

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA



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Report of the Joint Committee on  
Foreign Affairs and Defence

**HUMAN RIGHTS IN THE SOVIET UNION**

**CORRIGENDA**

**HUMAN RIGHTS IN THE SOVIET UNION**  
Page xv—The letter should be dated 8 May 1978.

## TERMS OF REFERENCE

### **As Agreed on 6 September 1977**

The Status of Soviet Jewry—whether or not Jews in the Soviet Union are the victims of adverse discrimination in citizenship, in rights to religious practice, in rights to publish, communicate, travel, emigrate and organise.

### **As Widened on 18 October 1977**

Human rights in the Soviet Union bearing in mind Australia's support for the principles contained in the Universal Declaration of Human Rights and the Final Act of the Helsinki Agreement.



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## PREFACE

The inquiry which led to this report arose from the presentation of a petition in the House of Representatives on 2 November 1976 by the Hon. W. C. Wentworth who was then the Member of Parliament for Mackellar. The petition requested the Australian Government to take up with the Soviet Union the issue of alleged Soviet discrimination against Soviet Jewry. At the time that he presented the petition, Mr Wentworth told the House that in accordance with House of Representatives Standing Order No. 131 he intended to refer the petition to the Joint Committee on Foreign Affairs and Defence for its examination.

After some consideration the Joint Committee appointed, on 6 September 1977, a Sub-Committee to inquire and report on the following matter:

The status of Soviet Jewry—whether or not Jews in the Soviet Union are the victims of adverse discrimination in citizenship, in rights to religious practice, in rights to publish, communicate, travel, emigrate and organise.

The Sub-Committee so appointed soon reached the conclusion that it would not be satisfactory to isolate the situation of the Soviet Jews from that of other members of the Soviet population, who allege that they are discriminated against on the grounds of their religion, race, language or political opinions. Consequently the Joint Committee resolved on 18 October 1977 to enlarge the terms of reference of the Sub-Committee to the following:

Human Rights in the Soviet Union bearing in mind Australia's support for the principles contained in the Universal Declaration of Human Rights and the Final Act of the Helsinki Agreement.

One may ask, as indeed it has been asked, why the Committee should study the situation of human rights in one country, namely the Soviet Union, when it appears from reliable accounts that there are numerous countries throughout the world where human rights and civil liberties are denied. In any event it is not the case that the Committee has concerned itself with the question of human rights only in so far as the Soviet Union is concerned. For example there is at present an inquiry being undertaken into Southern Africa by another Sub-Committee of the Joint Committee which has received submissions concerning the status of human rights in the countries of Southern Africa.

The Committee believes that it is perfectly correct for it to inquire into and report on the question of human rights in the Soviet Union because the subject matter is of sufficient significance in relation to Australia's foreign policy for the Australian Parliament and the Australian people to be informed on these matters.

There are three substantial reasons why it is proper that this inquiry should have been conducted. The first is that the Soviet Union is one of the two most important powers in the world—a "Superpower". Although doubtless there are from time to time deprivations of human rights in the other "Superpower", the United States of America, even those most critical of that country and most sympathetic to the Soviet Union would no doubt admit that it is much easier for members of the Australian Parliament to obtain information about the status of human rights in the United States of America than it is in regard to the Soviet Union. In any case, external scrutiny and diplomatic pressure on a government-to-government basis aimed at improving the treatment of individuals or groups within a nation, often can be more successful than internal pressure by the individuals or groups themselves. This is true not only of one-party states but of democratic nations as well.



It is important that Australians should be made aware of the treatment by the "Superpowers" of their own citizens, because it would surely follow that any government is unlikely to treat citizens of another country better than its own citizens. Therefore, in order that Australia may pursue an intelligent foreign policy, it is necessary for its Parliament to have some awareness of the behaviour of the governments of those countries with which Australia has to deal. Above all the survival of the international order is most dependent on the "Superpowers". Insofar as human rights should be a critical part of such an international order, the role of the "Superpowers" in relation to human rights is an essential matter for examination.

A second reason justifying this inquiry is that the Soviet Union is not merely a "Superpower" but is also a leading nation within a group of countries embracing a large part of the earth's area and the earth's population, which presents an ideological system which its adherents believe should be adopted by the other peoples of the world. It must surely be helpful in assessing such an ideological system, to look at what have been the consequences of that system in the country which was the first to adopt it and which is the leading country advocating that system.

A third reason is to be found in the signing of the Final Act of the Conference on Security and Co-operation in Europe at Helsinki in 1975. The Helsinki Agreement provides for the maintenance of basic human rights in the signatory countries and it states quite explicitly that good relations between nations are linked with the observance of internationally agreed principles on human rights. In fact the Soviet Union has itself quoted the Helsinki Agreement when it has criticised various Western signatories to the Agreement for alleged violations of human rights. The Committee agrees that the human rights provisions of the Helsinki Agreement are important and that their observance by the major signatory countries is a matter of concern to the Australian Parliament.

