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Addendum

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[9 June 1978]

The Great October Socialist Revolution achieved by the workers and peasants of Russia under the leadership of the Communist Party headed by V. I. Lenin overthrew the power of the capitalists and landlords, established the dictatorship of the proletariat and created the Soviet State as the principal instrument for the defence of the revolutionary conquests and the construction of socialism and communism.

The Great October Revolution marked a radical turn in the destinies of all nations and nationalities in our country. Having embarked upon the path of socialist revolution, the workers and peasants of Byelorussia with the help of the Russian proletariat acquired their own State System for the first time in history and formed the Byelorussian Soviet Socialist Republic.

The unification of the Byelorussian SSR and the other Soviet republics into a single Union State - the Union of Soviet Socialist Republics - increased the strength and the possibilities of the peoples of our country in the accomplishment of radical socio-economic changes, and in the construction of socialism and the defence of its great conquests.

Under the conditions of socialism, thanks to the consistent application of the Party's Leninist national policy and with the comprehensive fraternal assistance of the great Russian people and the peoples of all the Soviet Republics, the working people of Byelorussia have achieved tremendous successes in the development of the economy, science and culture.

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The Byelorussian Soviet Socialist Republic is a republic enjoying equal rights within the Union of Soviet Socialist Republics, which embodies the State unity of the Soviet people and rallies together all nations and nationalities for the joint construction of communism.

As a result of the constructive activity of the Soviet people under the leadership of the Communist Party of the Soviet Union, there has now been created in our country a developed socialist society, a society of true freedom for working people, with a developed socialist democracy and a complex of principles and norms relating to human rights.

The adoption of the new Constitution of the USSR by the Supreme Soviet of the USSR was a significant landmark in the life of the whole country.

On 14 April 1978 the Supreme Soviet of the Byelorussian SSR adopted the new Constitution of the Byelorussian Soviet Socialist Republic. The new Constitution of the Byelorussian SSR, whose creator was the entire people, expresses the will and interests of the workers, peasants and intelligentsia, the working people of all nationalities in the Republic.

The Byelorussian Soviet Socialist Republic is a sovereign Soviet socialist State. With a view to the successful construction of communist society, the consolidation of economic and political unity and the safeguarding of the security and defence of the country, the Byelorussian Soviet Socialist Republic, as a result of the free self-determination of its people and on the basis of voluntariness and equal rights, united itself with the other Soviet Socialist Republics into the Union of Soviet Socialist Republics, a single multinational Union State. Under the Constitution, the Byelorussian SSR retains the right freely to secede from the USSR.

The jurisdiction of the Byelorussian Soviet Socialist Republic, as represented by its highest bodies of State authority and administration, covers:

1. Adoption and amendment of the Constitution of the Byelorussian SSR, and control over its observance;
2. The legislation of the Byelorussian SSR;
3. Establishment of the procedure for the organization and functioning of Republican and local bodies of State authority and administration;
4. Protection of State order and of the rights and freedoms of citizens;
5. Pursuance of the uniform social and economic policy; direction of the economy of the Byelorussian SSR; ensuring of scientific and technological progress and adoption of measures for the rational exploitation and conservation of natural resources;
6. Elaboration and approval of State plans for the economic and social development of the Byelorussian SSR and of the State budget of the Byelorussian SSR, and endorsement of reports on their fulfilment; control over the execution of the budget of separate regions and of the city of Minsk;

7. Determination, in accordance with the legislation of the Union of Soviet Socialist Republics, of the revenues forming the State budget of the Byelorussian SSR;
8. Direction of sectors of the economy under Union-Republican and Republican jurisdiction and of amalgamations and enterprises under Republican jurisdiction; general direction of amalgamations and enterprises under local jurisdiction;
9. Establishment of the procedure for the utilization of land, mineral, water and forestry resources; protection of the environment;
10. Direction of housing, municipal services, trade, public catering, welfare, housing construction and public amenities in towns and other inhabited localities, road construction and transport;
11. Direction of public education, cultural and scientific organizations and institutions of the Byelorussian SSR, public health, physical culture and sport, social insurance; preservation of historical and cultural monuments;
12. Representation of the Byelorussian SSR in international relations;
13. Amnesty and pardon of citizens convicted by courts of the Byelorussian SSR;
14. Other matters of Republican importance.

The Byelorussian SSR has the right to enter into relations with foreign States, conclude treaties with them, exchange diplomatic and consular representatives, and take part in the work of international organizations.

The Byelorussian SSR actively and consistently advocates peace and friendship among peoples, non-interference in internal affairs, non-use of force in international relations, general and complete disarmament and the strengthening of international security, limitation and elimination of weapons of mass destruction, and strict compliance with the United Nations Charter, and with all generally recognized principles and norms of international law.

The provisions of the most important international documents relating to human rights have long since become legal norms in the Byelorussian SSR. It should be noted that the Byelorussian SSR has ratified such important instruments of international law as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Political Rights of Women, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Prevention and Punishment of the Crime of Genocide, and other instruments.

Guided by Leninist ideas, the Byelorussian SSR believes that international co-operation among States in the field of human rights must primarily be directed towards the struggle against mass and gross violations of human rights occurring as a result of policies of aggression, colonialism, racism, apartheid, and the exploitation of man by man.

The further improvement of forms and methods of international co-operation in the field of human rights is closely linked with the process of the deepening and materialization of international détente and the consequent strengthening of trust between States with different social systems.

The legal foundation for the legislative activity of the Republic is the Constitution of the Byelorussian Soviet Socialist Republic. The most important legislative acts, providing for a whole system of legal guarantees to safeguard the rights and lawful interests of citizens of the Byelorussian SSR include: the Labour Code of the Byelorussian SSR, the Criminal Code of the Byelorussian SSR, the Civil Code of the Byelorussian SSR, the Code of Criminal Procedure of the Byelorussian SSR, the Code of Civil Procedure of the Byelorussian SSR, the Correctional Labour Code of the Byelorussian SSR, the Law on Court Organization of the Byelorussian SSR, the Marriage and Family Code of the Byelorussian SSR and other acts.

It should be noted that the Codes of the Byelorussian SSR contain provisions stating that the rules of an international treaty or international agreement to which the Byelorussian SSR is a party are applicable in the territory of the Byelorussian SSR.

The Byelorussian SSR has repeatedly described the situation with regard to the implementation of human rights in the Republic, in reports and notes addressed to the Secretary-General of the United Nations and to various United Nations bodies which have been recognized and approved by the appropriate organs of the United Nations system. In particular, the rights awarded to the individual in the Byelorussian SSR, their precise content and the guarantees of their implementation - which, in many respects, are more extensive than those set forth in the Covenant - are described in reports of the Byelorussian SSR for the Yearbook on Human Rights, in the reports on "Measures taken in the Byelorussian SSR under the programme for the Decade for Action to Combat Racism and Racial Discrimination" (1976), in the report on "The realization of the economic, social and cultural rights of women in the Byelorussian SSR during the period from June 1971 to June 1975" in the "Fourth periodic report on the implementation in the Byelorussian SSR of the International Convention on the Elimination of All Forms of Racial Discrimination", in the report on "Rights and obligations of citizens in the Byelorussian SSR: the individuals responsibility to society" (1976), in reports on the celebration of Human Rights Day in the Byelorussian SSR, in reports on "Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination", "The protection in the Byelorussian SSR of the human rights of persons subjected to any form of detention or imprisonment", "Legislative, administrative and judicial measures, including means of protection and penalties, aimed at the protection of persons from torture and other cruel, inhuman or degrading treatment and punishment", "Applicability of existing international provisions on human rights to individuals who are not citizens of the country in which they live", etc.

