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Addendum

UNION OF SOVIET SOCIALIST REPUBLICS

[30 January 1978]

Since the ratification by the Soviet Union of the International Covenant on Civil and Political Rights, an extremely important event, marking a further stage in the development of socialist democracy, has occurred in the life of the peoples of the USSR, namely, the adoption of the new Constitution of the USSR, the author of which was the entire Soviet people.

The draft of the new Constitution, prepared by the Constitutional Commission of the Supreme Soviet of the USSR under the chairmanship of Mr. Brezhnev in accordance with a decision of the Supreme Soviet of the USSR, was submitted for discussion on a truly nation-wide basis, in which 140 million Soviet citizens - four-fifths of the entire adult population of the country - took part. The Constitutional Commission received 400,000 proposals; amendments and additions were made to 110 articles of the draft, and one new article was inserted. The very fact that there was nation-wide discussion of the draft Constitution, the Fundamental Law of the State, during which the civic consciousness of the Soviet people was revealed so clearly, together with the actual work of the Supreme Soviet of the USSR, which unanimously expressed the will of all the working people of the country, represented a triumph of socialist democracy.

The new Constitution of the Union of Soviet Socialist Republics, adopted on 7 October 1977, embodies the results of the historic development of the Soviet State over a period of sixty years, consolidates the magnificent revolutionary achievement of the Soviet people, and demonstrates their outstanding success in building an advanced socialist society. It is an expression of the will and interests of the working people of all the nations and nationalities of the country.

The new Constitution of the USSR fully guarantees and ensures the practical implementation in the Soviet Union of all the principles enshrined in the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other international instruments of the United Nations concerning human rights. It provides a higher and qualitatively unprecedented level of protection of all the rights and freedoms of every Soviet individual of the Soviet people as a whole including, in particular, the right to life.

During the sixty years of the existence of the Soviet State, beginning with the Decree on Peace, our country has striven consistently for peaceful co-existence between States with different social systems, and has waged a persistent struggle for general and complete disarmament, the eradication of war from the life of society, and the reinforcement of the security of peoples and peaceful international co-operation. Particular mention should be made of the fact that the chapter of the new Constitution of the USSR entitled "Foreign policy" includes, among the principles on which the USSR's relations with other States are based, the principle of respect for human rights and fundamental freedoms.

The Soviet Union's achievements in guaranteeing the Soviet people freedom and truly democratic rights were described in the following terms by the General Secretary of the Central Committee of the Communist Party of the Soviet Union (CPSU). Mr. L.I. Brezhnev, in his statement to the joint session of the Central Committee of the CPSU, the Supreme Soviet of the USSR and the Supreme Soviet of the Russian Soviet Federative Socialist Republic (RSFSR) commemorating the sixtieth anniversary of the Great October Socialist Revolution:

"The establishment of the principles of social equality and justice is one of the greatest achievements of the October Revolution. We have every right to say that no other society in the world has done or could have done as much for the masses, for the working people, as has been done by socialism! Every Soviet citizen enjoys in full the rights and freedoms enabling him to participate actively in political life. Every Soviet citizen has the possibility to choose a profession in accordance with his inclinations and abilities, and to be useful to his country and people.

The conditions under which Soviet people live and work are steadily improving. Soviet citizens do not know the humiliating feeling of uncertainty about the morrow, or the fear of being left without work, without medical care and without a roof over their heads. Society safeguards their rights and interests and upholds their civic and human dignity."

There exists in the Soviet Union a well-ordered system of legislation designed to ensure that USSR citizens do indeed enjoy broad democratic rights and freedoms. The fact that the ratification by the Soviet State of the International Covenants on human rights in 1973 and their entry into force in 1976 did not necessitate any changes in or additions to Soviet laws is clear evidence of the highly developed character of Soviet legislation relating to human rights and freedoms.

A brief survey of the situation in the USSR as regards the exercise of the rights and freedoms provided for in the International Covenant on Civil and Political Rights is given below.

The right to self-determination (article 1) */

From the earliest days of its existence, the Soviet State not only proclaimed the right of nations to self-determination, but actually gave all the peoples of former Tsarist Russia full independence to determine their own future. Surmounting the vestiges of the national discord, enmity, distrust and isolation which had previously existed among the different nationalities, the Soviet State took a number of important measures to guarantee national equality and fraternity between peoples and to establish the voluntary and lasting union of the peoples of Russia.

The Soviet Union is made up of 15 Union Republics, within which there are 20 autonomous republics, 8 autonomous regions and 10 autonomous areas. The voluntary character of the Union of Soviet Socialist Republics is legally enshrined in the Constitution of the USSR, article 70 of which states: "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".

The Constitution of the USSR guarantees not only the voluntary character of the association of the Republics but also their sovereign rights. Each Union Republic has its own Constitution, which takes account of its specific features, and its own legislation (Constitution of the USSR, article 76). Each Union Republic retains the right freely to secede from the USSR (article 72). The territory of a Union Republic may not be altered without its consent. The boundaries between Union Republics may be altered by mutual agreement of the Republics concerned, subject to ratification by the Union of Soviet Socialist Republics (article 78). Every 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 (article 80), and so forth.

The Supreme Soviet of a Union Republic is the only legislative body of the Republic empowered to deal with all matters within the jurisdiction of the Republic under the Constitutions of the USSR and the Republic (Constitution of the USSR, article 137).

The Union Republics exercise independent State power in their own territory equally. The principle of the equal rights of the Union Republics is also reflected in the bicameral structure of the Supreme Soviet of the USSR. This body, the highest organ of State power, has, in addition to the Soviet of the Union, a second chamber - the Soviet of Nationalities, which was set up for the purpose of reflecting the specific national interests of the peoples in all the activities of the Supreme Soviet of the USSR. The sovereign rights of Union Republics are safeguarded by the USSR (Constitution of the USSR, article 81).

*/ The brackets in sub-headings indicate the relevant article of the International Covenant on Civil and Political Rights.

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

Article 4 of the Constitution of the USSR reads: "The Soviet State and all its bodies function on the basis of socialist law, ensure the maintenance of law and order, and safeguard the interests of society and the rights and freedoms of citizens.

State organizations, public organizations and officials shall observe the Constitution of the USSR and Soviet laws".

Citizens of the USSR enjoy equal rights in all spheres of social, political, economic and cultural life. The USSR fully applies the principle of the equality of citizens before the law. They are guaranteed equal political, labour and other personal and property rights, all citizens are protected equally by the law, and the State organs of legal protection (courts, Procurator's Office, etc.) guarantee every citizen effective protection of his rights and legal interests.

Article 34 of the Constitution of the USSR reads:

"Citizens of the USSR are equal before the law, irrespective 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 USSR are guaranteed in all fields of economic, political, social and cultural life."

