the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States. At the current session of the General Assembly it had tabled a proposal relating to the inadmissibility of the policy of State terrorism and any actions by States aimed at undermining the socio-political system in other sovereign States. Mr. Gromyko, Minister for Foreign Affairs of the USSR, had stated that the adoption of the proposal would do much to prevent international conflict and aggression.

2. Referring to the internal application of the right to self-determination, one of the basic requirements of the first Programme of the Communist Party had concerned the right to self-determination for all peoples of the State. The Soviet State had from the outset granted all peoples of former Tsarist Russia full independence in deciding their own destiny. The declaration of Rights of the Peoples of Russia of 15 November 1917 had affirmed those peoples' right to self-determination, including the right to secede and form an independent State, and the removal of all national and religious privileges and restrictions. The Soviet State had also taken a number of important measures to ensure equal rights and lasting union among the Russian peoples. On 30 December 1922, the first All-Union Congress of Soviets had proclaimed the foundation of the Union of Soviet Socialist Republics on the basis of the freely expressed wishes of the people.

3. The Soviet Union consisted of 15 Union Republics, and the voluntary character of the union was established by article 70 of the Constitution of the USSR, which read: "The Union of Soviet Socialist Republics is an integral, federal, multinational State formed on the principle of socialist federalism as a result of the free self-determination of nations and the voluntary association of equal Soviet Socialist Republics." Under the Constitution, which also established the sovereignty of the Union Republics, each Republic had the right to secede (Constitution, article 72). The territory of a Union Republic could not be altered without its consent, although boundaries between them could be altered by mutual

agreement of the Republics concerned and subject to ratification by the USSR (article 78). Each Union Republic had the right to enter into relations with other States, conclude treaties with them, exchange diplomatic and consular representatives and take part in the work of international organizations (article 80). The highest body of State authority of a Union Republic was the Supreme Soviet of that Republic. The Supreme Soviet of a Union Republic was empowered to deal with all matters within the jurisdiction of the Republic (article 137). The principle of the equal rights of Union Republics was also reflected in the bicameral structure of the Supreme Soviet of the USSR, where the Soviet of Nationalities had been created to reflect the national interests of peoples in all activities of the Supreme Soviet. The USSR safeguarded the sovereign rights of the Union Republics (article 81).

4. Soviet power had put an end to the national enmity that had existed in Russia prior to the October Revolution. The voluntary union of Soviet Republics had increased the determination of the people to build socialism and preserve the independence of their socialist State, as could be seen from the historic victory of the Soviet people in the war of 1941-1945.

5. With the development of socialism, the friendship of Soviet peoples had been further strengthened and the nationality question had been resolved once and for all. That was one of the great achievements of socialism and Leninist policy. However, legal equality was not enough, and one of the main political aims had been to surmount de facto inequality and to overcome the economic and cultural backwardness of formerly oppressed nations and peoples. A great effort had been required, and funds had been made available from the Union budget over a long period. The political and material assistance provided by the workers of the developed areas of the USSR had been a decisive factor in the development of the Republics of Central Asia. Mass illiteracy had been overcome, and national cadres in all Republics had been able to enter institutes of higher learning.

6. In parallel with the development and restructuring of industry and agriculture, enormous efforts had been made to eliminate the vestiges of nationalism and chauvinism. Ties of brotherly friendship had been forged among the peoples of the Soviet Union, and the Soviet people was proud of its achievements.

7. Obviously, however, such a vast country experienced many problems that called for close attention by party and State. Both were opposed to the artificial elimination of national characteristics; both, however, were against such characteristics being blown up out of all proportion. The Soviet peoples were convinced that in forming one union they had multiplied their potential and speeded up social and economic development. There were many examples of the way in which the Soviet people worked side by side; after the recent earthquake in the Central Asian town of Gazli and the hurricane in the European part of the Russian Federation, all the peoples of the USSR had rushed to provide aid. That again was clear evidence of the success of Leninist national policy.

8. Mr. OPSAHL, noting that article 1, paragraph 3, of the International Covenant on Civil and Political Rights provided that States Parties should respect the right to self-determination "in conformity with the provisions of the Charter of the United Nations", asked how it was ensured that the presence of the armed forces of the USSR in other countries, and in particular in Afghanistan, remained compatible with that right to self-determination. What were the factors and difficulties involved in such a situation?