As a result of the victory of the Great October Socialist Revolution, the Byelorussian people acquired the right to self-determination and created the Byelorussian Soviet Socialist Republic. The first Constitution of the Byelorussian SSR of 1919 already contained a provision to the effect that the Byelorussian SSR, "recognizing the equal rights of citizens, irrespective of their racial or national origin, declares that the establishment or tolerance of any privileges or advantages on the basis of such origin, as well as any oppression of national minorities or limitation of their equality of rights, is contrary to the fundamental laws of the Republic".

In recognizing the right of nations to self-determination, including secession, the Soviet State strove to ensure a lasting voluntary union of the working people of all nations and the harmonization of their national and international interests. The foundation of the State and political unity of the peoples of the Soviet land - the Union of Soviet Socialist Republics - lies precisely in the free self-determination of peoples and in their equality of rights. The right of nations to self-determination, including secession, is the legal expression of national sovereignty.

In all forums in which the question of the right of peoples to self-determination is discussed, the Byelorussian SSR actively and consistently advocates the immediate granting of this right to peoples still under colonial oppression.

Equality of rights and guarantee of legal protection (article 2)

Equality of rights of citizens of the Byelorussian SSR is an immutable law. Article 34 of the Constitution of the Byelorussian SSR states that:

"Citizens of the Byelorussian SSR of different races and nationalities have equal rights.

"Exercise of these rights is ensured by a policy of all-round development and drawing together of all the nations and nationalities of the USSR, by educating citizens in the spirit of Soviet patriotism and socialist internationalism, and by the possibility to use their mother tongue and the languages of other peoples of the USSR.

"Any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or contempt, are punishable by law."

The principle of equality before the law, which is affirmed in the Constitution of the Byelorussian SSR, is guaranteed in all branches of current legislation.

For example, article 6 of the Code of Civil Procedure of the Byelorussian SSR provides that "justice in civil cases shall be administered only by the court on the principle of equality of all citizens before the law and the court, irrespective of their social, property and occupational status, nationality, race or creed". A similar provision is contained in the corresponding article of the Code of Criminal Procedure of the Byelorussian SSR.

Article 71 of the Criminal Code of the Byelorussian SSR provides that propaganda or agitation designed to incite to racial or national hatred or discord, and also the direct or indirect limitation of rights or establishment of direct or indirect privileges of citizens on account of their race or nationality, are punishable by deprivation of liberty.

Every citizen in the Byelorussian SSR has a right to apply to the court in the event of infringement of his lawful rights. Article 4 of the Code of Civil Procedure of the Byelorussian SSR provides that:

"Any interested person shall have the right, following the procedure laid down by law, to apply to the court for protection if his rights or legally protected interests are infringed or contested ..."

The Criminal Code of the Byelorussian SSR establishes the criminal liability of officials for abuse of authority or of official position, for exceeding their authority or official powers, or for negligence, in particular if it causes substantial harm to the legally protected rights and interests of citizens. The Criminal Code of the Byelorussian SSR provides for criminal responsibility for infringement of the political, labour and other rights of citizens. The Codes of Criminal Procedure and Civil Procedure of the Byelorussian SSR contain details of the legal means of protection of the rights of citizens during investigations and enquiries, and during the hearing of court cases.

Article 32 of the Constitution of the Byelorussian SSR states that:

"Citizens of the Byelorussian SSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status.

"The equal rights of citizens of the Byelorussian SSR are guaranteed in all fields of economic, political, social, and cultural life."

The safeguarding and protection of the rights of citizens are defined in the Byelorussian SSR as legal obligations of all State organs. Public organizations also participate in this activity.

Equal rights of men and women (article 3)

The principle of the equality of rights of men and women is proclaimed in article 33 of the Constitution of the Byelorussian SSR. This article reads:

"Women and men have equal rights in the Byelorussian SSR.

"Exercise of these rights is ensured by according women equal access with men to education and vocational training, equal opportunities in employment, remuneration and promotion and in social, political and cultural activity, and by special labour and health protection measures for women; by providing conditions enabling women to combine work with motherhood; by legal protection and material and moral support for mothers and children, including paid leave and other benefits for pregnant women and mothers, and gradual reduction of working time for mothers with small children".

The equality of the political rights of women is affirmed in the laws. Every woman in the Byelorussian SSR who has reached the age of 18, irrespective of race, nationality, religion, domicile, or social or property status, has the right to participate in the elections of organs of power and people's courts, to vote and to be elected.

The principle of the wide-scale involvement of women in the administration of the State and in all public affairs is being steadfastly applied in the Republic. This is one of the principal features of the development of Soviet democracy. The highest organ of State power, the Supreme Soviet of the Byelorussian SSR, includes 159 women, or almost 37 per cent of the total number of deputies. In the local Soviets of People's Deputies, 46.7 per cent of the total number of deputies are women. The people's judges include 77 women (25.6 per cent of the total). The State takes all necessary measures to guarantee for women the possibility to participate in the country's political and public life on an equal footing with men.

The right to life (article 6)

The right to life, as an inalienable right of every human being, is guaranteed in the Byelorussian SSR by law and by other means available to the State.

Depriving a person of life is an extremely serious crime under Byelorussian law. The Criminal Code of the Byelorussian SSR contains a special chapter 8 on "Crimes against life, health, freedom, and dignity of the person"; this chapter specifies the punishment for such offences. Article 22 of the Criminal Code of the Byelorussian SSR provides for the application of the death penalty - by shooting - as an exceptional measure of punishment, pending its abolition, for crimes against the State. The article also limits the application of the death penalty. Persons who have not attained the age of 18 years before the commission of a crime, and women who are pregnant at the time of the commission of the crime or at the moment judgement is rendered, may not be sentenced to death. The death penalty may not be applied to a woman who is pregnant at the moment judgement is to be executed. It should be remembered that the criminal legislation at present in force provides for the death penalty only as an alternative to deprivation of liberty, and is in practice applied only in exceptional cases in the presence of particularly aggravating circumstances.

In accordance with the Constitution of the Byelorussian SSR (article 108, paragraph 12), the Presidium of the Supreme Soviet of the Byelorussian SSR has the right to pardon persons sentenced to death by courts of the Byelorussian SSR.