The principle of equality of rights before the law proclaimed in article 34 of the Constitution is guaranteed in all branches of current legislation. Thus, for example, article 8 of the Fundamental Principles of Criminal Procedure of the USSR and the Union Republics provides that "justice in criminal cases shall be administered on the principle of equality of all citizens before the law and the court, irrespective of their social, property and official status, nationality, race or creed." A similar provision is contained in article 7 of the Fundamental Principles of Civil Procedure of the USSR and the Union Republics and in the corresponding articles of the codes of criminal procedure and civil procedure of all the Union Republics. Every citizen of the USSR is guaranteed the right to apply to a court or administrative bodies if his lawful rights are infringed. Article 5 of the Fundamental Principles of Civil Procedure of the USSR and the Union Republics 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 ...". Soviet legislation provides that civil rights shall also be protected administratively, as well as by comrades' courts and trade-union and other public organizations (Fundamental Principles of Civil Legislation of the USSR and the Union Republics, article 6).

Article 58 of the Constitution of the USSR provides that:

"Citizens of the USSR have the right to lodge a complaint against the actions of officials, State bodies and public bodies. Complaints shall be examined according to the procedure and within the time-limit established by law.

Appeals against actions by officials that contravene the law or exceed their powers, and infringe the rights of citizens, may be lodged in a court in the manner prescribed by law.

Citizens of the USSR have the right to compensation for damage resulting from unlawful actions by State organizations and public organizations, or by officials in the performance of their duties".

The criminal codes of the Union Republics establish criminal liability of officials for abuse of authority or of official position, exceeding their authority or official powers, or negligence, in particular if it causes substantial harm to the legally protected rights and interests of citizens (e.g. Criminal Code of the RSFSR, */ articles 170-172).

All the criminal codes of the Union Republics contain separate chapters laying down criminal responsibility for infringement of the political, labour and other rights of citizens (e.g. CC RSFSR, articles 132-143). The legislation on criminal procedure and civil procedure contains details of the legal measures for protection of citizens' rights during investigations and inquiries, and during the consideration of court cases (Fundamental Principles of Criminal Procedure of the USSR and the Union Republics, Fundamental Principles of Civil Procedure of the USSR and the Union Republics and the codes of criminal procedure and civil procedure of the Union Republics). In order further to safeguard the rights of citizens, the Presidium of the Supreme Soviet of the USSR adopted the decree of 12 April 1968 entitled "Procedure for the consideration of citizens' proposals, statements and complaints".

It is the legal duty of all States organizations in the USSR to guarantee and protect the rights of citizens. Social organizations also assist in this activity. Responsibility for protecting from any infringements the political, labour, housing and other personal and property rights and interests of citizens guaranteed by the Constitution of the USSR and the constitutions of Union and autonomous republics lies with the judicial system (Fundamental Principles of Legislation on the judicial system of the USSR, the Union and autonomous republics), the organs of the Procurator's Office (Regulations on Supervision by the Procurator's Office, article 2), and other bodies.

Equal rights of men and women (article 3)

The principle of the equality of rights of men and women is enshrined in the laws of the Soviet State, and is consistently applied in practice.

Article 35 of the Constitution of the USSR states:

"Women and men have equal rights in the USSR.

The 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

*/ Referred to hereafter as CC RSFSR.

cultural activity, and by special labour and health protection measures for women; by the establishment of conditions enabling mothers to work; 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 Fundamental Principles of Legislation on Marriage and the Family in the USSR and the Union Republics guarantee the equality of men and women in family relations (article 3 et al).

The constitutions of a number of Union Republics in which women were particularly oppressed until the triumph of Soviet power contain additional guarantees of the equality of men and women. Thus, for example, article 121 of the Constitution of the Uzbek SSR states that "obstructing the liberation of women (giving minors away in marriage, bride-money, organizing obstruction of the involvement of women in study, agricultural and industrial production, government service or political life) shall be punishable by law."

The equality of men and women in the exercise of political and other rights and freedoms is also safeguarded by the criminal legislation of the USSR. Thus, article 134 of the Criminal Code of the RSFSR states: "Obstructing a woman from participating in State, social or cultural activity, thereby substantially violating the equal rights of women, if combined with force or the threat of application of force, shall be punished by deprivation of liberty for a term not exceeding two years or by corrective labour for a term not exceeding one year." Similar articles are contained in the criminal codes of the Kazakh, Uzbek, Kirghiz and a number of other Union Republics. The infringement of other rights of women - labour rights, marriage and family rights, etc. is also an offence. Thus for instance, article 139 of the Criminal Code of the RSFSR lays down criminal liability for refusing to employ or dismissing a pregnant woman or nursing mother.

At present, about half the manual and non-manual workers in the national economy are women. Almost a third of the deputies of the Supreme Soviet of the USSR, and nearly half the deputies in local Soviets, are women. This means that over a million women are playing an active part in the work of the organs of power, on an equal footing with men.

The right to life (article 6)

This right is guaranteed in the USSR by law and by other means available to the State.

In Soviet law, murder is an extremely serious crime. The criminal codes of the Union Republics contain special chapters on "Crimes against life, health, freedom, and dignity of the person" (e.g. CC RSFSR, chapter 3) which specify the punishment for this type of offence.

Under the criminal legislation of the Soviet Union, the death penalty - by shooting - as an exceptional measure of punishment pending its abolition can be applied only by the court, and only for the most serious crimes. While

maintaining the death penalty as an exceptional measure pending its abolition, Soviet legislation (Fundamental Principles of Criminal Legislation of the USSR and the Union Republics, article 22) makes provision in full accordance with the Covenant, for limiting its application: "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.

Cases for which the death penalty may be applied are usually examined both by the court of appeal and under the supervisory procedure.

In accordance with the Constitution of the USSR (article 121, paragraph 11) the Presidium of the Supreme Soviet of the USSR has the right to amnesty or pardon persons sentenced to death.

As a rule, pardon may be granted on the personal application of convicted persons themselves. In the consideration of such applications, account is taken of the character of the convicted person, the nature of his crime, whether he has any criminal record, whether he has already been the subject of an amnesty, pardon or conditional early release, his age, family status and other relevant circumstances.

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

Soviet legislation forbids all forms of cruel treatment. Article 14 of the Fundamental Principles of Criminal Procedure of the USSR and the Union Republics categorically prohibits any attempt to obtain testimony from the accused through the use of force, threats or any other illegal means. This principle is also embodied in all the codes of criminal procedure of the Union Republics. The criminal codes of the RSFSR and the Union Republics specify the penalties applicable to officials guilty of exceeding authority or official powers if accompanied by force, by use of weapons, or by actions which torment the victim and insult his personal dignity (CC RSFSR, article 171). It is also a criminal offence for any other person to commit acts which assume the character of torture (CC RSFSR, article 113).

The law specifies the rights of persons undergoing interrogation during preliminary investigation, and it is a criminal offence to compel such persons to give testimony. Compelling the accused to give testimony, combined with the use of force, is considered as a crime committed in aggravating circumstances.

The humane treatment of persons sentenced to deprivation of liberty is one of the principles of the Soviet corrective labour system. Article 20 of the Fundamental Principles of Criminal Legislation of the USSR and the Union Republics, and article 1 of the Fundamental Principles of Corrective-Labour Legislation of the

USSR and the Union Republics, stipulate that the purpose of punishment is not to wreak vengeance on the convicted person or to inflict physical suffering and torment, but to correct and re-educate him in the spirit of an honest attitude to labour, strict observance of the laws and respect for the rules of socialist community life.

All necessary measures, including legal measures, have been taken in the Soviet Union to ensure the safety of patients during treatment.

