

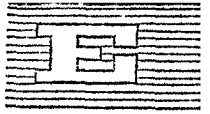
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COMMISSION ON HUMAN RIGHTS
Fortieth session

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

HUNGARY 1/

[16 November 1983]

1/ The initial, second and third reports submitted by the Government of Hungary (E/CN.4/1277/Add.16, E/CN.4/1353/Add.6 and E/CN.4/1505/Add.6) were considered by the Group of Three at its 1979, 1980 and 1982 sessions respectively.

GE.83-14240

The Hungarian People's Republic has actively participated in the elaboration of the Convention on the suppression and punishment of the crime of apartheid, it supported and wholeheartedly voted for the adoption of the Convention and it was among the first to become a party to this very important international instrument.

In complete accordance with its position of principle, the socialist Hungary has always come out resolutely against one of the most shameful phenomena of our times, against apartheid. Hungary deeply condemns the policy of apartheid, as one of the most extreme and vicious forms of racism, racial discrimination and racial segregation. Therefore it attaches primary significance to the implementation of the Convention, which can serve as a highly important instrument in the world-wide struggle against the last vestiges of racial discrimination in order to suppress and severely punish the crime of apartheid.

The Hungarian Government wishes to take this opportunity to reaffirm that any form or manifestation of racism, racial discrimination and racial segregation, including apartheid is totally alien to the socialist system of society in Hungary. The Constitution of the Hungarian People's Republic stipulates, inter alia: "The citizens of the Hungarian People's Republic are equal before the law and enjoy equal rights"; (Art. 61, subpar.1. of the Constitution) and "the law severely punishes any prejudicial discrimination of citizens by sex, religious affiliation or nationality". (Art. 61, subpar.2.).

Since the third periodic report there has been no change in the Hungarian legal regulations with respect to the implementation of the International Convention on the suppression and punishment of the crime of apartheid.

According, however, to the Guidelines adopted by the Group of Three of the Commission on Human Rights, the Government of the Hungarian People's Republic wishes to recall the measures taken regarding the implementation of the Convention as follows:

Add. Paragraph 1 of the Guidelines

Chapter XI. of the Hungarian Penal Code (Act IV of 1978) deals exclusively with crimes against humanity. In this chapter the following crimes and their penalties for, are contained among others:

Art. 155. Genocide

(1) Whosoever, with intent to destroy in whole or in part a national, ethnic, racial or religious group:

(a) kills a member of the group;

(b) inflicts on the group conditions of life likely to result in the destruction of the group or some of its members.

(c) imposes measures intended to prevent births within the group, shall be deemed to commit the crime of genocide and shall be punished with imprisonment for a term of 10 to 15 years or for life, or to death.

(2) Whosoever commits acts of preparation with intent to genocide shall be punished with imprisonment for a term of 2 to 8 years.

Art. 156. Offence against a National, Ethnic, Racial
or Religious Group

Whosoever causes serious bodily or mental injury to members of a national, ethnic, racial or religious group on account of their belonging to such a group shall be deemed to commit a crime and shall be punished with imprisonment for a term of 2 to 8 years.

Art. 157. Racial discrimination

Whosoever commits an offence prohibited by international law, with intent to ensure that a racial group will gain or maintain domination over or systematically oppress another racial group shall, provided no offence of greater gravity was consummated, be deemed to commit a crime and be punished with imprisonment for a term of 1 to 5 years.

As regards the legal definition: "provided no offence of greater gravity was consummated" of the crime of racial discrimination, it refers to the commission of genocide, where the penalties are stronger. In this case the graver crime shall be deemed to have been committed.

In accordance with paragraph 1 of the Convention, the Hungarian Penal Code declared the policies and practices of apartheid and the similar policies, practices and acts of racial segregation and discrimination a crime against humanity. Strong penalties are called for in the Hungarian legislation against crimes of such nature.

In the period since the third periodic report there has been no change in the legal regulations regarding the crimes referred to above.

The Government of the Hungarian People's Republic reaffirms in this report as well that in the Hungarian concept of criminal law only natural persons and no legal entities can be subjects of a crime. Therefore in the mind of the legislator it continues to be the human behaviour that is prohibited and/or considered by the Hungarian criminal law in weighting the legal definitions of crimes. It must, however, be added that human behaviour is liable in the case of organizations and institutions.

Consequently, and in full accordance with the Convention, individuals connected to the illegal activities of entities (organizations, institutions) can likewise be held criminally responsible and accountable.

Add. to Paragraph 2

The Hungarian legislation took into due account the acts listed in Article II (subpar. a) as reflected in the Penal Code. Moreover the Hungarian Penal Code provides (Article 4, para. 1(c)) that the Hungarian law shall also apply if the perpetrator is a non-national, the act is committed abroad and the act is a crime against humanity or any other crime whose persecution is provided for in an international treaty.

Extradition is continued to be governed by Article 9 of the Penal Code in accordance with the requirements of the Convention in question as indicated in the earlier report.

Add. to Paragraph 5

The Hungarian Government is convinced that the relevant provisions of the Penal Code contain the legislative measures necessary to suppress and punish the crime of apartheid.

In this context the Government notes that after promulgating - following the ratification and entry into force - the Convention, this International Convention became an integral part of the Hungarian legal system back in 1976 (Law-decree No. 27 of 1976).