Probably there is no nation with a perfect record on human rights. The Australian Parliament has conducted a number of inquiries into matters affecting the Australian Aborigines. To the knowledge of this Committee no similar public inquiries have been conducted in the Soviet Union into the status of the Crimean Tatars, for example, who were deprived of their traditional homeland without compensation and who are still prevented from returning to the Crimea. On the other hand, Soviet governments for years have claimed the moral superiority of the Soviet social and political system, and have continued to attack Western nations (including Australia) for practising colonial exploitation and racial discrimination. For example, in December 1978, the Soviet Union again attacked Australia at the United Nations for its policy towards the Aborigines. At other times Australia has been criticised by the Soviet Union for Australia's treatment of immigrants and of the indigenous people in Australian territories. The Committee does not necessarily accept that criticism.

No evidence was received by the Sub-Committee from any official representative of the Soviet Government. This is not because the Sub-Committee was not anxious to receive such evidence. Indeed on 19 September 1977 the then Chairman of the Sub-Committee, the Hon. K. E. Beazley, having issued a statement informing the public of the Sub-Committee's initial terms of reference wrote to the Soviet Ambassador, His Excellency Mr A. V. Basov, informing him of these terms and inviting him to express his views on the inquiry in an informal manner to the members of the Sub-Committee. Mr Beazley was informed in a letter of 30 September 1977 that the Soviet Ambassador would like the meeting to take place at the Soviet Embassy instead of Parliament House. That nothing came of this proposal was partly attributable to the fact that the Sub-Committee's programme was interrupted for five months due to the dissolution of the House of Representatives on 10 November 1977.

As Mr Beazley's successor as Chairman of the Sub-Committee, I also endeavoured to receive some comment from the Soviet Ambassador and the following two letters were written to His Excellency Mr Basov:

JOINT COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE  
PARLIAMENT HOUSE  
CANBERRA A.C.T. 2600

*Sub-Committee on Human Rights in the  
Soviet Union*

8 May 1979

His Excellency Mr A. V. Basov,  
Ambassador of the Union of Soviet Socialist Republics,  
78 Canberra Avenue,  
GRIFFITH A.C.T. 2603

Your Excellency,

You will probably be aware from my press statement of 6 April 1978 (a copy of which the Secretary forwarded to Mr Y. I. Pavlov, your Minister-Counsellor) that on 14 March 1978 the Joint Committee on Foreign Affairs and Defence decided to reconstitute its Sub-Committee on Human Rights in the Soviet Union. The Sub-Committee's previous terms of reference (which were broadened towards the end of the last Parliament) remain unaltered as follows:

Human Rights in the Soviet Union bearing in mind Australia's support for the principles contained in the Universal Declaration of Human Rights and the Final Act of the Helsinki Agreement.

Members of the Sub-Committee are keen that the Soviet Union's official representatives be given every opportunity to inform the Sub-Committee of the Soviet viewpoint on the terms of reference. You will recall that the previous Chairman, the Hon. K. E. Beazley, wrote to you on 19 September 1977 suggesting informal discussions, and you indicated in your reply that you would prefer these to take place in the Soviet Embassy. A further way that the Soviet viewpoint could be made known to the Sub-Committee would be for the Soviet Embassy to comment on the official transcript of the public hearings of the Sub-Committee. In any event I think that it would be unfortunate if the Sub-Committee were to complete its inquiry without having any contact, however informal, with representatives of the Soviet Union and without having the opportunity of learning your Government's point of view.

The Secretary has already sent the transcripts of three public hearings (in 1977) to Mr Pavlov, and I have directed him to send in the same manner the transcripts of future hearings.

I look forward to hearing your reply.

Yours sincerely,  
(John Wheeldon)  
Chairman

JOINT COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE  
PARLIAMENT HOUSE  
CANBERRA A.C.T. 2600

*Sub-Committee on Human Rights in the  
Soviet Union*

4 April 1979

His Excellency Mr A. V. Basov,  
Ambassador of the Union of Soviet Socialist Republics,  
78 Canberra Avenue,  
GRIFFITH A.C.T. 2603

Your Excellency,

You may recall that I wrote to you on 8 May 1978 in my capacity as the Chairman of the Sub-Committee on Human Rights in the Soviet Union. I stated in the letter that the Sub-Committee wished to give the representatives of the Soviet Union an opportunity to state their Government's point of view to their inquiry. I suggested that one way of doing this would be for the Soviet Embassy to comment on the official transcripts of the Sub-Committee's public hearings.

The transcripts of public hearings have been sent to your Embassy as they became available. As it is unlikely that the Sub-Committee will be having any more public hearings, the Sub-Committee would like to give you a further opportunity to comment on the Sub-Committee's evidence before the Joint Committee on Foreign Affairs and Defence finalises its report to be tabled in both Houses of the Australian Parliament.

I look forward to hearing your reply.

Yours sincerely,  
(John Wheeldon)  
Chairman

No reply was received to either of these letters. The Sub-Committee also approached various individuals and organisations known for their sympathetic attitudes towards the Soviet Union inviting them to give evidence to the Sub-Committee. None of these individuals or organisations accepted the Sub-Committee's invitation.