Article 35 of the Fundamental Principles of Public Health Legislation of the USSR and Union Republics lays down the procedure for surgical operations and the use of complex methods of diagnosis. This article stresses that surgical operations which cannot be postponed shall be performed and complex methods of diagnosis applied by doctors without the consent of the patients or their parents, guardians or trustees only in exceptional cases when a delay in the establishment of a diagnosis or in the performance of an operation imperils the life of the patient and there is no possibility of obtaining the consent of the persons concerned.

Prohibition of slavery, slave-trade and forced labour (article 8)

There is no slavery or any phenomena similar to slavery in the Soviet Union. The socialist system of society, based on the elimination of private ownership of the implements and means of production and the abolition of the exploitation of man by man, makes it impossible for any phenomena resembling slavery or forced labour to occur in the Soviet Union.

There is complete freedom of labour in the USSR, and every person is guaranteed the right freely to choose his work. Article 40 of the Constitution reads: "Citizens of the USSR 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 inclinations, abilities, training and education, taking due account of the needs of society." The right to free choice of work is also guaranteed by the legislative provisions on the freedom to conclude a labour contract and to cancel a labour contract by giving the management two weeks' notice in writing (Fundamental Principles of Labour Legislation of the USSR and the Union Republics, article 16).

The Soviet Union supports international measures for the complete and universal eradication of all forms and manifestations of slavery, the slave-trade and all institutions and customs resembling slavery, and is a signatory to international conventions in this sphere.

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

Article 54 of the Constitution provides that citizens of the USSR are guaranteed inviolability of the person. No one may be arrested except by a court decision or on the warrant of a procurator.

Deprivation of freedom is permitted by Soviet legislation for the commission of specific criminal acts. Article 160 of the Constitution proclaims that: "No one may be adjudged guilty of a crime and subjected to punishment as a criminal except by the sentence of a court and in conformity with the law."

Responsibility for supervision of the implementation of this article of the Constitution lies with the organs of the Procurator's Office. The Statute on Supervision by the Procurator's Office in the USSR requires procurators, before sanctioning arrest, to make a detailed study of all the evidence indicating the need for arrest, and personally to interrogate the individual concerned (article 18 of the Statute). The procurator is obliged to order the immediate release of any person unlawfully arrested or detained in custody with deprivation of liberty (article 34) and to take action against the officials responsible for allowing the person to be unlawfully arrested or detained in custody.

It is a serious criminal offence, under Soviet law, to render a judgement known to be unjust or to institute criminal proceedings against persons known to be innocent (CC RSFSR, articles 176 and 177, and the corresponding articles of the criminal codes of other Union Republics).

Arrest or detention known to be unlawful is considered in Soviet legislation as a crime against justice and is punishable as a criminal offence under article 178 of the Criminal Code of the RSFSR and the corresponding articles of the criminal codes of the other Union Republics.

The Soviet Code of Criminal Procedure provides that, if there are sufficient grounds for supposing that the accused will hide from an inquiry, preliminary investigation or court or will hinder the establishment of the truth in a criminal case or will engage in criminal activity, and also in order to ensure the execution of a judgement, the person conducting the inquiry, investigator, procurator, or court shall have the right to apply to the accused one of the following measures of restraint: a written undertaking not to depart, personal surety or surety of social organizations, detention in custody until the judgement enters into legal force (Code of Criminal Procedure of the RSFSR, */ article 89).

Under a Decree of the Presidium of the Supreme Soviet of 8 February 1977, detention in custody is an exceptional measure of restraint. It is used only in cases of crimes for which the law requires deprivation of liberty for a period of more than one year.

In exceptional cases, this measure of restraint may be applied in cases of crimes for which the law requires deprivation of liberty for a period not exceeding one year.

As a rule, detention in custody is applied as a measure of restraint to persons accused of a crime. In exceptional cases and for a short time only, it may be applied against a person suspected of the commission of a crime even before presentation to him of an accusation. In such cases, the accusation must be presented not later than ten days from the moment of application of the measure of restraint. If an accusation is not presented in this period, the measure of restraint is cancelled (CCP RSFSR, article 90).

*/ Referred to hereafter as CCP RSFSR.

Reasons must be given for the decision to apply detention in custody. The decree relating to the choice of a measure of restraint must indicate the crime of which the person concerned is suspected or accused, and the grounds for selecting the measure of restraint applied. The decree must be announced to the person to whom it applies (CCP RSFSR, article 92).

Detention in custody during the investigation of a case may not continue for more than two months. Only by reason of the special complexity of a case may this period be prolonged to three months from the first day of detention in custody by the procurator of an autonomous republic, territory, region, or national area or by a competent military procurator, and to six months from the first day of detention in custody by the procurator of a Union Republic or the Chief Military Procurator. Detention in custody may be further prolonged only in exceptional cases by the Procurator-General of the USSR for an additional period of not more than three months (Fundamental Principles of Criminal Procedure of the USSR and the Union Republics, article 34).

The legislation of the RSFSR and a number of the other Union Republics specifically provides that the organ of investigation, investigator, procurator or court must take measures to ensure the care of children of persons detained in custody and the protection of their property, and must notify the person concerned of the measures taken (e.g. CCP RSFSR, article 98).

Article 58 of the Constitution of the USSR states that citizens of the USSR "have the right to compensation for damage resulting from unlawful actions by State organizations and public organizations, or by officials in the performance of their duties".

The right of every citizen to compensation for harm caused by unlawful arrest or detention in custody is proclaimed in article 89 of the Fundamental Principles of Civil Legislation of the USSR and the Union Republics: "Organs of inquiry, preliminary investigation, the Procurator's Office and the court shall be materially liable for harm caused by the wrongful acts of their officials in the cases and within the limits expressly provided for by law."

The matters raised in article 9 of the Covenant are covered by an important all-Union legal instrument, the Regulations on the Procedure for Short-Term Detention of Persons Suspected of Having Committed a Crime, which were ratified by Decree of the Presidium of the Supreme Soviet of the USSR on 13 July 1976 and entered into force on 1 January 1977. None of the provisions contained in the Regulations are new to Soviet legislation on criminal procedure, and they have been in force for almost 50 years. These Regulations have been co-ordinated with legislation adopted earlier, including in particular the Regulations on Pre-Trial Detention in Custody, and guarantee the protection of civil rights in cases of short-term detention of persons suspected of having committed a crime. They lay down the system of detention for the purpose of establishing whether or not the person concerned was involved in the crime, the basis for deciding whether to apply a measure of restraint such as detention in custody, and the procedure for short-term detention of up to three days.

Under article 2 of the Regulations, the organ of inquiry or the official investigator is empowered to detain a person suspected of having committed a crime punishable in law by deprivation of liberty only on one of the following grounds: (1) when the person is caught during or immediately after the commission of 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 accused, on his clothing, on his person or in his dwelling place. When other grounds for suspecting the person of having committed a crime exist, he may be detained only if he has attempted to escape, if he has no fixed domicile, or if his identity cannot be established.

The Regulations require that a report be prepared in every case of detention, indicating the grounds and reasons for detention, specifying the day, time, year and month, and stating the explanations of the accused. The organ of inquiry or investigator must inform the procurator in writing of each case within 24 hours. Within 48 hours of receiving the report of detention, the procurator must either sanction detention in custody or order the release of the person concerned. Notification of the detention of a person suspected of having committed a crime must be sent to his family.