Prohibition of torture or cruel, inhuman or
degrading treatment or punishment (article 7)

In the Byelorussian SSR, the rules of criminal procedure preclude all use of force or of unlawful, cruel, inhuman or degrading forms of treatment of persons detained or arrested or under investigation.

The law requires the investigator to conduct his investigation in strict compliance with all the procedural guarantees. Under the legislation in force such guarantees include, in regard to questioning, the prohibition of questioning at night except in cases which permit of no delay, separate questioning of persons summoned in the same case, right of an interrogated person to write down his testimony in his own hand; prohibition of leading questions. In conformity with articles 15 and 120 of the Code of Criminal Procedure of the Byelorussian SSR, it is forbidden to obtain testimony from an accused person (or suspect) by the use of force, threats or any other illegal means.

One important guarantee which precludes the use of force against an accused person (or suspect) is the participation of defence counsel in the case. If there is evidence of use of force, coercion or other unlawful methods of investigation, counsel may enter a plea for the testimony obtained by such methods to be recognized as invalid and for the persons who sanctioned such a breach of legality to be held responsible.

Under the laws of the Byelorussian SSR, the extraction of evidence from an accused person or any other person by threats or other illegal acts on the part of a person conducting an inquiry or preliminary investigation is a crime punishable by deprivation of liberty. If such acts are accompanied by the use of force or by mockery against the person of the accused, the punishment is increased.

In accordance with the existing structure and spirit of legislation in the Byelorussian SSR, the conducting of medical or scientific experiments on human beings is categorically prohibited, since such experiments tend to limit the freedom and personal inviolability of citizens and to undermine their health. Judicial practice in the Byelorussian SSR knows of no such cases.

Prohibition of slavery, slave-trade, holding
persons in servitude and forced labour (article 8)

In the Byelorussian SSR, the exploitation of man by man, forced labour and all forms of slavery were abolished for ever with the establishment of the power of the workers and peasants after the victory of the Great October socialist revolution. Article 10 of the Byelorussian SSR Constitution reads:

"The foundation of the economic system of the Byelorussian SSR is socialist ownership of the means of production in the form of State property (belonging to all the people), and collective farm and co-operative property.

"Socialist ownership also embraces the property of trade unions and other public organizations which they require to carry out their purposes under their rules.

"The State protects socialist property and provides conditions for its growth.

"No one has the right to use socialist property for personal gain or other selfish ends."

Article 14 of the Constitution proclaims that:

"The source of the growth of social wealth and of the well-being of the people, and of each Soviet individual, is the labour, free from exploitation, of Soviet people.

"The State exercises control over the measure of labour and of consumption in accordance with the principle of socialism: 'From each according to his ability, to each according to his work.' It fixes the rate of taxation on taxable income.

"Socially useful work and its results determine a person's status in society. By combining material and moral incentives and encouraging innovation and a creative attitude to work, the State helps transform labour into the prime vital need of every Soviet citizen."

In the Byelorussian SSR there is freedom of employment, which is ensured by guarantees of the right to work and by legislative provisions concerning freedom to dissolve a labour contract.

Article 38 of the Constitution of the Byelorussian SSR states that:

"Citizens of the Byelorussian SSR have the right to work (that is, to guaranteed employment and pay in accordance with the quantity and quality of their work, and not below the State-established minimum) including the right to choose their trade or profession, type of job and work in accordance with their vocation, abilities, training and education, with due account of the needs of society.

"This right is ensured by the socialist economic system, steady growth of the productive forces, free vocational and professional training, improvement of skills, training in new trades or professions, and development of the systems of vocational guidance and job placement."

The right to liberty and security of person (article 9)

In the Byelorussian SSR, no one may be arrested or detained in violation of the established legal procedure or in the absence of grounds directly specified in Byelorussian legislation. Article 52 of the Constitution of the Byelorussian SSR ensures for citizens of the Byelorussian SSR inviolability of the person. As a guarantee of this important right, the Constitution states that: "No one may be arrested except by a court decision or on the warrant of a procurator".

These basic rules of constitutional law - inviolability of the person and freedom from arbitrary arrest or detention - are developed and guaranteed by the criminal procedure legislation of the Byelorussian SSR. Article 7 of the Code of Criminal Procedure of the Byelorussian SSR reproduces the constitutional rule guaranteeing inviolability of the person, while article 4 of the Code of Criminal Procedure of the Byelorussian SSR lays down that "no one may be prosecuted as an

accused except on the grounds and in accordance with the procedure established by law". Only persons guilty of committing a crime - i.e., persons who have intentionally or by negligence committed a socially dangerous act as so defined in criminal law - are subject to criminal responsibility and punishment. No one may be held guilty of committing a crime and subjected to criminal punishment except by sentence of a court.

Organs of inquiry are empowered to detain a person suspected of having committed a crime which is punishable in law by deprivation of liberty, on one of the following grounds only:

- (1) when the person is caught in the act of, or immediately after, committing the crime;
- (2) when eye-witnesses, including victims, directly identify the person as the offender;
- (3) when clear traces of the crime are discovered on the suspected person or his clothing, or in his keeping or in his dwelling (article 113 of the Code of Criminal Procedure of the Byelorussian SSR).

In every case of detention of a person suspected of having committed a crime, the organ of inquiry is required to prepare a report stating the grounds and reasons for his detention and to inform the procurator of the case within 24 hours. Within 48 hours of receiving notification of the detention, the procurator is required either to sanction detention in custody or to release the person detained (article 119 of the Code of Criminal Procedure of the Byelorussian SSR).

Under Byelorussian legislation, a person may be arrested only in cases of crimes for which the law prescribes punishment in the form of deprivation of liberty. The organs of the Procurator's Office exercise control to ensure that no one is subjected to arrest except by a court decision or on the warrant of a procurator. In deciding whether to sanction arrest, the procurator is obliged to acquaint himself fully with all the material on which the need for the arrest is founded and, where necessary, to interrogate personally the individual liable to arrest. In accordance with article 7 of the Criminal Code of the Byelorussian SSR, the procurator is required to release immediately any person unlawfully deprived of his liberty or held in custody for longer than the period prescribed by law or in the court decision. The organs of the Procurator's Office are also responsible for exercising control over the legality of the detention of persons subjected to preventive arrest, and also over the observance of legality in places of detention. The procurator enjoys wide powers in the exercise of his functions. He has the right to visit places of deprivation of liberty at any time, and to be given free access to all premises; to acquaint himself with the documents on the basis of which a person has been deprived of his liberty; to question prisoners; to verify the legality of orders and instructions issued by the administration of places of deprivation of liberty and establishing the conditions and régime for the detention of prisoners; and to demand personal explanations from representatives of the administration of places of deprivation of liberty concerning any violation of legality in the detention of prisoners.

One of the main legal guarantees of the constitutional principle of the inviolability of the person is the provision in Byelorussian legislation concerning criminal responsibility for deliberate unlawful arrest or detention. Deliberate unlawful arrest is punished by deprivation of liberty, and deliberate unlawful detention by correctional labour or dismissal from office.