The Committee met with a reciprocal Parliamentary delegation of the Supreme Soviet of the USSR during its visit to Australia on 24 May 1979. During the general discussions (not confined to human rights), Committee members expressed their disappointment to the Soviet delegation that a submission had not been made to the Sub-Committee by the Soviet Government, and added that although the inquiry was nearing completion the Committee would be happy to receive such a submission to its Sub-Committee and to hear the views of the Soviet delegation on the subject of human rights. As most of the evidence during the inquiry had been denunciatory of the Soviet Union's attitude to human rights, the Committee felt that it should obtain some form of Soviet comment on the position of human rights in the Soviet Union. The leader of the delegation, Mr Gilashvili (a Vice-Chairman of the Presidium of the Supreme Soviet of the USSR and Chairman of the Presidium of the Supreme Council of the Georgian SSR) defended the Soviet Union's position and record in the area of human rights and said that he would not concede that there is any problem with human rights in the Soviet Union.

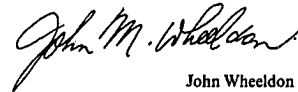
1. Members of the delegation included Vice-Chairman P. V. Gilashvili, leader of the delegation, Deputy V. G. Lomonosov, Deputy A. V. Sidorenko, Deputy R. G. Tagirova, Deputy I. D. Kunitsky, Mr B. P. Tokmakov, Mr A. S. Zaitsev and Mr V. I. Ushin and they were accompanied by His Excellency, Mr A. V. Basov, the Soviet Ambassador.

During the course of the inquiry, the Sub-Committee was able to obtain a number of Soviet publications which are made available by the Soviet Embassy and which express the Soviet viewpoint on several human rights matters.

Two more matters should be mentioned although both are referred to within the body of the report. The first is the recommendation of the Committee that the Australian Parliament should establish a standing committee to report on breaches of human rights wherever they take place. Thus it should in no way be inferred that this inquiry arose merely because of some malice towards the Soviet Union. Rather, the inquiry reflects the Australian Parliament's desire to foster human rights both at home and abroad.

The second matter is that although the terms of reference of this inquiry were changed so that the Sub-Committee's investigations would not be confined to the question of Soviet Jewry, there nonetheless can be no doubt that the problems of Soviet Jews do have some special characteristics which distinguish them from the position of other Soviet citizens.

20 September 1979



John Wheeldon  
Chairman of the Sub-Committee  
on Human Rights in the Soviet Union

## INTRODUCTION

The Sub-Committee on Human Rights in the Soviet Union considered it essential to give priority to potential witnesses with experience in the Soviet Union. Of the 25 witnesses who testified before the inquiry, only three had not lived in or been to the Soviet Union. As there is no provision for committees to gather evidence overseas or to bring witnesses to Australia, the Committee was fortunate that several organisations in Australia were prepared to sponsor witnesses who had extensive experience of conditions in the Soviet Union. Five of these witnesses had served prison sentences in the Soviet Union varying between six months and 16 years. One of these former Soviet citizens, Leonid Plyushch, had been forcibly detained for two and a half years in a special psychiatric hospital. The Committee was also fortunate to receive testimony from Professor John N. Hazard, from Columbia University, who has written widely in the field of Soviet law and government.

Submissions on the initial terms of reference were invited in an advertisement appearing in major Australian newspapers over the period 25-28 September 1977, and the widened terms of reference were publicised in press statements by the Sub-Committee's Chairman. The Sub-Committee on Human Rights in the Soviet Union held 28 meetings. Sworn evidence was taken from witnesses at 17 of these meetings. A large proportion of the transcript which amounted to over 1200 pages was taken in public; at various times four different languages were used during the testimony.

As well as the submissions listed in Annex H, the Sub-Committee received a large number of documents. It also had available to it important source material such as *A Chronicle of Current Events*—the journal of the human rights movement in the USSR—which originates on the underground chain-letter principle within the Soviet Union and eventually reaches the West. The Sub-Committee obtained other publications from Amnesty International and from the Centre for the Study of Religion and Communism, Keston College, UK.

Usually at the beginning of each chapter in this report, the Committee has set out some of the Soviet Union's international and constitutional commitments to uphold those human rights which are the subject matter of the particular chapter, be it the rights of minorities, political rights, freedom of religion, the right to emigrate and so on. In answering criticisms of the Soviet human rights record, Soviet commentators frequently allude to the many guarantees contained in the 1977 Constitution. In this report, the Committee makes frequent comparisons between the Soviet Union's actual record on human rights and the guarantees contained in the Soviet Constitutions of 1936 and 1977, and in international conventions and accords on human rights which have been ratified by the USSR. Frequently the reader has been left to make his own judgement and to assist him the relevant extracts of the 1936 and 1977 Constitutions have been included as Annexes A and B; extracts from the Final Act of the Helsinki Agreement appear at Annex C.

The report of the Sub-Committee on Human Rights in the Soviet Union was examined and adopted by the Committee at its meetings on 21 August, 28 August, 11 September, 18 September and 20 September 1979. Some members of the Committee expressed reservations on aspects of the report; these views are set out after the Conclusions and Recommendations.