Article 10 of the Regulations states that persons detained on suspicion of having committed a crime have the right: to know of what they are suspected; to demand verification by the procurator of the legality of detention (the administration of the place of detention must inform the procurator immediately when such a demand is made); appeal against the measure, the person carrying out the inquiry, the investigator or the procurator; and give explanations and submit petitions. The Regulations stipulate that detained persons must be kept in sanitary and hygienic conditions which conform to regulations, and be supplied with food free of charge, with sleeping quarters and other everyday material necessities, and with essential medical care.

Detained persons are released if: (1) the suspicion that they are guilty of committing a crime is not confirmed; (2) there is no need to apply a measure of restraint such as detention in custody; (3) the period of detention specified by the law has expired.

The Procurator-General of the USSR and the procurators subordinate to him are responsible for the observance of legality in places of detention. A procurator who finds that a detainee is being kept in illegal conditions must release him immediately.

The right of persons deprived of liberty to humane treatment (article 10)

The Fundamental Principles of Corrective-Labour Legislation of the USSR and the Union Republics stipulate that the execution of a sentence shall not have the purpose of inflicting physical suffering or degrading human dignity (article 2). The Fundamental Principles of Corrective-Labour Legislation and the corrective-labour codes of the Union Republics define in detail the system and conditions of application of punishment in the form of deprivation of liberty and guarantee persons deprived of their liberty the right to humane treatment and respect for inherent human dignity.

Different categories of detainees - convicted offenders, arrested persons, detainees and juveniles - are kept separately in corrective labour institutions and places of pre-trial detention. This is specified in the Fundamental Principles of Corrective-Labour Legislation of the USSR and the Union Republics (articles 13, 14 and 16), the Regulations on Pre-Trial Detention in Custody (article 8), the Regulations on the Short-Term Detention of Persons Suspected of Having Committed a Crime (article 77), and the corrective-labour codes of the Union Republics (e.g. articles 18, 62, 64, 75 and 76 of the corrective-labour code of the RSFSR). Soviet legislation provides for the disjoinder of cases of minors accused of participating with adults in the commission of a crime into separate proceedings (e.g. CCP RSFSR, section 7). The above-mentioned instruments lay down, in particular, the system of detention of convicted minors, according to their age and legal status.

The Soviet penitentiary system provides for the treatment of all convicted offenders in accordance with the purposes of corrective labour, as proclaimed in article 1 of the Fundamental Principles of Corrective-Labour Legislation of the USSR and the Union Republics: "The purpose of corrective-labour legislation shall be to effect punishment of crime in order not only to inflict a penalty for the offence committed but also to correct and reform 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 fresh crimes both by convicted persons and by other persons, and to promote the eradication of crime."

In 1977, supplementary provisions were added to the central legislation, with a view to making punishment in general, and the system for deprivation of liberty in particular more humane.

Provisions for conditional early release have been considerably extended. As regards convicted juveniles, a system of suspended sentences is being introduced. Legal provision has been made for a new, more humane form of punishment - the conditional sentence - which is largely to replace deprivation of liberty. The main feature of this new type of punishment is to eliminate the element of isolation, replacing it by limitation of freedom enabling offenders to engage in productive work in ordinary production units and to maintain and strengthen social links (including family links). This is conducive to the reformation and social rehabilitation of persons deprived of liberty, in the spirit of article 10 of the International Covenant on Civil and Political Rights.

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

Soviet law makes no provision for imprisonment on the ground of inability to fulfil a contractual obligation, and no cases of this kind have ever been brought before the courts in the USSR.

The right to freedom of movement, including the right to
leave any country (article 12)

The question of freedom of movement and the freedom to choose one's place of residence is governed, in the USSR, by a number of juridical instruments. Under Section 10 of the Civil Code of the RSFSR, and the corresponding sections of the

civil codes of other Union Republics, citizens "may in conformity with the law ... choose ... their place of residence". The Regulations on the Passport System of the USSR, ratified by the Supreme Soviet of the USSR on 28 August 1974, guarantee citizens the right to free choice of their place of residence.

The question of exit from and entry into the USSR is governed by the "Regulations on Entry into the Union of Soviet Socialist Republics and Exit from the Union of Soviet Socialist Republics", approved on 22 September 1970 by Decree of the Council of Ministers of the USSR. These Regulations cover such questions as the procedure for entry into and exit from the country, the preparation of documents, the work of organs empowered to issue exit visas, etc. Under these Regulations, passports for citizens of the USSR travelling abroad are issued by the Ministry of Foreign Affairs of the USSR or the Ministries of Foreign Affairs of the Union Republics.

The rights of aliens (article 13)

The legal status of aliens in the USSR is governed by the Constitution of the USSR, the 1938 Law on Citizenship of the USSR, the Fundamental Principles of Civil Legislation of the USSR and the Union Republics, the Fundamental Principles of Civil Procedure of the USSR and the Union Republics and other legal instruments.

Article 37 of the Constitution of the USSR states: "Citizens of other countries and stateless persons in the USSR are guaranteed the rights and freedoms provided for by law, including the right to apply to a court and other State bodies for the protection of their personal, property, family and other rights."

The Fundamental Principles of Civil Legislation of the USSR and the Union Republics specify that "Aliens shall enjoy in the USSR legal capacity equally with Soviet citizens" (article 122). Article 59 of the Fundamental Principles of Civil Procedure of the USSR and the Union Republics states that aliens have the right to apply to the courts of the USSR and enjoy procedural rights equally with Soviet citizens.

As stipulated in article 13 of the Covenant, aliens lawfully in the territory of the USSR may be expelled only in pursuance of decisions adopted by the competent organs. The legislation in force allows them to adduce arguments against their expulsion (except in cases where imperative reasons of State security require a different approach) and such arguments must be examined by the competent officials.

Equality of all citizens before the courts. The right to a fair and public hearing (article 14)

Justice in the USSR is administered only by the courts, which alone are empowered to fulfil this function (article 151 of the Constitution of the USSR).

Article 156 of the Constitution of the USSR states: "Justice is administered in the USSR on the principle of the equality of citizens before the law and the court." Thus, article 7 of the Fundamental Principles of Civil Procedure of the USSR and the Union Republics and article 8 of the Fundamentals of Criminal Procedure of the USSR and the Union Republics state that justice in the USSR shall be administered on the principle of equality of all citizens before the law and the court, irrespective of their social, property and official status, nationality, race or creed.

In the fulfilment of their duties, judges and people's assessors are independent and subject only to the law (Constitution of the USSR, article 155). All courts in the USSR are formed on the principle of the electiveness of judges and people's assessors (Constitution of the USSR, article 152).

Judges adjudicate cases in conditions precluding the exercise of any external influence on them (Fundamental Principles of Civil Procedure of the USSR and the Union Republics, article 9, and Fundamental Principles of Criminal Procedure of the USSR and the Union Republics, article 10).

The judge, procurator and other participants in civil proceedings may not participate in the trial and shall be removed from the proceedings where they have, directly or indirectly, a personal interest in the outcome of the case, or where other circumstances cast doubt on their impartiality (Fundamental Principles of Civil Procedure of the USSR and the Union Republics, article 22, Fundamental Principles of Criminal Procedure of the USSR and the Union Republics, article 18, and the corresponding articles of the codes of the Union Republics).