9. Mr. AL DOURI said it was clear that the right to self-determination was enshrined in the Constitution of the Soviet Union. The Committee, however, had heard not about the practical application of that right but only about the general principles on which Soviet policy was based. The Soviet Union assisted many peoples throughout the world in their struggle to achieve self-determination, including the Palestinian people, and it would therefore be useful if information could be provided about the practical aspects of the support rendered by the Soviet Union in the endeavour to put an end to barbaric attempts to oppose the right to self-determination.
10. Mr. ERMACORA asked whether, under the Soviet system, there was any difference between nations and nationalities as such and the concept of the Soviet people. Who had the right to self-determination: nations and nationalities, or only the Soviet people within the meaning of the Constitution?
11. Also, article 72 of the Constitution of the Soviet Union provided that each Union Republic retained the right freely to secede from the USSR. Could the people of, say, the Armenian, Estonian, Latvian or Lithuanian Soviet Socialist Republics invoke that right, or did article 72 merely provide a starting point for the Soviet Union's federal system.
12. Article 1, paragraph 1, of the International Covenant on Civil and Political Rights clearly provided that, by virtue of the right to self-determination, peoples could freely determine their political status. Did the right to self-determination include the right to choose, for example, another political electoral system or even other elements of a political system within the framework of the Soviet Union?
13. Lastly, by what procedures could the right to self-determination be exercised?
14. Mr. AGUILAR said he wondered what was the precise scope of the right provided for under article 80 of the Constitution of the USSR, which read: "A Union Republic has the right to enter into relations with other States, conclude treaties with them, exchange diplomatic and consular representatives and take part in the work of international organizations". Specifically, were there any other Republics, apart from the Ukrainian and Byelorussian Soviet Socialist Republics, which had exercised the rights laid down in article 80 of the Constitution?
15. He also wondered whether any of the Union Republics maintained special relations with other countries by virtue of certain national, or perhaps religious, links. For instance, did Estonia and Latvia have such relations with any of the Baltic States, or did Lithuania, with its predominantly Roman Catholic population, have a representative at the Holy See?
16. Mr. NDIAYE noted that the right to self-determination was clearly embodied in the Constitution of the USSR and had occupied an important place in Soviet doctrine since the time of Lenin. The Covenant made no distinction between peoples as far as the right to self-determination was concerned, and all States parties had an obligation to promote the realization of that right. In view of the fact that under the Constitution of the USSR the country was guided by the Communist Party and that the USSR had always distinguished between relations between States on the one hand and relations between parties on the other, it would be interesting to know whether, in its approach to the right of self-determination of peoples under article 1, paragraph 3, of the Covenant, the USSR treated all peoples alike, regardless of their political orientation, or whether it established a distinction on ideological grounds.

Item III. Treatment of aliens. Respects in which the rights of aliens are restricted as compared with those of citizens of the USSR