In the Byelorussian SSR, a person conducting an inquiry, an investigator or a procurator, who deliberately institutes proceedings against an innocent person bears criminal responsibility for his act. Any deliberate unjust sentences, decisions, rulings or orders by a judge are likewise subject to criminal punishment.

A person arrested or detained has the right to know of what he is accused and on what grounds he has been arrested or detained. This is ensured by the fact that persons responsible for the arrest or detention are obliged to issue a reasoned decision (or order), which must be made known to the arrested or detained person. In all cases, without exception, notification of the detention in custody of an accused person must be sent to his family, as well as to the administration at his place of work, service or study.

The investigation in a criminal case must be completed not more than two months from the date of the initiation of proceedings. Once a case has been taken up by a court, the question of bringing the accused to trial must be decided by the judge or court at a procedural session within a period not exceeding ten days; and the hearing of the case must begin not later than 14 days from the moment of the judge's decision or decision of the procedural session to bring the accused to trial.

The right of every citizen to compensation, i.e., to reparation for damages caused by unlawful arrest or detention in custody, is guaranteed by law (article 444 of the Civil Code of the Byelorussian SSR).

The right to be treated with humanity and with respect
for the inherent dignity of the human person (article 10)

Humanity and democratism are characteristic of correctional labour legislation in the Byelorussian SSR, which is designed to ensure the execution of a criminal punishment, not only as chastisement for the offence committed, but also in order to correct and re-educate convicted persons in the spirit of an honest attitude to labour, strict observance of the laws and respect for the rules of socialist community life, to prevent the commission of new crimes both by convicted persons and by others, and to promote the eradication of crime (article 1 of the Correctional Labour Code of the Byelorussian SSR). As emphasized in this article and in article 20 of the Criminal Code of the Byelorussian SSR, punishment does not have the purpose of causing physical suffering or of degrading a person.

The legal status of persons ordered to be detained in custody as a preventive measure is governed by the Regulations on Pre-Trial Detention in Custody in the Byelorussian SSR, and that of persons sentenced to deprivation of liberty, by the Correctional Labour Code of the Byelorussian SSR.

Pursuant to article 4 of the Regulations on Pre-Trial Detention, accused persons are kept in isolated interrogation cells. In some instances, they may be kept in prison or in a pre-trial detention room. This category of detainees may not be kept more than three days in the pre-trial detention room.

Persons sentenced to deprivation of liberty serve their sentence in correctional labour settlements, prisons and reformatories (for minors). The principle of separate detention is observed both at places of pre-trial detention and in correctional labour institutions (article 3 of the Regulations on Pre-Trial Detention in Custody). For example, men are kept separate from women, and minors from adults, and persons having previously served a sentence in places of detention are separated from persons who have not previously been detained in places of deprivation of liberty, etc.

Minors detained in correctional labour institutions are kept separate from adults. Minors sentenced to deprivation of liberty serve their sentence in reformatories. The procedure governing the serving of a sentence of deprivation of liberty in reformatories is governed by the Correctional Labour Code of the Byelorussian SSR.

Prohibition of imprisonment on the ground of failure
to fulfil a contractual obligation (article 11)

The legislation of the Byelorussian SSR provides for compensation for damages caused by failure to fulfil, or by the improper fulfilment of, an obligation (article 211 of the Civil Code of the Byelorussian SSR).

Persons who fail to fulfil an obligation or who fulfil it in an improper manner are held responsible only when they are guilty (by reason of intention or negligence), except in the cases prescribed by law or in the contract. The onus for proving his innocence is borne by the person who has violated the obligation (article 218 of the Civil Code of the Byelorussian SSR).

Byelorussian legislation does not provide for deprivation of liberty on the ground of failure to fulfil any contractual obligation.

The right to freedom of movement and freedom to
choose one's residence, including the right to
leave any country (article 12)

The question of freedom of movement and freedom to choose one's residence, for persons lawfully residing in the territory of the Republic, is governed by normative acts. For example, article 10 of the Byelorussian Civil Code affirms the rule that citizens may choose the nature of their employment and place of residence.

The main normative document in this connexion (article 12, paragraph 3 of the Covenant) is the resolution adopted on 22 September 1970 by the Council of Ministers of the USSR.

This resolution regulates questions concerning the procedure for entry into and exit from the country, documentary formalities, and the activities of bodies empowered to issue exit visas, etc.

The rights of aliens (article 13)

Questions of the legal capacity of aliens and stateless persons, and also of the application of civil laws of foreign States and of international treaties and agreements, are the subject of a special section of the Byelorussian Civil Code.

Nearly all the democratic rights and freedoms provided for in the Constitution of the Byelorussian SSR are extended to aliens in the territory of the Republic, except for the active and passive electoral right, the right to form parties and the obligation to perform military service. All aliens, without distinction as to race, sex or religion, enjoy equality, inviolability of the person, the home and correspondence, freedom of expression, freedom of the press, freedom of conscience, etc.

Article 35 of the Byelorussian Constitution provides that:

"Citizens of other countries and stateless persons in the Byelorussian SSR are guaranteed the rights and freedoms provided by law, including the right to apply to a court and other State organs for the protection of their personal, property, family and other rights.

"Citizens of other countries and stateless persons, when in the Byelorussian SSR, are obliged to respect the Constitution of the USSR and the Constitution of the Byelorussian SSR and to observe Soviet laws."

In addition, article 36 of the Constitution of the Byelorussian SSR grants the right of asylum to foreigners persecuted for defending the interests of the working people and the cause of peace, for participation in the revolutionary and national-liberation movement or for progressive social, scientific or other creative activity.

Equality of all citizens before the courts.

The right to a fair and public hearing (article 14)

Justice in the Byelorussian SSR is administered only by the courts, which alone are empowered to fulfil this function (article 150 of the Constitution of the Byelorussian SSR).

The Constitution of the Byelorussian SSR and the legislation of the Republic guarantee, for everyone brought to trial, the right to a public, fair and impartial hearing of his or her case in an independent court. Article 155 of the Constitution provides that: "Justice in the Byelorussian SSR is administered on the principle of the equality of citizens before the law and the court". This provision is given specific content in the legislative acts of the Republic, where it is laid down that justice shall be administered on the basis of the principle of the equality of all citizens before the law and the court, irrespective of their social, property or official status, nationality, race or religion.

In the fulfilment of their duties, judges and people's assessors are independent and subject only to the law (article 154 of the Constitution of the Byelorussian SSR). All courts in the Byelorussian SSR are formed on the principle of the electiveness of judges and people's assessors (article 151 of the Constitution).

Article 156 of the Constitution of the Byelorussian SSR provides that: "Proceedings in all courts shall be open to the public. Hearings in camera are only allowed in cases provided for by law, with observance of all the rules of judicial procedure".