Article 157 of the Constitution of the USSR 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."

Article 12 of the Fundamental Principles of Criminal Procedure of the USSR and the Union Republics, amplifying this article of the Constitution, states that the court may hear a case in camera only when this is required by the interests of protecting State secrets or in the case of crimes committed by persons who have not attained the age of 16, in the case of sexual crimes and in other cases for the purpose of preventing the spread of information concerning the intimate aspects of the life of persons taking part in the case. The judgements of the courts are pronounced publicly in all cases.

A number of the provisions of the criminal-procedure legislation in force in the USSR (Fundamental Principles of Criminal Procedure of the USSR and the Union Republics) proclaim the principle of the presumption of innocence:

- every person who has committed a crime shall be subjected to just punishment, and no innocent person shall be criminally prosecuted or convicted (article 2);
- no person may be prosecuted as an accused except on the grounds and in accordance with the procedure established by law (article 4);
- no person may be deemed guilty of the commission of a crime and subjected to criminal punishment except by a judgement of the court (article 7);
- in the course of the preliminary investigation and the court examination of a case, the guilt of the accused shall be subject to proof (article 15);
- 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; it shall be prohibited to obtain testimony from the accused through the use of force, threats or any other illegal means (article 14);
- the committal of the accused for trial shall not predetermine the question of his guilt (article 36);
- a judgement of conviction 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 in committing the crime has been proved (article 43).

In the USSR, the defendant has a right, under the Constitution, to legal assistance (Constitution of the USSR, article 158). Article 161 of the Constitution states: "Colleges of advocates are available to give legal assistance to citizens and organizations. In cases provided for by legislation citizens shall be given legal assistance free of charge.

The organization and procedure of the bar are determined by the legislation of the USSR and Union Republics."

It is the duty of defence counsel to make use of all the ways and means of defence specified in the law for the purpose of bringing to light the circumstances exonerating the accused or mitigating his responsibility, and to render all necessary legal aid to the accused. The defence counsel has the right to meet the accused alone on as many occasions and for as long as he wishes (Fundamental Principles of Criminal Procedure of the USSR and the Union Republics, article 23, and Regulations on Pre-Trial Detention in Custody, article 12).

The accused has the right to know the charges brought against him and to give explanations relating to those charges; to present evidence; to file petitions; to acquaint himself with all the evidence of the case on completion of the investigation; to participate in the judicial examination in the court of first instance and to question witnesses, the victim and experts; to challenge the investigator, the procurator, the constitution of the court, the expert and the interpreter; and to appeal against the actions and decisions of the investigator, the procurator and the court.

Article 159 of the Constitution of the USSR provides that: "Judicial proceedings shall be conducted in the language of the Union Republic, autonomous republic, autonomous region of autonomous area, 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 granted the right to become fully acquainted with the materials of the case, the services of an interpreter during the proceedings, and the right to address the court in their own language."

On the basis of this Constitutional provision, the Fundamental Principles of Criminal Procedure of the USSR and the Union Republics (article 11) provide that the investigative and judicial documents shall, in accordance with the procedure established by law, be handed to the accused in a translation into his native language or into another language of which he has command.

The accused has the right to the services of an interpreter, free of charge, both during the court examination and during the preliminary investigation.

The examination of a case in a session of the court of first instance proceeds with the participation of the person brought to trial, whose presence in court is mandatory. The examination of a case in the absence of the person brought to trial shall be permitted only in exceptional cases:

- (1) when the person brought to trial is outside the USSR and evades appearance in court;
- (2) when, in the case of a crime which is not punishable by deprivation of liberty, the person brought to trial petitions for examination of the case in his absence, the court has the right, however, to deem the appearance of the person brought to trial obligatory and postpone examination of the case (Fundamental Principles of Criminal Legislation of the USSR and the Union Republics, article 39, and article 246).

The person brought to trial, his defence counsel and legal representative and also the victim have the right to appeal against the judgement of the court by way of cassation; a person who has been acquitted by the court has the right to appeal against that part of the judgement of acquittal containing the reasoning and the grounds for acquittal. The higher court examining the case by way of cassation shall not be bound by the arguments of the cassational appeal and shall verify the case as a whole with respect to all the persons convicted, including those who have not filed appeals. The defence counsel may participate in the session of the court examining the case by way of cassation. A convicted person who attends the judicial session shall be allowed to give explanations in all cases.

By law, the procurator must protest by way of cassation against every illegal or invalid judgement. In the examination of the case by way of cassation, the procurator must give his conclusion concerning the legality and validity of the judgement (Fundamental Principles of Criminal Procedure of the USSR and the Union Republics, articles 44 and 45).

The legislation of the USSR rules out the possibility of a second judgement with respect to a person already convicted or acquitted. Article 5 of the Fundamental Principles of Criminal Procedure of the USSR and the Union Republics states that no criminal case may be initiated, and if initiated shall be subject to termination, with respect to a person concerning whom there is a judgement, under the same accusation, which has taken legal effect.

Prohibition of criminal legislation with retroactive effect (article 15)

Soviet criminal legislation establishes the following unshakeable principles:

- (1) only a person guilty of committing a crime, that is, one who has, either intentionally or negligently, committed a socially dangerous act provided for by the criminal law, shall be subject to criminal liability and punishment;
- (2) the criminality and punishability of an act shall be determined by the law in force at the time of the commission of the act;
- (3) a law eliminating the punishability of an act or mitigating punishment shall have retroactive force, that is, it shall also apply to acts committed before its promulgation;
- (4) a law establishing the punishability of an act or increasing a punishment shall not have retroactive force;
- (5) criminal punishment shall be applied only in accordance with a judgement of the court (Fundamental Principles of Civil Legislation of the USSR and the Union Republics, articles 3 and 6).

Recognition of the right to legal capacity (article 16)

The capacity to have civil rights and duties (civil legal capacity) is recognized equally for all citizens of the USSR. A citizen's legal capacity begins at birth and ceases at death.

A citizen's full capacity by his acts to acquire civil rights and to create for himself civil duties (civil legal ability) begins at 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 limiting are determined by the legislation of the USSR and the Union Republics.

No one may be restricted in his legal capacity or legal ability, except in the cases and in the manner established by law. Transactions aimed at limiting legal capacity or legal ability are invalid. (Fundamental Principles of Civil Legislation of the USSR and the Union Republics, article 8).

As has already been indicated, citizens of other countries and stateless persons in the USSR enjoy legal capacity (Constitution of the USSR, article 37). Under articles 122 and 123 of the Fundamental Principles of Civil Legislation of the USSR and the Union Republics, aliens and stateless persons resident in the USSR enjoy civil legal capacity equally with Soviet citizens. Exemptions may be established by law of the USSR. Articles 59 and 60 of the Fundamental Principles of Civil Procedure of the USSR and the Union Republics provide that aliens and

stateless persons resident in the USSR have the right to apply to the court and enjoy civil procedural rights equally with Soviet citizens. The Fundamental Principles of Legislation of the USSR and the Union Republics on National Education, approved on 19 July 1973, state that aliens and stateless persons who reside in the territory of the USSR have the right to receive education equally with Soviet citizens (article 64). The USSR Law on the State Notary System, approved on 19 July 1973, states that such persons shall have the same right as Soviet citizens to apply to State notaries' offices of the USSR, and also to other organs dealing with notarial business (article 26), etc.