17. Mr. SAMOTCHENKO (Union of Soviet Socialist Republics) said that the Act on the Legal Status of Aliens in the USSR had been adopted on 24 June 1981. In the preparation of the Act, account had been taken of the views expressed during the discussion of the initial report of the USSR in the Committee.
18. The basic legal principle governing the status of aliens in the USSR was that aliens enjoyed the same rights and freedoms and bore the same responsibilities as citizens of the USSR, unless otherwise stipulated in the Constitution of the USSR or in current legislation. Consequently, in principle there were no restrictions on the rights of aliens. However, citizens of those States that imposed special restrictions on the rights and freedoms of citizens of the USSR, could be subject to counter-restrictions.
19. There were, of course, differences in the legal status of aliens as compared with Soviet citizens, due to their political status as citizens of a State other than the USSR. In particular, aliens had no voting rights and did not have to perform military service. In addition, they could not be appointed to certain posts if Soviet legislation required that such posts should be reserved for Soviet citizens.
20. There were also certain differences in the legal status of aliens in the USSR depending on whether they were permanent or temporary residents of the country. Permanent residents could be employed on the same terms as citizens of the USSR. Temporary residents could be employed only if their work was compatible with the purposes for which they were staying in the USSR. Permanent residents were entitled to medical care on the same footing as citizens of the USSR. Temporary residents could receive medical care under arrangements established by the USSR Ministry of Health.
21. Aliens enjoyed the same rights as citizens of the USSR with regard to holidays, social security, housing, property rights, education, culture, freedom of conscience, marriage and family relations, the inviolability of the person and the home, taxation and defence before the courts and other State organs. Aliens permanently resident in the USSR were entitled to join trade unions, co-operatives and scientific, cultural and sporting associations and other social organizations unless the statutes of those organizations provided otherwise.
22. Aliens were free to travel in the USSR and to choose their place of residence under the terms established by the legislation of the USSR. Restrictions on the movement and choice of residence were permitted when they were necessary to protect State security, safeguard public order, health and morality and defend the rights and legitimate interests of citizens of the USSR and other persons.
23. The enjoyment of the rights and freedoms applicable to aliens in the USSR was inseparable from the fulfilment of the obligations established by Soviet legislation. Aliens in the USSR had to comply with the Constitution of the USSR and with Soviet laws and to respect the rules of the socialist community and the traditions and customs of the Soviet people. The Act contained a section on the entry of aliens into the USSR and their departure from it, as well as a section on the liability of aliens, the reduction of their period of stay in the USSR and their expulsion from the country. The pertinent rules were elucidated in the second periodic report. Aliens who had committed an offence in the territory of the USSR were liable on the same terms as citizens of the USSR. The provisions of

the Act did not, however, affect the privileges and immunities of diplomatic and consular agents and other persons, as set forth in the legislation of the USSR and in international instruments to which the USSR was a party. Thus the basic feature of the new Act on the Legal Status of Aliens in the USSR was that, in principle, aliens were treated in the same way as citizens of the USSR.

24. Sir Vincent EVANS requested information regarding any restrictions - in the form of the need to obtain a permit, for instance - that might in practice be imposed on the free movement of aliens and their free choice of residence.

25. Mr. TOMUSCHAT said that it would be useful if the Committee could have an English or French translation of the Act on the Legal Status of Aliens in the USSR. Article 13 of the Covenant contained some fairly precise provisions regarding the expulsion of aliens, whereas the few lines devoted to the subject on page 16 of the USSR's report gave very little indication of how those provisions were being complied with. Further information on the relationship between the Act on the Legal Status of Aliens in the USSR and the requirements of article 13 of the Covenant would therefore be welcome.

26. Mr. DIMITRIJEVIC, referring to article 38 of the Constitution of the USSR, asked whether aliens residing in the USSR to whom political asylum had been granted enjoyed a higher status than other aliens residing in the country, since there had been a time when refugees had enjoyed certain political rights.

27. Article 15 of the Act on the Legal Status of Aliens in the USSR provided for four circumstances in which an alien could be prohibited from leaving the country. One such circumstance was "if the legislation of the USSR provides for other reasons preventing his departure". It would be interesting to know what other laws contained provisions of that type, who made the decision to prevent an alien from leaving the country and whether there was any means of appeal against the decision.

28. Mr. OPSAHL said that the Committee had been informed that the Penal Code had been amended to make the violation of telephone and telegraphic communications a punishable offence. He would like to know whether that provision applied also to aliens and whether such violations could be committed for reasons of national security.

29. Under the Act on the Legal Status of Aliens in the USSR, aliens were permitted to join organizations unless that was contrary to the statutes of the organization concerned. He would appreciate some information on the actual practice of organizations in respect of aliens and on any provisions regarding aliens that might be included in organizations' statutes of organizations.

Item IV. Non-discrimination, particularly in regard to "political or other opinion" and the position of members of the Communist Party as compared with non-members (articles 2 (1), 25 and 26)

30. Mr. SAMOTCHENKO (Union of Soviet Socialist Republics) said that article 34 of the Constitution of the USSR established the equality of citizens of the USSR before the law. It guaranteed that equality irrespective not only of the circumstances specifically mentioned in it, which were in keeping with article 2, paragraph 1, of the Covenant, but also irrespective of any other circumstance. In other words, no circumstance could provide grounds for any inequality of citizens before the law. That, of course, also included "political or other opinion", as was clear from the second paragraph of the same article of the Constitution, which guaranteed the equal rights of citizens in all fields of economic, political, social and cultural life.