20 September 1979

## GLOSSARY

ASSR	Autonomous Soviet Socialist Republic; subordinate to any SSR (see below) and based on the minority nationality whose home is in the territory.
AUCECB	All-Union Council of Evangelical Christians and Baptists.
CPSU	Communist Party of the Soviet Union; for membership see Table 2-3.
CSCE	Conference on Security and Co-operation in Europe ("Helsinki Agreement"). Its Final Act was signed on 1 August 1975.
KGB	Committee for State Security.
Komsomol	Communist Youth League.
MVD	Ministry of Internal Affairs.
Oblast	Region; an Autonomous Oblast is subordinate to one of the SSR (see below) and is based on a minority nationality.
OVIR	Department (of the MVD) for Visas and Registrations.
Refuseniks	Those Soviet Jews who have repeatedly been refused a visa to emigrate from the USSR over a period of years.
Rouble	Soviet unit of currency equivalent to \$A1.48 (as at 8 August 1979).
RSFSR	Russian Soviet Federated Socialist Republic.
SALT	Strategic Arms Limitation Talks.
Samizdat	Unofficial or underground literature which is circulated on the chain-letter principle.
SSR	Soviet Socialist Republic, also referred to as Union Republics, of which there are 15 in the Union of Soviet Socialist Republics (USSR)—see Table 1-2.

# 1. THE NATIONALITY QUESTION IN THE SOVIET UNION

## Official Policy on Nationalities

**1.1** Soviet policy on the many nationalities' which are ruled by the Soviet Union must be seen in an historical context. As an official policy, Russification has a long history particularly under the Tsars. During the reign of Nicholas I (1825-55) a deliberate process of inculcating Russian culture was initiated in the educational system of areas under Russian domination. This was aided by the increased proselytising of the Russian Orthodox Church. Under Alexander III (1881-94) Russification received a new impetus and some non-Russian people were severely intimidated, frequently with official encouragement.<sup>1</sup>

**1.2** Under Lenin there was an initial repudiation of the Russian empire's approach to minority peoples for reasons of policy and principle. The Bolsheviks issued a declaration guaranteeing the right to self determination and to secession. Subsequently in the 1920s, Lenin offered many concessions to the national minorities in order to compensate for the Soviet failure to honour the pledges of self-determination for the Soviet minorities. Lenin opposed Russian chauvinism and he supported education in minority languages as the best medium for spreading socialist ideas. Under Stalin, the relatively benign attitude to the minorities shown by Lenin changed markedly. Stalin believed that in order to mobilise the Soviet peoples for industrialisation and defence, it was necessary to publicly identify the Government with the Great Russian people—usually referred to as Russians—and Russian history. Furthermore Stalin, although a Georgian, feared the further development of distinct national identities which could become the basis for secessionist movements, and—following the German invasion of 1941—collaborationist movements.<sup>2</sup> The Union Republics were therefore deprived in the late 1930s of all vestiges of real political autonomy; national cadres who had arisen under Lenin and the foremost representatives of minority cultures were eliminated in Stalin's purges in 1937-39.<sup>3</sup>

**1.3** Since the death of Stalin the most draconian measures against Soviet minority nationalities have abated, but it is apparent that Stalin's political heirs have regarded minority political and cultural autonomy as a continuing threat. Russification may be less strident now but this report will indicate that there are many forces at work to encourage the primacy of the Russian language and culture.

**1.4** A good indication of the "official" Soviet policy on the nationality question can be obtained from the 1977 Soviet Constitution (Fundamental Law—as introduced by Mr Brezhnev in time for the Sixtieth Anniversary celebrations—see Annex A). It is also necessary to examine the 1936 Soviet Constitution (as amended—excerpts in Annex B) in order to compare how "official" Soviet policy in the intervening years has compared with actual practice in regard to the treatment of minorities and to human rights generally.

1. The major nationalities within the Soviet Union are shown in Table 1-1. Although Australia and the United States do not give "de jure" recognition to Soviet sovereignty over Lithuania, Latvia and Estonia, the Committee has included the three Baltic States in its consideration of human rights in the Soviet Union.

2. For extreme anti-Semitism under the Tsars, see paragraphs 5.1 and 5.2.

3. Some of Stalin's fears were justified; for example many Ukrainians welcomed the advancing German invaders until they experienced cruel treatment under the Nazi security forces that followed.

4. Z. Katz (ed.) *Handbook of Major Soviet Nationalities* (New York, 1975) p.15.

1.5 As this report will show in more detail in the ensuing chapters, the words in Soviet Constitutions are frequently nullified by other legislation such as the Soviet Criminal Code, or due to the inability of citizens to assert their "rights" by legal means. This has special significance in regard to the rights of minorities. It is likely that both Soviet authorities and people concerned with human rights regard Mr Brezhnev's 1977 Constitution as an ideal rather than an indication of how the Soviet nationalities policy is likely to be implemented.

1.6 Article 17 of the 1936 Constitution allowed any of the fifteen Union Republics listed in Article 13 (as amended) "the right freely to secede from the USSR". This "right" is also enshrined in Article 72 of the 1977 Constitution. There would be an obvious problem of enforcing this "right" should the majority of people in one of the Soviet republics wish to secede. Article 70 of the New Constitution says:

The Union of Soviet Socialist Republics is an integral federal multinational state formed on the basis of the free self-determination of nations and the voluntary union of equal Soviet Socialist Republics.

The USSR embodies the state unity of the Soviet people and brings all the nations and nationalities together for the joint building of communism.

The Committee finds it difficult to see how the incorporation of the Baltic States could be described as being "on the basis of the free self-determination" or through "voluntary union".

1.7 Ever since coming to power in 1917 the Soviet authorities have stated their commitment to equal rights for all Soviet nationalities. As with previous constitutions this has been enshrined in the 1977 Constitution (see Annex A). Article 36 says:

Soviet citizens of different nationalities and races shall have equal rights.