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

Soviet legislation protects citizens against arbitrary or unlawful interference with their privacy and family life. The inviolability of the home and the privacy of correspondence are guaranteed by the Constitution, article 55 of which states: "Citizens of the USSR are guaranteed inviolability of the home. No one may, without lawful grounds, enter a home against the will of those residing in it." Article 56 of the Constitution provides that "The privacy of citizens, and of their correspondence, telephone conversations and telegraphic communications is protected by law."

The Code of Criminal Procedure of the USSR states that a citizen's dwelling may be entered without his consent only after a criminal case has been initiated on the basis of a reasoned ruling of the investigator, sanctioned by the procurator, when there are sufficient grounds for assuming that it contains material proof. Article 12 of the Code of Criminal Procedure of the RSFSR and similar articles of the Codes of Criminal Procedure of the other Union Republics state that searches at citizens' homes, the impounding of correspondence and its seizure at postal and telegraph offices may be conducted only on the grounds and in accordance with the procedure established by law. These grounds and this procedure are clearly defined by law (e.g. CCP RSFSR, Chapter 14). Such acts are allowed only with the sanction of the procurator or by the ruling or direction of the court (CCP RSFSR, articles 168 and 194). Illegal search, illegal eviction and other illegal actions violating the inviolability of citizens' dwellings, or violation of the privacy of citizens' correspondence, are punishable by law (e.g. CC RSFSR, articles 135 and 136).

Article 7 of the Fundamental Principles of Civil Legislation of the USSR and the Union Republics provides for legal protection of citizens' honour and dignity (reputation). Citizens have the right to sue by law for retraction of statements defamatory to their honour and dignity, where such statements are untrue. Citizens' honour and dignity are also protected in the USSR by the criminal legislation which establishes criminal liability for defamation and insult (e.g. CC RSFSR, articles 130 and 131), for officials exceeding authority or official powers, accompanied by actions which insult the victim's personal dignity (CC RSFSR, article 171) for knowingly making a false report (CC RSFSR, article 180), or for knowingly giving false testimony (CC RSFSR, article 181).

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

Freedom of conscience is proclaimed in the USSR by the Decree entitled "On the Separation of the Church from the State and of the School from the Church" of 23 January 1918, and by article 52 of the Constitution of the USSR, which states: "Citizens of the USSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement to hostility or hatred on religious grounds is prohibited.

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

On the basis of these principles, the legislation of the USSR gives adult citizens the right to form religious societies, to participate in their activities and 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 have the right to hold prayer meetings, perform religious rites and engage in the other ritual activities characteristic of a particular religion. The above principles, together with the whole system for the establishment and activities of religious societies, are contained in the decrees of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR dated 8 April 1929 "On Religious Societies" as set out in the Decree of the Presidium of the Supreme Soviet of the RSFSR of 23 June 1975. Similar regulations are also in force in other Union Republics.

The State guarantees the citizen's right 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 143 of the Criminal Code of the RSFSR (similar articles are contained in the criminal codes of other Union Republics).

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

Soviet legislation 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, labour books - give any indication of religious affiliation (article 3 of the Decree of 23 January 1918). 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 (CC RSFSR, article 142). (similar articles are contained in the criminal codes of other Union Republics).

Soviet legislation prohibits any activities of religious associations, preaching of religious dogmas, performance of rites and so on which involve disturbance of public order, causing harm to citizens' health or any other encroachment on their personality and rights, incitement of citizens to refuse to perform their civic duties or any other infringements of Soviet law. It also prohibits atheistic propaganda of a type which offends citizens' religious sentiments and involves encroachments on their person and rights.

In accordance with the principle of the separation of the school from the church, as practised in the USSR, the teaching of any kind of religious dogma in educational establishments (except ecclesiastical colleges) is prohibited. Public education in the USSR is of a secular nature, excluding the influence of religion (Fundamental Principles of Legislation of the USSR and the Union Republics on National Education, (article 4). Citizens may, however, study religion privately.

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

Soviet citizens are legally guaranteed the right to hold and freely to express opinions by Article 50 of the Constitution of the USSR, which reads:

"In accordance with the interests of the people and in order to strengthen and develop the socialist system, citizens of the USSR 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 putting public buildings, streets and squares at the disposal of the working people and their organizations, by broad dissemination of information, and by the opportunity to use the press, television and radio."

Current legislation provides a further legal guarantee of the implementation of these rights (Fundamental Principles of Civil Legislation, article 7, Civil Code of the RSFSR, articles 457-516).

Common ways in which citizens exercise the right to free expression of opinions include addressing meetings held at their place of work or dwelling and sending letters, complaints or proposals to State and public organizations, which are obliged to examine and reply to them in accordance with the established procedure. Article 58 of the Constitution of the USSR guarantees citizens of the USSR "the right to lodge a complaint against the actions of officials, State bodies and public bodies".

Soviet citizens are also entitled to request publication of articles or notes in a journal or newspaper, or simply to send a letter to one of the mass information media - newspapers, journals, radio or television. These media regularly publish letters from citizens on various domestic or international topics, or reviews of such letters.

At the same time, these freedoms must not be exercised to the detriment of State or public security, the morals of the population, or the right, honour and dignity of other persons.

Prohibition of propaganda for war and racial hatred (article 20)

In the USSR, propaganda for war is prohibited by the Constitution. Article 28 of the Constitution of the USSR states directly that: "In the USSR war propaganda is banned."

The USSR Law of 12 March 1951 entitled "The Defence of Peace" provides that "war propaganda, no matter what form it may take, undermines the cause of peace, creates the threat of another war and is therefore an extremely serious crime against humanity". Under this law, persons guilty of war propaganda are brought to trial for commission of a criminal offence. The USSR Law entitled "On Criminal Liability for Crimes against the State" provides that war propaganda, no matter what form it may take, is punishable by deprivation of liberty, and propaganda designed to incite to racial or national hatred or discord is punishable by deprivation of liberty for a period of six months to three years or by exile for a period of two to five years. Similar provisions are contained in the criminal codes of the Union Republics.

The right of peaceful assembly (article 21)

As already indicated, the right of peaceful assembly is proclaimed in Article 50 of the Constitution of the USSR.

In the Soviet Union, it is very common for citizens to hold assemblies and meetings to discuss a wide variety of questions relating to Soviet domestic and foreign policy and to life in the Soviet Union and abroad. These assemblies and meetings are organized either on a geographical basis or on an industrial basis. Those organized on a geographical basis include meetings of citizens according to their place of residence, held to discuss and resolve matters of interest to them. In villages, regular village assemblies, attended by all the adult inhabitants of the village, are convened for this purpose. Industrial assemblies are convened for the purpose of discussing production problems and other matters of interest to the workers of the enterprise concerned.

The right to associate with others (right of association) (article 22)

The right of citizens of the USSR to associate with others is regarded in the fundamental State law, the Constitution of the USSR, as one of the most important rights of working people. Article 51 of the Constitution reads:

"In accordance with the aims of building communism, citizens of the USSR 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."