31. A number of other articles of the Constitution tended in the same direction. For example, article 35 affirmed that women and men had equal rights in the USSR, article 36 that citizens of the USSR of different races and nationality had equal rights, article 95 that deputies to all soviets were to be elected on the basis of universal, equal and direct suffrage by secret ballot, and article 156 that justice in the USSR was based on the principle of the equality of citizens before the law and the court.

32. The same approach was to be found in all Soviet legislation - for example, in article 5 of the Fundamental Principles of Legislation on the Judicial System of the USSR and the Union and Autonomous Republics, in article 7 of the Fundamental Principles of Civil Procedure, in article 8 of the Fundamental Principles of Criminal Procedure, in article 9 of the Fundamental Principles of Labour Legislation, in article 4 of the Fundamental Principles of Legislation on Education, and in articles 3 and 4 of the Fundamental Principles of Family Legislation, as well as in many other legal provisions.

33. Furthermore, the equality of citizens was not only proclaimed in law; it was also guaranteed by the State. Material guarantees occupied an important place in the system. Under the Constitution, the State, with the broad participation of public organizations, had an obligation to ensure the growth and just distribution of social consumption funds to satisfy the needs of the people (article 23), to give citizens more and more real opportunities to develop their creative talents (article 20), to improve working conditions, safety and labour protection and to eliminate arduous physical labour (article 21), to develop the State system of health protection, social security, services and public utilities (article 24), to improve the unified system of public education (article 25), to develop science (article 26), and to protect and extend the use of cultural wealth and raise the cultural level of citizens (article 27).

34. The Soviet State was anxious to secure the consistent implementation of the principle of the equality of citizens and of other principles of socialist democracy. For Soviet society, equality was not only a great blessing, but also a basic requirement of life.

35. Thus Soviet law allowed no discrimination of any kind. The position of the Communist Party of the Soviet Union on that point was absolutely clear: there was to be no discrimination against citizens for any reason and no political or any other advantages for members of the Party. Under article 6 of the Constitution, all party organizations had to function within the framework of the Constitution. Of persons elected to local soviets of people's deputies in 1982, 42.8 per cent were members of the Party. That was only natural, since in the USSR the Party did not replace the State. It was the leading and guiding force of Soviet society, the nucleus of its political system and of State and social organizations. Under article 6 of the Constitution, it determined the general lines of development of society and the course of the domestic and foreign policy of the USSR, guided the work of the Soviet people and provided a scientific basis for its struggle for the victory of communism.

36. Equality was not reserved only for Soviet citizens. In the USSR aliens enjoyed the same rights and freedoms and bore the same responsibilities as Soviet citizens, unless otherwise provided for in the Constitution and other Soviet legislation.

37. Mr. NDIAYE said that article 26 of the Covenant prohibited discrimination on various grounds, including a person's political opinions. Article 34 of the Soviet Constitution also appeared to guarantee equal rights to all citizens in all spheres of life, while article 40 provided for the right to choice of employment based on vocational competence, bearing in mind the needs of society. Nevertheless, the existence of the Communist Party in the Soviet Union meant that not all citizens had in fact the same status. Furthermore, not all candidates for membership of the Communist Party were elected members. He wished to know, therefore, the percentage of Soviet citizens successful in reaching high office who were not members of the Communist Party and indeed whether a person could reach high office at all on the basis of personal competence if he was not a member of the Party.

38. Mr. TOMUSCHAT said that he too found the non-discrimination issue crucial. Comparison of article 34 of the Soviet Constitution with article 2, paragraph 1, of the Covenant revealed that the list of specifically prohibited types of discrimination was very much shorter in the former case and did not include political or other opinions. The Covenant had been signed in 1966 and had come into force in 1976, and it was inconceivable that the Soviet Government, as a signatory to the Covenant, had been unaware of its obligations under international law; it had nevertheless opted to shorten the list of specifically prohibited types of discrimination.