The exercise of these rights shall be ensured by the policy of all-round development and drawing together of all nations and nationalities of the USSR, education of citizens in the spirit of Soviet patriotism and socialist internationalism, and the opportunity for using the mother tongue and the languages of the other peoples of the USSR.

Any and all direct or indirect restriction of the rights of, or the establishment of direct or indirect privileges for citizens on grounds of race or nationality, and likewise any advocacy of racial or national exclusiveness, hostility or contempt, shall be punishable by law.

### International Commitment

1.8 Official Soviet commitment to the rights of minorities extends beyond the Soviet Constitution to the international agreements to which the Soviet Union is a signatory. On 1 August 1975 at Helsinki, Mr Brezhnev signed the Final Act of the Conference on Security and Co-operation in Europe (CSCE). Relevant excerpts of the Final Act of this "Helsinki Agreement" are contained in Annex C. The Act's Principle VII (on human rights) included the following:

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

... In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Conventions on Human Rights, by which they may be bound.

1.9 Soviet (and other European Communist Parties) indicated their commitment to the above mentioned principles in the final document adopted by the Conference of European Communist and Workers Parties in East Berlin on 30 June 1976 which included this point in their "Call for Action":

... to ensure that strict and full implementation by all States of the principles relating to national minorities in the Final Act of the Helsinki Conference.

1.10 Also, previously in March 1968, the Soviet Union had signed the International Covenant on Civil and Political Rights<sup>1</sup>; its Article 27 stipulates:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their language.

The manner in which the Soviet Union has honoured or failed to honour international agreements and covenants on human rights will be examined in the relevant parts of this report.

### The Soviet Nationality Problem

1.11 As the Soviet Government prides itself on being a champion of "anti-imperialism" and "oppressed minorities" it is worth noting that the Soviet Union is unique among the major powers in that the Soviets' dominant nationality is potentially outnumbered. The Russians comprised only 53.4% of the Soviet population as reported in the 1970 census.<sup>2</sup> Since 1970 the proportion of Russians has been further reduced due to the higher natural increase of some of the minorities—particularly those ethnic groups that are predominantly Muslim. Some of the non-Russian minorities have been an increasing source of unrest and agitation for increased human rights. It may therefore be useful to provide a brief outline of the Soviet nationality question before dealing with the situation of a particular nationality.

1.12 While demographers may think of the Soviet Union as encompassing over a hundred ethnic groups, only a few of these have indicated a marked desire for national self-realisation. Table 1-1 shows the 17 major Soviet nationalities ranked by size and the table illustrates the great variation in growth in the period 1959-70. The 17 nationalities listed account for over 93% of the Soviet population. The considerable problem of ethnic diversity is therefore less complicated than sometimes asserted.

1.13 Russia, being a continental power, has expanded across its frontiers in contrast to the overseas expansion characterised by the Western experience. This led to the conquest of several Asian and European ethnic groups over several centuries. It has been said that the chronological and geographic continuity of this process has made the Russians intolerant of ethnic minorities; even liberals in pre-revolutionary Russia had this tendency attributed to them.

1. The USSR ratified this Covenant as well as the International Covenant on Economic, Social and Cultural Rights on 16 October 1973. Australia signed both Covenants on 18 December 1972 but has not yet ratified the Covenant on Civil and Political Rights, as is the case with the United States (but see paragraph 10.38). When the General Assembly of the United Nations voted in favour of the Universal Declaration of Human Rights in 1948, the USSR, the Byelorussian SSR, Ukrainian SSR and five other nations abstained.

2. Out of a population of 241.7 million in 1970, according to preliminary figures from the most recent census in January 1979 the Soviet population has risen to 262.4 million.

TABLE 1-1

MAJOR SOVIET NATIONALITIES: SIZE, GROWTH, AND WEIGHT

(Ranked by Weight in Total USSR Population, 1970)

Rank	Nationality	Population (in Thousands)		Growth % 1959- 70	Rank by 1959- 70 Growth	% of Total USSR Population	
		1959	1970			1959	1970
	<b>USSR Total</b>	<b>208,827</b>	<b>241,720</b>	<b>15.8</b>		<b>100.0</b>	<b>100.0</b>
1	Russians	114,114	129,015	13.1	13	54.65	53.37
2	Ukrainians	37,253	40,753	9.4	14	17.84	16.86
3	Uzbeks	6,015	9,195	52.9	2	2.88	3.80
4	Byelorussians	7,913	9,052	14.4	12	3.79	3.74
5	Tatars	4,968	5,931	19.4	10	2.38	2.45
6	Kazakhs	3,622	5,299	46.3	6	1.73	2.19
7	Azerbaidzhanis	2,940	4,380	49.0	5	1.41	1.81
8	Armenians	2,787	3,559	27.7	7	1.33	1.47
9	Georgians	2,692	3,245	20.5	9	1.29	1.34
10	Moldavians	2,214	2,698	21.9	8	1.06	1.12
11	Lithuanians	2,326	2,665	14.6	11	1.11	1.10
12	Jews	2,268	2,151	-05.2	17	1.09	0.89
13	Tadzhiks	1,397	2,136	52.9	1	0.67	0.88
14	Turkmen	1,002	1,525	52.2	3	0.48	0.63
15	Kirgiz	969	1,452	49.8	4	0.46	0.60
16	Latvians	1,400	1,430	2.1	15	0.67	0.59
17	Estonians	989	1,007	1.8	16	0.47	0.42
	All Other	13,958	16,227	16.3		6.68	6.71