Particular stress is laid in the Constitution of the USSR on the role of the Communist Party in the life of Soviet society. Article 6 of the Constitution states:

"The leading and guiding force of Soviet society and the nucleus of its political system and of all State organizations and public organizations, is the Communist Party of the Soviet Union. The CPSU exists for the people and serves the people.

Armed with the teachings of Marxism-Leninism, the Communist Party determines the general perspectives of the development of society and the course of the home and foreign policy of the USSR, directs the great constructive work of the Soviet people, and imparts a planned and scientifically substantiated character to their struggle for the victory of communism.

All party organizations shall function within the framework of the Constitution of the USSR."

The Constitution of the USSR further states that "Trade unions, the All-Union Leninist Young Communist League, co-operatives, and other public organizations participate, in accordance with the aims laid down in their rules, in managing State and public affairs, and in deciding political, economic, social and cultural matters" (article 7).

The right of public organizations to participate in the administration of State affairs is guaranteed by Article 113 of the Constitution of the USSR, which grants these organizations, through their All-Union bodies, the right to initiate legislation in the Supreme Soviet of the USSR.

The largest public organization in the USSR is that constituted by the trade unions, which have over 107 million members. The socialist structure guarantees complete freedom for the activities of the trade unions. They are not required to register with State organizations, and State and economic bodies do not interfere in their work - on the contrary, they are obliged by law to promote the activities of the trade unions in all spheres of production, labour, and everyday, cultural and social life.

The Constitution of the USSR does not regulate the organization of trade unions, and thus permits them to exist in many different forms. The unity of trade unions in the USSR derives only from their Statutes. The fact that the trade unions of the USSR are organized on the basis of the production unit, with all the workers of one enterprise belonging to one trade union, ensures the unity of the trade union movement and best promotes the fulfilment of its basic tasks: protection of the legitimate interests of workers and all working people; improvement of their working and living conditions; stricter supervision of compliance with labour legislation, with rules and regulations for the protection of labour and with security measures; and improvement of the organization of workers' leisure.

Trade unions are free to solve their internal problems independently. Matters arising within trade unions are regulated exclusively by the principles laid down by the trade unions themselves in the Statutes of the Trade Unions of

the USSR, the Statutes of branch trade unions and the decisions of trade-union bodies. All internal trade-union matters including, for example, financial matters - establishing the rates of members' subscriptions, expenditure of trade-union funds, control of the administration of the trade-union budget - are governed by the decisions of trade-union bodies, and are not controlled by the State.

The trade unions, as representatives of the working people, participate directly at all stages in the drafting and adoption of legislative enactments.

The trade unions of the USSR, through the All-Union Central Council of Trade Unions, have the right to initiate legislation. The codes of labour legislation of the Union Republics grant trade unions the right to initiate legislation through Republic councils of trade unions. Trade unions exercise this right widely, submitting draft laws on labour and on domestic and cultural life for consideration by the legislative organs.

In the Soviet Union, though the over-all leading role is played by the CPSU, other public organizations - co-operative associations, youth and sports organizations, cultural, technical and scientific societies, unions of creative artists, and so on - are constantly growing in influence, number and authority. New public organs are being set up and developed: for example, societies for the protection of nature, societies of book-lovers, and a number of associations for the promotion of friendship with the peoples of other countries have recently been formed. The All-Russian Society for the Protection of Historical and Cultural Monuments, for instance, has a membership of ten million; and it is empowered to examine in conjunction with State organs (with the right of veto) all projects for the development and reconstruction of towns and other inhabited centres where such monuments exist.

A number of legal instruments regulating the system whereby citizens can associate in specific types of public organizations are in force in the USSR. Thus, for example, the Fundamental Principles of Labour Legislation of the USSR and the Union Republics proclaim the right of factory and office workers to form trade unions, while the Regulations on Voluntary Associations lay down the procedure for the establishment of various types of workers' associations - scientific, cultural, technical, sports, etc. Such associations are established on a voluntary basis.

Protection of the family and the child by society and the State
(articles 23 and 24)

The protection of the family, in which the citizen's social and personal interests are combined, constitutes one of the most important tasks of Soviet society and the Soviet State. Article 53 of the Constitution of the USSR reads:

"The family enjoys the protection of the State.

Marriage is based on the free consent of the woman and the man; the spouses are completely 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."

Legal regulation of family relations and legal protection of the family is effected in the USSR by the principles contained in the Fundamental Principles of Legislation of the USSR and the Union Republics on Marriage and the Family, the marriage and family codes of the Union Republics, and other legal instruments.

The tasks of Soviet legislation on marriage and the family are: the further consolidation of the Soviet family; basing family relations on a voluntary marital union of man and woman and on sentiments free from materialistic considerations, of mutual love, on friendship and respect for all family members; the family education of children inherently combined with their social education; the comprehensive protection of the interests of mother and child and ensuring a happy childhood for every child; the final elimination of harmful relics and customs of the past in family relations; and the fostering of a sense of responsibility to the family (Fundamental Principles of Legislation of the USSR and the Union Republics on Marriage and the Family, article 1).

All citizens of the USSR who have reached marriageable age have the right to enter into matrimony. In order to do so, the parties to the marriage must express mutual consent (Fundamental Principles of Legislation of the USSR on Marriage and the Family, article 10).

The Fundamental Principles of Legislation of the USSR on Marriage and the Family proclaim the equality of man and woman in family relations, irrespective of their nationality, race and religion (articles 3 and 4). These provisions concerning the equality of spouses are further elaborated in the above-mentioned instruments, which stipulate the personal and property relations of spouses, the equal rights and duties of spouses with respect to their children, and other rights and duties of spouses when entering into marriage, during marriage and when marriage is dissolved.

Soviet legislation on marriage and the family lays down an extensive system of legal measures for the protection of children in the event of their parents' marriage being dissolved. These measures relate to the education, maintenance and place of residence of the children (Fundamental Principles of the Legislation of the USSR and the Union Republics on Marriage and the Family, articles 12, 14, 15, 18, 22, 23 et al, Marriage and Family Code of the RSFSR, articles 34, 52-56, 67, 68-76 et al, etc.).

Article 66 of the Constitution of the USSR states: "Citizens of the USSR 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."

It is one of the main tasks of Soviet legislation on marriage and the family to ensure the comprehensive protection of the interests of children, irrespective of their race, colour, sex, language, religion, nationality or social origin, property status or birth, and to provide favourable conditions for the all-round development of the child.

As part of the protection of mothers and children, the Soviet State provides material assistance to pregnant women, unmarried mothers and mothers of large families (Fundamental Principles of Legislation of the USSR and the Union Republics on Marriage and the Family, article 5).

Parents are obliged by law to concern themselves with the upbringing and development of their children and their instruction and training for socially useful work. They are responsible for protection of the rights and interests of minor children. Parents may be deprived of their parental rights by the court for neglect of parental duties, abuse of parental rights, maltreatment of their children or exerting a harmful influence on their children.