39. The implications of that emerged clearly when one came to consider article 6 of the Soviet Constitution. The establishment of one political party with a monopoly of power meant that other political forces, which might well be in sympathy with the tenets of socialist society, could not have the same status as the Communist Party. That was not an academic issue, but one which had an impact on the whole of Soviet society and the Soviet State. There was a fundamental discrepancy which had to be explained. Why had the drafters of the Soviet Constitution not followed the example of article 2, paragraph 1, and article 26 of the Covenant?

40. Mrs. CÔTÉ-HARPER said that the report included many references to the prevention of discrimination. In connection with protection against discrimination (article 26 of the Covenant), it was stated in the fourth paragraph of the relevant section of the second periodic report of the USSR that any direct or indirect limitation of the rights of citizens was punishable by law. She asked what recourse was available to an individual who alleged that he had been the victim of discrimination as specified in article 34 of the Soviet Constitution. Were there, for example, any committees on human rights to which a person could apply for redress, if he felt that he had suffered discrimination as a result of his political opinions?

41. Mr. GRAEFRATH said that specific prohibitions of discrimination were contained in articles 2 and 26 of the Covenant and those prohibitions were further referred to in article 25, the general aim being to ensure equal enjoyment of human rights. One of the criteria listed in article 2 was, however, property, and a guarantee of private property amounted to a guarantee of the unequal enjoyment of human rights, since property derived from the economic power in the possession of a particular individual. Equal participation in public life was in no sense guaranteed in countries where individuals could spend millions to promote political parties while workers were unemployed and had no real choice as to how to cast their vote.

42. Article 10 of the Soviet Constitution, on the other hand, dealt with socialist ownership, a system which precluded discrimination in respect of property and the exploitation of one human being by another; it was the essential element in the Soviet State. The primacy of the Communist Party afforded a guarantee of the implementation of article 2 of the Covenant, since the Party was a political force which concentrated on eliminating private ownership and preventing the recurrence of any system incorporating private ownership.

Item V. Right to life and the application of the death penalty (article 6)

43. Mr. BYKOV (Union of Soviet Socialist Republics) said that the Committee had rightly stated in its general comments on article 6 that the right to life could not be interpreted narrowly. The Soviet Union fully endorsed the view that the highest duty of States was the prevention of war, acts of genocide and other acts of mass destruction leading to the arbitrary deprivation of life. The struggle for peace had always been the central pillar of the foreign policy of the Soviet Union. The first legislative act promulgated by the Soviet power had been the Decree on Peace, and the Twenty-fifth Congress of the Communist Party of the Soviet Union had proposed its well-known Programme for Peace in the 1930s. Article 28 of the Soviet Constitution of 1977 was worded as follows: "The USSR steadfastly pursues a Leninist policy of peace and stands for the strengthening of the security of nations and broad international co-operation".

44. At a time when clouds were gathering over the international arena, the Soviet Union was directing even greater efforts to eliminating the threat of war, concentrating its efforts on the key issue of preventing a nuclear catastrophe. As had been stated at the Twenty-sixth Congress of the CPSU, there was no more essential question for any nation than ensuring the primary right of every human being - the right to life. Within the United Nations alone, the Soviet Union had been responsible for no less than a hundred proposals aimed at curbing the arms race, preventing the use of force in international relations, eliminating the threat of war and relieving international tensions. Nuclear war, if it should come to pass, would have catastrophic consequences for mankind, possibly leading to the annihilation of the human race. In 1982 the USSR had solemnly entered into a unilateral commitment not to be the first to use nuclear weapons and had on many occasions appealed to other nuclear powers, which had not yet done so, to undertake a similar commitment. The Soviet Union was still awaiting an appropriate response to the proposal of the socialist States for an agreement on the non-use of military force between the Warsaw Pact States and the NATO countries. It was convinced that the best guarantee of the right of life would be a mutual undertaking not to be the first to use nuclear or conventional weapons, in other words to abjure the use of force. In its unyielding pursuit of measures to curb the arms race and initiate disarmament, the Soviet Union and other Warsaw Pact States had approached the NATO countries to start negotiations on a mutual agreement not to increase military expenditure as a first step toward a reduction. Unfortunately there had been no response to that proposal. In addition, the Soviet Union had come forward with the extremely radical proposal of complete disarmament in conjunction with a universal system of control.