The presumption of innocence in Soviet criminal law is one of the fundamental principles which has been affirmed in a number of the provisions of the legislation in force in the Byelorussian SSR, which lays down that:

No one may be adjudged guilty of a crime and subjected to criminal punishment except by a judgement of the court;

In the course of the preliminary investigation and the court examination of a case, the guilt of the accused shall be subject to proof;

The court, the procurator, the investigator and the person conducting the inquiry shall not have the right to lay the burden of proof on the accused, since recognition of his guilt by the accused does not constitute absolute evidence of his culpability and may be adduced as grounds for the charge only if it is confirmed by the entire body of evidence collected in the case;

In committing the accused for trial, the court or the judge shall not predetermine the question of his guilt; a verdict of "guilty" may not be founded on assumptions and shall be rendered only if, in the course of the judicial examination, the guilt of the person brought to trial has been proved.

Any deviation from the presumption of innocence or violation of any aspect of this principle is invariably regarded as grounds for quashing the verdicts, or rulings of lower judicial organs.

A person arrested or detained has the right to know of what he is accused and on what grounds he has been arrested or detained. This is ensured by the fact that persons responsible for the arrest or detention are obliged to issue a reasoned decision (or order) which must be made known to the arrested or detained person.

The investigation in a criminal case must be completed not more than two months from the date of the initiation of proceedings. Once a case has been taken up by a court, the question of bringing the accused to trial must be decided by the judge or court at a procedural session within a period not exceeding ten days; and the hearing of the case must begin not later than 14 days from the moment of the judge's decision or the decision of the procedural session to bring the accused to trial.

The law requires the investigator, procurator and court to provide the accused with the possibility of having a defence counsel and availing himself of the latter's assistance. From the moment he is permitted to participate in a case, defence counsel has the right to meet with the accused in private, without any restriction on the number or duration of such meetings. In addition, with the permission of the investigator, he may be present during interrogations of the accused and during the conduct of any other investigative actions performed upon petition of the accused or of his defence counsel (articles 51 and 53 of the Byelorussian Code of Criminal Procedure).

In conformity with the legislation of the Byelorussian SSR, a defendant not only has the right to be present at and take an active part in the judicial examination; his appearance in court is in fact obligatory. Examination of the case in the absence of the accused is permitted only in exceptional circumstances and if it does not prevent the establishment of the truth in the case. In his participation in the judicial examination, the defendant enjoys a wide range of rights for conducting his defence, both personally, and with the aid of an advocate or defence counsel, whom he is entitled to select himself.

The advocate is obliged to make use of all the ways and means of defence specified in law in order to bring to light circumstances which will help to acquit the accused or mitigate his responsibility; he is also obliged to render all necessary legal aid to the accused. The advocate participates in the examination of evidence, gives his opinion on questions which arise, submits considerations to the court on the substance of the charge, on circumstances affecting the degree and nature of the responsibility of the defendant, on the application of criminal law, degree of punishment etc. (articles 14, 48, 49, 50, 51, 53, 245 and 248 of the Byelorussian Code of Criminal Procedure).

The investigator is not entitled to refuse a suspect or accused person or his defence counsel the right to question witnesses. The right to participate in the questioning of witnesses in a court examination is likewise accorded to the legal representative of a minor defendant (articles 128, 162, 282 and 286 of the Byelorussian Code of Criminal Procedure).

In conformity with article 158 of the Constitution of the Byelorussian SSR, judicial proceedings in the Byelorussian SSR are conducted in the Byelorussian or Russian languages or in the language spoken by the majority of people in the locality. Persons participating in court proceedings who do not know the language in which they are being conducted shall be ensured the right to become fully acquainted with the materials in the case; the services of an interpreter during the proceedings; and the right to address the court in their own language. These principles have been reflected also in article 10 of the Law concerning the Court Organization in the Byelorussian SSR, and in corresponding articles of the Byelorussian Codes of Criminal and Civil Procedure.

The services of an interpreter are paid for by the State (articles 103 and 104 of the Byelorussian Code of Criminal Procedure).

Colleges of advocates are available to give legal assistance to citizens and organizations. In cases provided for by legislation, citizens are given legal assistance free of charge.

The organization and procedure of the Bar are determined by the legislation of the USSR and the Byelorussian SSR (article 160 of the Constitution of the Byelorussian SSR).

To give evidence in a preliminary investigation or in a court examination is not an obligation but a right of persons suspected, accused or brought to trial.

They may therefore refuse to give any evidence at all; they may change the evidence they have given earlier, and may even repudiate a statement acknowledging their guilt (articles 48, 71, 281, 284 and 299 of the Byelorussian Code of Criminal Procedure).

Byelorussian SSR legislation gives convicted persons extensive rights and possibilities for appealing against a sentence. Article 268 of the Code of Civil Procedure of the Byelorussian SSR provides for the right to appeal by way of cassation or to protest against a decision by any Byelorussian court, except decisions of the Supreme Court, within ten days of the rendering of the decision. The cassation procedure is an important guarantee of the rights and lawful interests of persons who believe a sentence to be unlawful or unfounded, and have the full possibility of appealing against it to a higher court.

In the case of convicted minors, the right to appeal against the sentence is accorded not only to the convicted persons and their defence counsel but also to parents, adoptive parents, guardians and trustees of minors, and to the administration of institutions and organizations caring for minors.

The principles of criminal judicial proceedings affirm the main elements of cassation: freedom to appeal against a sentence, obligation of the cassational instance to verify the legality and validity of a sentence, review of cases by the cassational instance, inadmissibility of any worsening - as a result of the review - in a sentence appealed against by a convicted person, etc.

Articles 172 and 173 of the Criminal Code of the Byelorussian SSR establish that, in the cases and within the limits specially provided for in law, the relevant State organs shall be held responsible for any damage caused by incorrect action by officials of organs of inquiry, preliminary investigation, the Procurator's Office or the court.

Prohibition of criminal legislation with
retroactive effect (article 15)

Under the criminal procedure legislation of the Byelorussian SSR, the criminality and punishability of an act are determined by the law in force at the time of the commission of the act. A law establishing the punishability of an act or increasing a punishment does not have retroactive force. A law eliminating the punishability of an act or mitigating punishment has retroactive force, that is, it also applies to acts committed before its promulgation (Criminal Code of the Byelorussian SSR, article 6).

Recognition of the right to legal capacity (article 16)

Under the Civil Code of the Byelorussian SSR, the capacity to have civil rights and duties is recognized equally for all citizens of the Byelorussian SSR and other Union Republics. It begins at birth and ceases at death.

A citizen's capacity by his acts to acquire civil rights and to create for himself civil duties (civil legal ability) begins at his majority, that is, upon his attaining the age of 18. The limited legal ability of minors, as well as the cases in which the legal ability of adults may be limited and the manner of establishing such limitations are determined by the legislation of the Byelorussian SSR.

No one may be restricted in his legal capacity or legal ability, except in the cases and in the manner established by law. Under the legislation of the Byelorussian SSR, transactions aimed at limiting legal capacity or legal ability are invalid.