Sources: Adapted from Narodnoye khozyaistvo SSR 1922-1972; Yubileinyi vезheгодnik\* (Baku: Azerbaidzhan Gosizdat, 1972), p. 31; Itogi vsesoyuznoi perepisi naseleniya 1970 god\*\* (Moscow: Statistika, 1973), IV

\* National Economy of the USSR 1922-1972 Jubilee Yearbook

\*\* Results of the All-Union Census of 1970

1.14 The Soviet authorities have frequently followed the example of Imperial Russia by allowing minority elites the same privileges extended to Russians in an effort to achieve assimilation and to forestall potential resistance which could become widespread within a minority. While in Tsarist Russia the minority elites could readily identify with their Russian counterparts, their "democratised" descendants have a tendency to identify with their ethnic group leading to increased national awareness. Some of the smaller ethnic groups have been absorbed by the major ethnic groups closest to them. This streamlining of Soviet nationalities has meant that the Russians increasingly have to deal with fewer but stronger ethnic minorities, making the latter's Russification more difficult.

1.15 An important factor which keeps ethnic feeling alive in the Soviet Union is the competition for key Party appointments, employment and resources. The continuous outward movement of the Russians has increased their proportion in the Union Republics over a period during which the total proportion of Russians in the Soviet Union has decreased. Any further outward movement by the Russians is likely to meet with considerable ethnic resistance outside the Russian Soviet Federated Socialist Republic (RSFSR) and Kazakhstan. See Table 1-2 for the basic data on Union Republics (including the titular nationality as a percentage of the republic's population). The minority nationalities' disapproval of further Russian encroachments is likely to lead to frustration and intensified national sentiment among the Russians themselves. Russian national sentiment is also stimulated by the intensified identification of the Soviet Government with the Russian people and Russian history.

1.16 The empire of the Tsars was noted for its denial of democratic rights and the Tsarist regimes were particularly harsh on people who were not Russians of the Orthodox faith. When the empire collapsed in 1917 the non-Russian parts used the opportunity to break away. However by 1922 the Bolsheviks had managed to defeat a number of national liberation movements and the relevant republics were incorporated into the new Soviet State. Today the Soviet Union consists of 15 Union Republics (see Table 1-2). By far the largest in area—76% of Soviet territory—is the RSFSR, extending from the Baltic to the Pacific. There are also 20 smaller "autonomous" republics (most of them are subordinate to the RSFSR), eight autonomous regions and ten "national" areas (see Table 1-3).

1.17 In 1970, 83.5% of Russians lived in the RSFSR but this proportion is declining with the continuing trend of Russian migration. Initially Russian migration was away from rural areas to Russian cities, particularly after collectivisation, when conditions in the villages were relatively difficult. The reasons for Russian expansion into non-Russian areas in the last decade or so have varied according to the area. For example, the movement to Central Asia has been a result of intensive industrial development combined with the reluctance of that region's population to urbanise. In contrast, Russian migration to Latvia and Estonia has been due to the relatively high level of development and attractiveness of these republics, as well as to the manpower shortages resulting from their expanding industries. The introduction of the Soviet Union's centralised system has led to a larger bureaucracy in many non-Russian areas including the infusion of the political and security apparatuses of Soviet power.<sup>2</sup>

1. Russians already constituted 42.4% of Kazakhstan's population by 1970.

2. The 1970 census showed, for example, that the proportion of Russians in the capitals of the Ukraine (23%), Estonia (40%) and Kazakhstan (70%) was significant. In degree of Soviet urbanisation, Russians rank second only to the Soviet Jews.