45. Further to its proposal to conclude a treaty on the non-use of force in outer space and from outer space directed towards the Earth, the USSR had also just proposed the inclusion in the agenda of the General Assembly of an item on the use of outer space

exclusively for peaceful purposes, in the interests of mankind. The timeliness of that new initiative was clear, since the extension of the arms race to outer space could become an irreversible process, if it was not stopped at an early stage.

46. Mr. GROMYKO, Minister for Foreign Affairs of the Soviet Union, speaking at the thirty-ninth session of the General Assembly, had emphasized that the Soviet Union continued to pursue its policy of peace, disarmament, the reduction and elimination of nuclear weapons and the peaceful solution of other acute contemporary problems. Propaganda for war was expressly prohibited under article 28 of the Soviet Constitution, and in its foreign policy the Soviet Union was attempting to prevent a war, defend peace and thus guarantee the right to life of all peoples and all individuals.

47. With regard to the Committee's general comments, in the USSR the right to life was guaranteed by law. Murder was an extremely serious crime under Soviet legislation. The penal codes of individual Republics included special sections on "Crimes against life, health, freedom and human dignity" which laid down the penalties for such crimes. In criminal law in the Soviet Union the death penalty was regarded as an exceptional form of punishment which existed provisionally and which could only be imposed by the courts and only for the most serious crimes. The Soviet Constitution (article 121) gave the Presidium of the Supreme Soviet of the USSR the right to issue All-Union acts of amnesty and to exercise the right of pardon.

48. With regard to the protection of health, he drew the attention of the Committee to article 42 of the Soviet Constitution, which dealt specifically with the health of Soviet citizens. It was stated in the Constitution that that right was ensured by, among other things, free, qualified medical care, the extension of the network of therapeutic and health-building institutions, the development and improvement of safety and hygiene in industry, the implementation of broad prophylactic measures and the development of research to prevent and reduce the incidence of disease and ensure citizens a long and active life.

49. One of the indices of the development of health protection was the increase in expenditure in that connection. In 1940 the allocation from the state budget and other sources for health care had been 1.1 billion roubles, whereas in 1982 it had risen to 20.3 billion roubles, an almost twenty-fold increase. Over the same period the number of doctors in the Soviet Union had risen from 155,300 to 1,071,200 and the number of hospital beds from 791,000 to 3,434,000. The Soviet Union led the world in the number of doctors and hospital beds per head of the population. The prevention of disease was regarded as crucial, and to that end a system of regular check-ups and medical centres had been established. The mortality rate in the Soviet Union had fallen by a factor of 2.9 since 1913 and there had been a two-fold increase in life expectancy over the same period.

50. A state system of mother and child care was in operation in the Soviet Union and more than 150,000 doctors were involved in that system. Every other child attended a pre-school institution, and the health of children was a subject of continuous concern to the Soviet State.