Freedom from arbitrary interference with a citizen's privacy,
inviolability of the home and privacy of correspondence
(article 17)

The inviolability of a citizen's person and dwelling and the privacy of his correspondence are protected by the law in force in the Byelorussian SSR (Constitution of the Byelorussian SSR, articles 52 to 55). Article 52 of the Constitution of the Byelorussian SSR reads: "Citizens of the Byelorussian SSR are guaranteed inviolability of the person. No one may be arrested except by a court decision or on the warrant of a procurator."

Under article 53 of the Constitution, "Citizens of the Byelorussian SSR are guaranteed inviolability of the home. No one may, without lawful grounds, enter a home against the will of those residing in it." Article 54 of the Constitution of the Byelorussian SSR reads:

"The privacy of citizens, and of their correspondence, telephone conversations, and telegraphic communications is protected by law".

Article 55 of the Constitution stipulates that:

"Respect for the individual and protection of the rights and freedoms of citizens are the duty of all State organs, public organizations, and officials.

"Citizens of the Byelorussian SSR have the right to protection by the courts against encroachments on their honour and reputation, life and health, and personal freedom and property."

The prohibition of encroachments on a person's honour and reputation is restated in the rules of civil and criminal legislation.

Article 7 of the Code of Criminal Procedure of the Byelorussian SSR states that:

"No one may be arrested except by a court decision or on the warrant of a procurator.

"A procurator is obliged to release immediately any person unlawfully deprived of his liberty or held in custody for a period longer than that provided for by law or by a court decision".

A citizen's dwelling may be entered without his consent and without prior notification only after criminal proceedings have been initiated, and when the investigator has sufficient grounds for assuming that other criminals are present on the premises or that the premises contain unlawfully acquired articles or valuables, or other material evidence. However, even in these cases the law (for example, the Code of Criminal Procedure of the Byelorussian SSR, article 167) requires a reasoned ruling by the investigator, sanctioned by the procurator. Article 169 of the Code of Criminal Procedure of the Byelorussian SSR instructs the investigator to take measures to ensure that the circumstances of a person's intimate life are not divulged and that searches should, as a rule, take place in day time. Illegal search, illegal eviction or other illegal actions infringing the inviolability of citizens' dwellings are punishable by penalties up to and including deprivation of liberty.

The Criminal Code of the Byelorussian SSR also contains a specific rule establishing criminal liability for violations of the privacy of correspondence (Criminal Code of the Byelorussian SSR, article 135).

The provision relating to the privacy of correspondence may be lawfully restricted only when criminal cases are being investigated (Code of Criminal Procedure of the Byelorussian SSR, article 173). However, in these cases, under the criminal procedure law, officials are obliged not to permit the divulgence of information of an intimate nature.

Article 7 of the Civil Code of the Byelorussian SSR stipulates that the citizen has a right to sue by law for retraction of statements defamatory to his honour and dignity, unless the person who makes such statements proves that they are true. If such statements are published in the press, then "if they are untrue they must be retracted also in the press. The manner of retraction in other cases shall be established by the court."

Under the criminal law of the Byelorussian SSR, criminal responsibility is incurred by persons who utter insults against a person, or engage in deliberate denigration of his honour and dignity in an improper form, or engage in slander and libel - that is, the dissemination of deliberate falsifications defamatory to another person (Criminal Code of the Byelorussian SSR, articles 128 and 129).

The right to freedom of thought, conscience and religion (article 18)

In order to guarantee freedom of conscience for citizens in the Byelorussian SSR, the church is separated from the State and the school from the church. Freedom to engage in religious worship and freedom of anti-religious propaganda are recognized for all citizens. Article 50 of the Constitution of the Byelorussian SSR reads:

"Citizens of the Byelorussian SSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to engage in religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited.

"In the Byelorussian SSR the church is separated from the State, and the school from the church".

The separation of the church from the State and of the school from the church provides all citizens with effective opportunities to exercise their freedom of conscience and constitutes its principal legal guarantee.

On the basis of the principle governing the relations between State and church in our country, the law gives believing adults the right to form religious societies for the joint satisfaction of their religious needs, to participate freely in their activities, to give them material support, to elect governing bodies for their religious societies, to establish religious centres or worship independently, etc. Believers who set up religious societies may receive, from the State and free of rent, special buildings for prayer; they may rent, purchase or construct premises for these purposes, freely hold prayer meetings, perform religious rites and engage in the other ritual activities characteristic of a particular religion.

The State guarantees the right of citizens freely to perform religious rites. Obstructing the performance of religious rites, insofar as they do not violate public order and are not accompanied by infringement of the rights of citizens, is a criminal offence under article 140 of the Criminal Code of the Byelorussian SSR.

The separation of the church and the State ensures that there is no interference by the State and its organs in the religious activities of associations of believers and no interference by religious organizations in the political, economic, social, cultural and other activities of State and social organs.

Citizens who have atheistic convictions are entitled to express them and to advocate them freely. In order to promote the joint advocacy of their atheistic views, citizens may form public organizations and unions.

The legislation of the Byelorussian SSR protects the right of the citizen to determine his attitude to religion independently, without any outside interference. Every citizen is free to profess or not to profess any religion. This right is guaranteed by the equality of citizens in regard to political, economic, social, cultural and other rights and duties, and their equality before the law and the court irrespective of their attitude to religion.

No official documents, including civic documents - birth certificates, marriage certificates, employment, books, etc. - give any indication of religious affiliation.

Refusal to employ a citizen or admit him to an educational establishment, dismissing him from work or expelling him from an educational establishment, depriving him of the privileges and advantages to which he is entitled by law or any other substantial restriction of his rights on the ground of his attitude to religion is a criminal offence.

The legislation of the Byelorussian SSR neither forbids nor restricts the freedom of parents or legal guardians to give their children a religious upbringing in accordance with their own beliefs.

The legislation in force prohibits any activities of religious associations, preaching of religious dogmas, performance of rites and so on which involve disturbance of public order or cause harm to the health of citizens or any other encroachment on their person and rights, or incite citizens to refuse to perform their civic duties or violate the laws of the Byelorussian SSR in other ways. It also prohibits atheistic propaganda of a type which offends the religious sentiments of citizens and involves encroachments on their person and rights.

The right to hold and freely to express opinions (article 19)

In the Constitution of the Byelorussian SSR, these provisions of the Covenant are covered by article 48, which guarantees freedom of speech and of the press for citizens of the Republic. This article reads:

"In accordance with the interests of the people and in order to strengthen and develop the socialist system, citizens of the Byelorussian SSR are guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations".

"The exercise of these political freedoms is ensured by placing public buildings, streets and squares at the disposal of the working people and their organizations, by the broad dissemination of information, and by the opportunity to use the press, television, and radio".

Legislation also provides further legal guarantees of the implementation of these rights, such as the civil law rules concerning the regulation of copyright (Civil Code of the Byelorussian SSR, articles 472-511).

The law also provides for a number of limitations of these rights. Thus, agitation or propaganda designed to undermine or weaken Soviet power and the dissemination for these purposes of slanderous fabrications defaming the Soviet State and its social system are forbidden, as is the dissemination, preparation or possession for these purposes of literature of the same content (Criminal Code of the Byelorussian SSR, article 67).