Parents are duty bound to maintain their minor children. In order to protect the rights of children who for various reasons have been left without parental care, provision is made by the law for adopting children or taking them into a family under a guardianship and trusteeship system. Adopters are placed on the same footing as the child's parents (Fundamental Principles of Legislation of the USSR and the Union Republics on Marriage and the Family, articles 18, 24 and 26).

The birth of a child has to be registered by the parents, relatives or other persons at the State registry office at the child's place of birth or at the parents' place of residence. Births must be registered within a month from the date of the child's birth. The child's first name is chosen by mutual consent of his parents, he takes his patronymic from his father's first name, and his family name is that of his parents (Marriage and Family Code of the RSFSR, article 51, and corresponding articles of the marriage and family Codes of other Union Republics).

A child whose parents were both citizens of the USSR at the moment of his birth is recognized as a citizen of the USSR, irrespective of his birthplace. If the parents are of different citizenship, the child's citizenship is established by the procedure laid down by law (Fundamental Principles of Legislation of the USSR and the Union Republics on Marriage and the Family, article 30).

The right to take part in the conduct of public affairs (article 25)

Article 48 of the Constitution of the USSR states:

"Citizens of the USSR 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 USSR belongs to the people. The people exercise State power through Soviets of People's Deputies, which constitute the political foundation of the USSR Constitution of the USSR, (article 2).

The Constitution of the USSR contains the following provisions concerning elections to the Soviets of People's Deputies:

Article 95. Deputies to all Soviets shall be elected on the basis of universal, equal, and direct suffrage by secret ballot.

Article 96. Elections shall be universal: all citizens of the USSR who have reached the age of 18 shall have the right to vote and to be elected, with the exception of persons who have been legally certified insane.

To be eligible for election to the Supreme Soviet of the USSR a citizen of the USSR must have reached the age of 21.

Article 97. Elections shall be equal: each citizen shall have one vote; all voters shall exercise the franchise on an equal footing.

Article 98. Elections shall be direct: deputies to all Soviets of People's Deputies shall be elected by citizens by direct vote.

Article 99. Voting at elections shall be secret: control over voters' exercise of the franchise is inadmissible."

Legal guarantees of the freedom of electors to express their wishes are also contained in the Regulations on Elections to Supreme and Local Soviets, establishing a democratic system for the organization and conduct of elections. Soviet criminal legislation provides punishment for crimes against the political and labour rights of citizens: the obstruction through force, deception, threat or bribery of the exercise by a USSR citizen of the right to vote (e.g. CC RSFSR, article 132), and the forgery of voting documents or the knowingly incorrect tallying of votes, or violation of the secrecy of the ballot-box committed by a member of an electoral commission or by another official (e.g. CC RSFSR, article 133).

The plenipotentiary powers of people's deputies and the relations between electors and deputies are specified in various provisions of the Constitution, the main ones being as follows:

Article 103. 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 bodies, 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 105. A deputy has the right to address inquiries to the appropriate State bodies 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 106. 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 Union and Autonomous Republics.

Article 107. 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 decision of a majority of the electors in accordance with the procedure established by law."

Article 97 of the Fundamental Principles of Labour Legislation of the USSR and the Union Republics guarantees the right of factory and office workers to participate in the management of production through trade unions and other mass organizations, people's control bodies, general meetings, production meetings, conferences, and other forms of public activity open to them. It is the duty of the management of an enterprise, institution or organization to promote the participation of factory and office workers in the management of production. The officials of enterprises, institutions and organizations must promptly consider proposals and criticisms made by factory and office workers, and inform them of the steps taken on these matters.

Article 49 of the Constitution of the USSR states:

"Every citizen of the USSR 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 the 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 "Regulations on the Organs of People's Control in the USSR" grant citizens extensive rights to take part in the management of State and public affairs through the organs of people's control. Soviet legislation guarantees access to State service on general terms of equality.

Protection against discrimination (article 26)

Discrimination on any grounds is alien to the socialist system. Article 34 of the Constitution reads:

"Citizens of the USSR 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 USSR are guaranteed in all fields of economic, political, social, and cultural life."

Rights of minorities (article 27)

Soviet legislation guarantees the rights of national and other minorities, and does not permit any infringement of their rights. The socialist system creates the most favourable conditions for the all-round development of national minorities.

Article 36 of the Constitution of the USSR reads:

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

The 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 native language 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."

Under Article 64 of the Constitution of the USSR, it is the duty of every citizen of the USSR "to respect the national dignity of other citizens, and to strengthen friendship among the nations and nationalities of the multinational Soviet State".

All citizens of the USSR have an equal right to enjoy their own culture, profess and practice their own religion, and use their own mother tongue.

As stated above, the Soviet Union is made up of 15 Union Republics, 20 autonomous republics, 8 autonomous regions and 10 autonomous areas. Each of these national units was created on the basis of the freely expressed will of the citizens of a particular nationality and in accordance with their national interests, including interests relating to the enjoyment of their own culture, the use of their own national language, etc. These units all have their own organs of power, executive bodies and courts, set up by the democratic process.

The Soviet State steadfastly and consistently pursues a policy of national equality, friendship among all peoples, and encouragement of the economic, social and cultural development of peoples, including peoples and nationalities which do not form national units. The numerous measures designed to ensure the implementation of this policy include the resolution adopted on 16 March 1957 by the Central Committee of the CPSU and the Council of Ministers of the USSR "On Measures for the Further Development of the Economy and Culture of the Peoples of the North". This resolution noted, in particular, that, as a result of the consistent application of measures conforming with State policy, substantial progress had been achieved in the economic and cultural development of nations and nationalities inhabiting the regions of the Soviet Far North such as the Yakuts, Komis, Nenets, Khants, Mansis, Evenkis, Koryaks, Chukchis, Evens, Dolgans, Itelmens, Kets, Aleuts, Nganasans, Negidalets, Nivkhis, Orokis, Oroulchis, Chuvanets, Enets, Eskimos and Yukagaris. It specified measures for the further development of these nations and nationalities and also stressed that the fullest possible account must be taken in the implementation of such measures of the natural and economic conditions of the locality and of the particular features of the way of life, customs and traditions of the peoples concerned.

One indication that the matters referred to in article 27 of the Covenant have been successfully dealt with is the fact that, since the existence of the Soviet State, more than 40 peoples whose language previously had no written form now have a scientifically-based script and a developed literary language.

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Soviet legislation not only proclaims the rights and freedoms mentioned in the Covenant, but also provides political, economic and legal guarantees for their implementation.

With the building of communism, the rights and freedoms of citizens will be constantly extended. As is stated in the Programme of the CPSU: "The transition to communism means the comprehensive development of the rights of the individual and the freedoms of Soviet citizens ... Communism brings important new rights and opportunities for the working people."

The building of communism and the further development of the country involve the development and perfecting of socialist democracy and the granting of increasingly extensive rights to all persons living in the territory of the Soviet Union or coming under its jurisdiction. This process is clearly reflected in the new Constitution of the USSR (article 9):

"The principal direction in the development of the political system of Soviet society is the further extension of socialist democracy, namely, ever broader participation of citizens in managing the affairs of society and the State, continuous improvement of the machinery of State, heightening of the activity of public organizations, strengthening of the system of people's control, consolidation of the legal foundations of the functioning of the State and of public life, greater openness and publicity, and constant responsiveness to public opinion."