51. Sir Vincent EVANS said that the representative of the Soviet Union had referred to the Committee's general comments on article 6, but it was not entirely clear whether he had seen the most recent general comments adopted by consensus at the 563rd meeting, in which the Committee had expressed the view that the designing, testing, manufacture, possession and deployment of nuclear weapons were among the greatest threats to life confronting mankind today and had called on all States to take steps to rid the world of that menace. The representative of the USSR had stated that the Soviet Union had been seeking a mutual commitment by States not to be the first to use nuclear weapons, but the Committee's general comments went far beyond that proposal, being directed at the cessation of production and also the prohibition of the use of nuclear weapons. He would be interested to know whether the Soviet Union shared the views expressed by the Committee.
52. During the Committee's examination of the initial report of the Soviet Union, he had asked for information on the number of times capital punishment had been imposed in recent years and for what crimes. He had not received any reply at the time, nor was the relevant information included in the present periodic report. He therefore repeated the question and asked for statistics for the specific period 1978-1983. In that connection, article 6 of the Covenant clearly looked forward to the abolition of the death penalty. Had any consideration been given in the Soviet Union to the abolition of the death penalty or at least to a reduction in the number of crimes for which it could be imposed? It was generally known that political parties in Russia had been campaigning for the abolition of the death penalty as early as the beginning of the twentieth century. He wished to know whether there was any advocacy of abolition in the Soviet Union at the present time. Were any persons campaigning for its abolition and what attitude had the Soviet Government adopted to the issue?
53. Mr. ERMACORA said that, according to the initial and supplementary reports of the USSR, the death penalty was only imposed in the Soviet Union for the most violent crimes. He would like to have the definition of violent crime as used for the purposes of capital punishment. In connection with the general comments on article 6 of the Covenant, recently adopted by the Committee by consensus, he asked why the authorities in the Soviet Union were taking punitive action against those who advocated mutual trust between the USSR and the United States of America.
54. Mr. TOMUSCHAT welcomed the response of the Soviet delegation to the Committee's recent general comments on article 6, according to which certain activities related to nuclear arms should be prohibited as crimes against humanity. In giving consideration to armaments, disarmament and arms control, the Committee was of course entering a field in which it had limited experience and competence. Detailed questions of nuclear arms and nuclear bases had to be left to the competent experts. The Committee could only take a stand on fundamental and basic issues such as nuclear arms in general. He fully agreed with Sir Vincent Evans that the Committee's general comments went far beyond a mutual agreement between States not to be the first to use nuclear arms.
55. It was comforting to learn that the Soviet Union was a genuinely peace-loving State, as required by the Charter of the United Nations. In that context, however, he found it objectionable to hear other States denounced as imperialist. International relations would be greatly eased if both parties proceeded on the assumption that they

were both peace-loving. It could even be argued that a routine terminology, which qualified Western States as imperialist, was liable to engender national hatred within the meaning of article 20, paragraph 2, of the Covenant.

56. Mr. AGUILAR said that, although the Soviet Constitution contained provisions relating to the right to work, the right to rest and leisure, health protection, social security, housing, education, the exercise of scientific and artistic creativity, participation in State and public affairs, the right of association, freedom of conscience, inviolability of the home, the right to privacy and the confidentiality of correspondence, he had been unable, even after very careful reading, to find any provision guaranteeing the right to life. It was surprising in a modern State like the Soviet Union, where a substantial framework of legal texts had been built up, that the Constitution included no reference to the right to life. The Constitution was after all the fundamental legal authority, the importance of which could be judged from the fact that it could only be amended in the Supreme Soviet and by a two-thirds majority in both chambers.

57. Mr. GRAEFRATH emphasized that the Committee was not alone in going beyond the "no first use" concept, since a number of years ago the USSR had proposed a total ban on nuclear weapons, although that proposal had never met with a positive response.

Item VI. Liberty and security of the person

58. Mr. GUTSENKO (Union of Soviet Socialist Republics), referring to the practical implementation of article 9 of the Covenant, said that inviolability of the person was guaranteed by article 54 of the Constitution of the USSR and by a series of legislative measures. For example, under articles 126 and 177 of the Criminal Code of the RSFSR, unlawful deprivation of freedom or arrest were punishable offences. Moreover, the concept of preventive detention, meaning the isolation of persons not on the basis of their guilt but on the grounds of the danger they were alleged to represent, did not exist in Soviet law. The general rule was that persons could be detained only when the information available confirmed that they had committed specific crimes. In the absence of such information, they could be detained only under exceptional circumstances. For example, under the decree of the Supreme Soviet of the USSR of 8 June 1973, the police had the right to detain people for up to three hours if they had committed administrative offences and if other measures had been exhausted. The police also had the right, in the case of persons found in a state of drunkenness in a public place, to place them under medical care until they recovered.

59. When the information available led the police to suppose that a person had committed a crime, conditions of detention were regulated in even greater detail by criminal-procedure and other laws. According to article 32 of the Fundamentals of Criminal Legal Procedure of the USSR and the Union Republics, an investigative body could detain a suspect if he was caught committing the crime or immediately after, if witnesses directly indicated that he had committed the offence or if clear evidence of the crime was found on the suspect or in his home. The investigative body had to draw up a report indicating the grounds, date and place of detention, together with a description of the person, and the document had to be signed by the person drawing it up and the detainee.