These legal limitations are in conformity with the principles contained in article 19, paragraph 3, of the Covenant, which provides for the possibility of establishing restrictions "for the protection of national security or of public order, or of public health or morals".

Existing legislation in the Byelorussian SSR does not contain any restrictions or prohibitions in regard to the freedom to seek and receive information and ideas of all kinds.

Prohibition of propaganda for war and racial hatred

(article 20)

In the Byelorussian SSR, propaganda for war, in whatever form it is conducted, is prohibited by law, as is clearly indicated in article 28 of the Constitution of the Republic, which states that: "In the Byelorussian SSR war propaganda is banned".

Propaganda or agitation designed to incite racial or national hostility or discord, as well as the direct or indirect limitation of rights or the establishment of direct or indirect privileges for citizens on the ground of their race or nationality, is also prohibited by law (Criminal Code of the Byelorussian SSR, article 71).

The right of peaceful assembly

(article 21)

The right of peaceful assembly is affirmed in the Constitution of the Byelorussian SSR. Article 49 of the Constitution reads:

"In accordance with the aims of communist construction, citizens of the Byelorussian SSR have the right to associate in public organizations that promote their political activity and initiative and the satisfaction of their various interests.

"Public organizations are guaranteed conditions for successfully performing the functions defined in their rules."

In the Byelorussian SSR, it is very common for citizens to hold assemblies and meetings to discuss a wide range of questions of interest to them.

The right to associate with others

(article 22)

In the Byelorussian SSR, the right of citizens to associate with others in public organizations, trade unions, co-operatives, youth organizations, sports and defence organizations, and cultural, technical, scientific and other societies, etc., is considered to be one of the most important political rights. This right is affirmed in article 49 of the Constitution of the Republic.

In the Byelorussian SSR, associations are established on a voluntary basis. Citizens join and leave them of their own free will. Public organizations are established mainly on the initiative of citizens and their associations. The establishment of such associations and the admission of citizens to membership in them is governed by the principle of equality. People are admitted to these organizations irrespective of their social position, nationality, property or other status.

Trade unions play a leading role in the public and political life of the Byelorussian SSR. At present the trade union movement of the Republic includes 27,515 primary trade union organizations with a membership of 4.1 million. The trade union organs of the Republic have the right to initiate legislation. They participate in economic development planning. The trade unions represent the interests of office and factory workers in State and economic organs. They also actively ensure the provision of safety equipment in industry; they administer the State social insurance system, award and issue temporary disability allowances to factory and office workers and manage the health and holiday resort system.

The education and development of the political activity of young people is the concern of the Byelorussian Komsomol. It has a membership of 1,200,000 young people of both sexes.

In the Byelorussian SSR the consumer co-operative movement has over 3.5 million members. It plays an important role in the organization of commerce and the provision of goods and services for the rural population.

In the Byelorussian SSR, the influence of various public organizations, including youth and sports organizations, cultural, technical and scientific societies, and unions of creative artists, is consistently growing and expanding. New public associations are being founded and developed. Recently created organizations include nature conservancy societies, societies for the protection of historical and cultural monuments, and others.

Protection of the family by society and the State

(article 23)

The protection of the family, in which the social and personal interests of citizens are harmoniously combined, is one of the most important tasks of the socialist State. Article 51 of the Constitution of the Byelorussian SSR states that:

"The family enjoys the protection of the State. Marriage is based on the free consent of the woman and the man; the spouses are fully equal in their family relations.

"The State helps the family by providing and developing a broad system of child-care institutions, by organizing and improving communal services and public catering, by paying grants on the birth of a child, by providing children's allowances and benefits for large families, and other forms of family allowances and assistance."

Legislation concerning marriage and the family in the Byelorussian SSR establishes the procedure and conditions for entering into matrimony, regulates personal and property relations arising in the family between spouses and between parents and children, and regulates the procedure and conditions for the dissolution of marriage and the procedure for the registration of civil status documents (article 2 of the Marriage and Family Code of the Byelorussian SSR).

In order to enter into marriage, the parties to the marriage must express mutual consent and be of marriageable age. In marital and family relations, the wife and husband have equal personal and property rights. Equality of rights in the family is based on the equal rights of women and men in all spheres of State, social, political, economic and cultural life in the country (article 33 of the Constitution of the Byelorussian SSR).

Questions concerning the upbringing of children and other matters regarding family life are decided jointly by the spouses. Each spouse is free to choose his or her occupation, profession and place of residence. Property acquired by the spouses during the marriage belongs to them jointly. The spouses enjoy equal rights with regard to the possession, use and disposition of such property (article 31 of the Marriage and Family Code of the Byelorussian SSR).

In the event of a dispute between the spouses as to which parent the children will live with following the dissolution of the marriage, and concerning the amount of allowance to be paid for the maintenance of the children, the court is obliged, in pronouncing judgement on the dissolution of the marriage, to state which child will remain with which parent and which parent will be required to pay an allowance for the maintenance of the children, and what will be the amount of such allowance (article 36 of the Marriage and Family Code of the Byelorussian SSR).

Protection of the rights of the child

(article 24 of the Covenant)

The task of the education of children, the comprehensive protection of the interests of mother and child and the safeguarding of a happy childhood for every child constitutes one of the basic objectives of legislation concerning marriage and the family in the Byelorussian SSR.

The law obliges parents to concern themselves with the upbringing and development of their children and with their instruction and training for socially useful work. Parental rights may not be exercised in a way contrary to the interests of the children.

Article 64 of the Constitution of the Byelorussian SSR states that:

"Citizens of the Byelorussian SSR are obliged to concern themselves with the upbringing of children, to train them for socially useful work, and to raise them as worthy members of socialist society. Children are obliged to care for their parents and help them".

In accordance with the Marriage and Family Code of the Byelorussian SSR (article 63), parents are the legal representatives of their minor children and protect their rights and interests in all institutions, including judicial instances, without special authority.

The father and the mother have equal rights and duties in respect of their children (article 64 of the Marriage and Family Code of the Byelorussian SSR).

The birth of a child to parents who are married is attested to in the record of the parents' marriage (article 51 of the Marriage and Family Code of the Byelorussian SSR).

The right to take part in the conduct of
public affairs

(article 25 of the Covenant)

Citizens of the socialist State take an active part in the exercise of political power and State activity. This is a manifestation of the genuine sovereignty of the people based on the broad involvement of the people in the management of public and State affairs.

Article 46 of the Constitution of the Byelorussian SSR states that:

"Citizens of the Byelorussian SSR have the right to take part in the management and administration of State and public affairs and in the discussion and adoption of laws and measures of All-Union and local significance.

"This right is ensured by the opportunity to vote and to be elected to Soviets of People's Deputies and other elective State bodies, to take part in nationwide discussions and referendums, in people's control, in the work of State bodies, public organizations and local community groups, and in meetings at places of work or residence."