TABLE 1-2

## BASIC DATA ON UNION REPUBLICS, TATAR ASSR, AND JEWS

	Area (Sq. Km.)	Population 1979 Census (1970 Census)	Titular Nationality as % of Republic's Pop. 1970	Language Group of Titular Nationality	Traditional Religion	Remarks on Accession to USSR
RSFSR	17,076,900	137,552,000 (130,079,000)	82.8	Slavic	Christian/Pre dominantly Russian Orthodox, also other Christian sects, Islamic, Buddhist	Includes 16 autonomous national republics, 5 autonomous provinces.
Ukrainian SSR	603,700	49,757,000 (47,126,000)	74.9	Slavic	Christian/Russian Orthodox, Uniate	Brief independence (1918-19).
Byelorussian SSR	207,600	9,559,000 (9,402,000)	81.0	Slavic	Christian/Russian Orthodox, Catholic	Brief struggle between national independence movement and pro-Bolshevik forces.
Estonian SSR	45,100	1,465,000 (1,356,000)	68.2	Finnic-Ugric	Christian/Pre dominantly Lutheran	
Latvian SSR	63,700	2,521,000 (2,364,000)	56.8	Indo-European/ Baltic	Christian/Lutheran, Catholic	Independent republics, 1918- 40; taken over by Soviet forces in 1940, incorporated as union republics in USSR.
Lithuanian SSR	65,200	3,388,000 (3,126,000)	80.1	Indo-European/ Baltic	Christian/Pre dominantly Catholic	
Armenian SSR	29,800	3,031,000 (2,492,000)	88.6	Indo-European/ Caucasian	Christian/Armenian (Gregorian) Church	Brief independence (1918-20) terminated with victory of Red Army. Federation of Socialist Republics created in 1921; became union republic with creation of USSR in December 1922. Separate national units were autonomous republics until December 1936 when units became full union republics of USSR.
Georgian SSR	69,700	5,016,000 (4,660,000)	66.8	Ibero-Caucasian	Christian/Georgian Orthodox Church	
Azerbaijdzhan SSR	86,600	6,028,000 (5,117,000)	73.8	Turkic	Islamic/Shi'a	
Kazakh SSR	2,717,300	14,685,000 (13,099,000)	32.6	Turkic	Islamic and Christian	Remarks on Accession to USSR
Kirgiz SSR	196,500	3,737,000 (2,532,000)	43.8	Turkic	Islamic	
Turkmen SSR	488,100	2,755,000 (2,159,000)	65.6	Turkic	Islamic	Period of war with local independence movements. Red Army established rule in 1920. Became full union republics during period 1924-36.
Uzbek SSR	447,400	15,391,000 (11,780,000)	64.7	Turkic	Islamic	
Tajik SSR	143,100	3,601,000 (2,500,000)	56.2	Iranian	Islamic	
Moldavian SSR	33,700	4,200,000 (3,569,000)	64.6	Romanic	Christian/East Orthodox	Autonomous Moldavian Republic within USSR established in October 1941. On June 1940 Soviet forces entered Bessar- abia (previously under rule of Romania) and in August 1940 union republic of Moldavia comprising both territories proclaimed.
Tatar ASSR	68,000	2,850,000	49.1	Turkic	Islamic, about 2% Christian	Established in May 1920 as au- tonomous republic within RSFSR.
Jews	( Birobidzhan 36,000)	(total pop- ulation of national in USSR 2,151,000)	6.6 (0.9 of total USSR)	Yiddish	Judaism	Jewish Autonomous Province within RSFSR, decreed in March 1928. Not a national republic but the "Jewish Autonomous Oblast" of Birobidzhan.

1. These are Kazan Tatars as distinct from Crimean Tatars who were exiled to Central Asia during World War II.

Sources: Adapted from Z. Katz (ed.), Handbook of Major Soviet Nationalities (New York, 1975) and Preliminary figures for 1979 census as given in Pravda, 22 April 1979.