By this act, the text of the Convention along with the use of the mass-media made it more than possible to acquaint the public on a very wide basis. The Convention, with other international agreements of a similar character, is disseminated through school-books (curricula), rallies, seminars and lectures to the broadest sector of the population.

Add. Paragraph 4

In accordance with its foreign policy principles, the Government of the Hungarian People's Republic firmly and consistently stands for the final and effective elimination of all forms of racism, racial segregation and racial discrimination. It resolutely deplores the policy and practices of the racist regime of South Africa, which deliberately and systematically carries out brutal terror over the indigenous population in southern Africa. This institutionalized terror is in itself a crime against humanity and Hungary joins all efforts to put an end to this shameful and inhuman policy.

Moreover, the racist regime of South Africa while launching a series of aggressive acts against the neighbouring independent African States continues to pose a grave threat to international peace and security. Hungary has supported and continues to support every effort to counter the aggressive policy and practices of the Pretoria regime along with the justice-loving people of the international community, particularly within the framework of the United Nations.

The record of the Hungarian People's Republic in the struggle against colonialism, neo-colonialism and apartheid is crystal clear. Hungary, as one of the founding members of the United Nations Special Committee against Apartheid, always advocated the paramount importance of the joint endeavours aimed at the elimination of apartheid.

The Government of the Hungarian People's Republic has given its unequivocal support for and has consistently and effectively complied with the resolutions of the General Assembly and the Security Council aimed at the prevention, suppression and punishment of the crime of apartheid. It is co-operating in the implementation of decisions, declarations and appeals adopted by other competent organs of the United Nations with a view to achieving the purposes of the Convention.

It is in this spirit that Hungary took part in the latest endeavours of the international community aimed at elimination of the last vestiges of colonialism, e.g. the International Conference on Namibia held in Paris this year and the Second World Conference to Combat Racism and Racial Discrimination held in Geneva in August, 1983. The Hungarian Government fully supports the just calls contained in the documents adopted at these Conferences and it is more than prepared to give effect to their justified calls.

In complete compliance with the relevant resolutions of the General Assembly and the Security Council as well as with the decisions of other international fora, the Hungarian People's Republic applies the sanctions against South Africa and maintains no relation whatsoever with the racist regime. Hungary resolutely comes out for urging the immediate implementation of the resolutions of the United Nations regarding the need to end the disturbing co-operation between the international monopolies and the Pretoria regime and the military-nuclear collaboration between the imperialist powers and South Africa alike.

The Government of the Hungarian People's Republic deems it necessary to stress that Hungary is a party to all international conventions, which have been elaborated and adopted by the United Nations as an indispensable part of the world-wide struggle against racism, racial discrimination and apartheid. It is not only a party to the International Convention on the suppression and punishment of the crime of Apartheid and the International Convention on the elimination of all forms of racial discrimination, but to the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crime against Humanity as well. It continues to strongly believe that the increase in the numbers of States parties to these conventions would definitely enhance the effectiveness and success of the international struggle against apartheid, racism and racial discrimination.

The people and Government of Hungary give political, diplomatic, material and moral support to the peoples and liberation movements in their just and legitimate struggle against colonialism, neo-colonialism, racism and apartheid. In this connection, the Hungarian Government wishes to call the attention to the following summary:

The Hungarian people under the leadership of the Hungarian Solidarity Committee takes an active part in the international fight against racism, racial hatred, racial discrimination and apartheid and at the same time it gives priority to the realization of the related national programme through the involvement of the broadest segments of the Hungarian society. The actions of the Hungarian Solidarity Committee in the reporting period continued to be directed towards the dissemination of the Convention in question as well as towards mobilizing the Hungarian society for giving wide-ranging support to the national liberation movements struggling against apartheid.

Solidarity mass rallies were held to observe the Day of Africa in 1982-83 and the Liberty Day of South Africa in the presence of representatives of the ANC. Meetings were also held in 1982 on the occasion of the 70th anniversary of the foundation of the ANC. On the days of Namibia in the past two years peace rallies were organized with thousands of participants. Solidarity events included the observance of Solidarity Day in the presence of ANC and SWAPO representatives. The policy of scholarship grants to students of ANC and SWAPO for secondary and higher education in Hungary has been continued in the period 1982-83. Voluntary relief supplies are dispatched annually to the refugee camps of ANC and SWAPO.

High level delegations of SWAPO and ANC made a number of visits to discuss questions regarding ways and means of strengthening relations and expanding co-operation. A highest level delegation of SWAPO, led by Sam Nujoma, was received in Hungary in 1983 for the third time. The official publications of SWAPO (Namibia Today) and ANC (ANC News Briefly, Sechaba) are widely and regularly disseminated.

The Hungarian Government encourages these valuable activities of social organizations.

- Education against apartheid forms an organic part of the Hungarian education. Exhibitions presenting the situation of peoples subjected to apartheid practices are regularly held in various parts of the country.

Add. paragraphs 5 and 6

During the current reporting period no such crimes as are covered by the International Convention were committed in the Hungarian People's Republic and hence no court decisions/judgements were passed in such cases.

Add. paragraph 7

The relevant Hungarian legislative texts are either reflected in this report or were attached to the third periodic report.