All power in the Byelorussian SSR belongs to the people in accordance with the Constitution of the Byelorussian SSR (article 2). The people exercise State power through Soviets of People's Deputies which constitute the political foundation of the Byelorussian SSR. The Constitution of the Byelorussian SSR contains the following provisions concerning elections to the Soviets:

Article 84. Elections of deputies to all Soviets of People's Deputies shall be conducted on the basis of universal, equal, and direct suffrage by secret ballot.

Article 85. Elections of deputies shall be universal: all citizens of the Byelorussian SSR who have reached the age of 18 shall have the right to vote and to be elected, with the exception of those who have been legally certified insane.

Article 86. Elections of deputies shall be equal: each citizen shall have one vote; all voters shall exercise the franchise on an equal footing.

Article 87. Elections of deputies shall be direct: deputies to all Soviets of People's Deputies shall be elected by citizens by direct vote.

Article 88. Voting at elections of deputies shall be secret: control over voters' exercise of the franchise is inadmissible.

The plenipotentiary powers of people's deputies and the relations between electors and deputies are specified in various provisions of the Constitution, the most important of which are as follows:

Article 92. Deputies are the plenipotentiary representatives of the people in the Soviets of People's Deputies.

In the Soviets, deputies deal with matters relating to State, economic, social and cultural development, organize implementation of the decisions of the Soviets, and exercise control over the work of State organs, enterprises, institutions and organizations.

Deputies shall be guided in their activities by the interests of the State, and shall take the needs of their constituents into account and work to implement their electors' mandates.

Article 93. Deputies shall exercise their powers without discontinuing their regular employment or duties.

During sessions of the Soviet, and so as to exercise their deputy's powers in other cases stipulated by law, deputies shall be released from their regular employment or duties, with retention of their average earnings at their permanent place of work.

Article 94. A deputy has the right to address inquiries to the appropriate State organs and officials, who are obliged to reply to them at a session of the Soviet.

Deputies have the right to approach any State or public body, enterprise, institution or organization on matters arising from their work as deputies, and to take part in considering the questions raised by them. The heads of the State or public bodies, enterprises, institutions or organizations concerned are obliged to receive deputies without delay and to consider their proposals within the time-limit established by law.

Article 95. Deputies shall be guaranteed conditions for the unhampered and effective exercise of their rights and duties.

The immunity of deputies, and other guarantees of their activity as deputies, are defined in the Law on the Status of Deputies and other legislative acts of the USSR and of the Byelorussian SSR.

Article 96. Deputies shall report on their work and on that of the Soviet to their constituents, and to the work collectives and public organizations that nominated them.

Deputies who have not justified the confidence of their constituents may be recalled at any time by the decision of a majority of the electors in accordance with the procedure established by law.

The paths of development of the political organization of Soviet society are linked to the adoption of measures aimed at improving the socialist State system and democracy, the strengthening of the legal basis of State and public life, and the promotion of the activities of social organizations.

Considerable importance in the development of Soviet political systems is still being given to the perfecting and encouragement of the activities of the organs of people's power - the Soviets of people's Deputies which form the political basis of the socialist State and constitute the fullest embodiment of its democratic nature. Through the Soviets, the population of the country is linked

to the broadest organization of the Soviet political system - the socialist State which embraces the entire people, which manages all public property and embodies the general will and interests of all workers. The rights of Soviets are being extended and their action is becoming more positive and varied. Many important matters are raised and solved on the initiative of the deputies of the Soviets and the proposals submitted by deputies at the request of the electors reflect the vital requirements and needs of the workers.

The development and improvement of the political system of Soviet society and its components in conditions of advanced socialism is proceeding along the following main lines:

1. The country's State and public organizations are becoming more representative and are affecting broader segments of the population.
2. New associations of workers are created and developed and their sphere of activities widened.
3. The democratic principles underlying the work of State organs and social organizations are strictly observed.
4. During the construction of communism, the interaction of State and public organizations is constantly improved and their work co-ordinated more and more closely.
5. Some of the functions of State bodies are in many cases transferred to public organizations.
6. The role of the Communist Party in the system of the political organization of advanced socialism is growing.

In this respect, considerable attention is paid to improving legislation, strengthening the socialist legal order and further improving civil, labour, administrative law and certain other laws in the light of new social phenomena.

Close attention is also paid to the theory and practice of shaping the new man, and to the need to increase the effectiveness of ideological and educational work and to ensure the ideological unity of political, labour and moral education.

Each citizen of the Byelorussian SSR enjoys the right to participate on a broad basis in the work of state organs. Thus, article 47 of the Constitution of the Byelorussian SSR states that:

"Every citizen of the Byelorussian SSR has the right to submit proposals to State bodies and public organizations for improving their activity, and to criticize shortcomings in their work.

"Officials are obliged, within established time-limits, to examine citizens' proposals and requests, to reply to them and to take appropriate action.

"Persecution for criticism is prohibited. Persons guilty of such persecution shall be called to account".

The right to equal protection of the law without any discrimination

(article 26)

"Citizens of the Byelorussian SSR are equal before the law without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile or other status.

"The equal rights of citizens of the Byelorussian SSR are guaranteed in all fields of economic, political, social and cultural life" (article 32 of the Constitution of the Byelorussian SSR).

Proceeding from these underlying principles, the criminal procedure legislation of the Byelorussian SSR stipulates that "justice in the Byelorussian SSR is administered on the basis of the equality of citizens before the law and the court, irrespective of their social, property or occupational status, nationality, race or creed" (article 3 of the Code of Criminal Procedure of the Byelorussian SSR, article 5 of the Law on the Court Organization of the Byelorussian SSR). Legislation in the Byelorussian SSR provides criminal penalties for propaganda or agitation designed to incite racial or national hostility or discord, or the direct or indirect limitation of the rights of citizens or the establishment of direct or indirect privileges on the ground of race or nationality (article 71 of the Criminal Code of the Byelorussian SSR).

Rights of minorities

(article 27)

Under the legislation of the Byelorussian SSR, citizens of the Byelorussian SSR of different races and nationalities have equal rights.

Exercise of these rights is ensured by a policy of all-round development and drawing together of all the nations and nationalities of the USSR, by educating citizens in the spirit of Soviet patriotism and socialist internationalism, and by the possibility of using their mother tongue and the languages of other peoples of the USSR.

Any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or contempt, are punishable by law (article 34 of the Constitution of the Byelorussian SSR).

Under article 62 of the Constitution of the Byelorussian SSR, it is the duty of every citizen of the Byelorussian SSR "to respect the national dignity of other citizens, and to strengthen friendship among the nations and nationalities of the multinational Soviet State".

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The brief survey of the situation regarding the implementation in the Byelorussian SSR of the rights and freedoms provided for in the International Covenant on Civil and Political Rights testifies to the high level of development of legislation in the Byelorussian SSR.

Thus, the implementation of all the provisions of the Covenant is fully safeguarded in the Byelorussian SSR.