TABLE 1-3

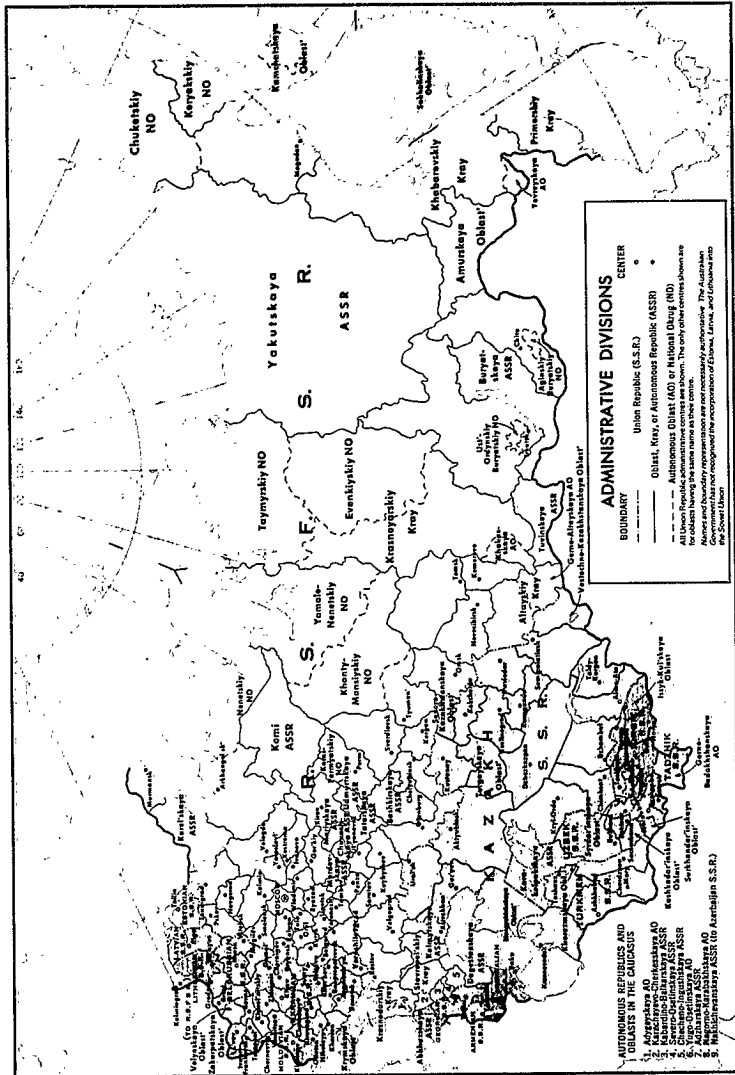
THE ETHNO-ADMINISTRATIVE UNITS OF  
THE SOVIET UNION

Armenian SSR	17	Sevéro Ossetian ASSR
Azerbaidzhan SSR	18	Tatar ASSR
1 Nakhichevan ASSR	19	Tuva ASSR
2 Nagorno Karabakh AO	20	Udmurt ASSR
Byelorussian SSR	21	Yakut ASSR
Estonian SSR	22	Adygey AO
Georgian SSR	23	Aga Buryat NO
3 Abkhaz ASSR	24	Chukchi NO
4 Adzhar (Ajar) ASSR	25	Evenk NO
5 Yugo Ossetian AO	26	Yevrey (Jewish) AO
Kazakh SSR	27	Gorno Altay AO
Kirghiz SSR	28	Karachay-Cherkess AO
Latvian SSR	29	Khakass AO
Lithuanian SSR	30	Khanty-Mansi NO
Moldavian SSR	31	Komi-Permyak NO
Russian SPSR	32	Koryak NO
6 Bashkir ASSR	33	Nenets NO
7 Buryat ASSR	34	Taymyr (Dolgan-Nenets) NO
8 Chechen-Ingush ASSR	35	Ust' Orda Buryat NO
9 Chuvash ASSR	36	Yamal Nenets NO
10 Daghestan ASSR		Tadzhik (Tajik) SSR
11 Kabardin-Balkar ASSR	37	Gorno Badakhshan AO
12 Kalmyk ASSR		Turkmen SSR
13 Karelian ASSR		Ukrainian SSR
14 Komi ASSR		Uzbek SSR
15 Mari ASSR	38	Karakalpak ASSR
16 Mordovian ASSR		

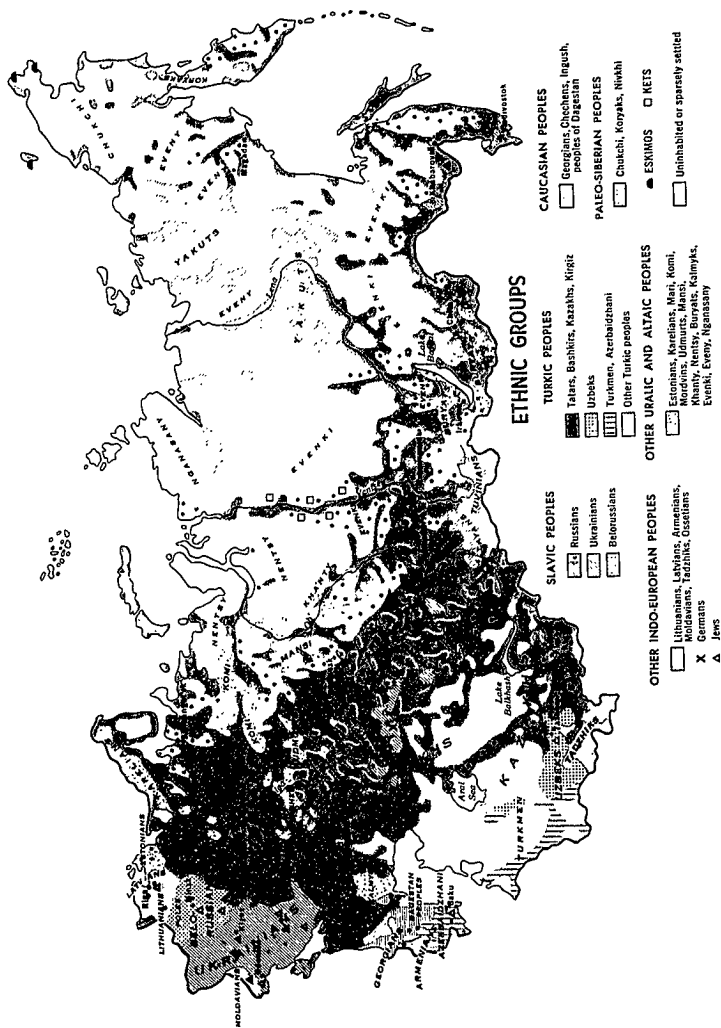
Abbreviations:

SSR	Soviet Socialist Republic (Union Republics)
ASSR	Autonomous Soviet Socialist Republic
AO	Autonomous Oblast (Region)
NO	National Okrug (Area)

Sources: Adapted from Soviet Constitution 1977 and William A. Veenhoven (ed.-in-chief), Case Studies on Human Rights and Fundamental Freedoms; a World Survey, Vol. 4 (The Hague, Nijhoff, 1976) p. 495.









**1.18** Russians held all but three of the full voting positions on the Politburo, and all positions on the Politburo Secretariat as at February 1979. Russians also made up 60.5% of the Communist Party of the Soviet Union (CPSU) membership in 1977<sup>1</sup> (see also Table 2-3 for other Soviet nationalities). Although they do not usually hold the First Secretaryship of the CPSU of the 14 non-Russian republics, Russians hold a disproportionate number of the most important posts in the Union Republics including the key post of KGB chief. Russian is the language used in government and economic organisations. Only 3% of Russians claim fluency in another Soviet language, and when Russians occupy senior positions they seem disinclined to promote subordinates who are not fluent in Russian.<sup>2</sup>

**1.19** The relationship between non-Russian nationalities and Russians is complex. In the ensuing paragraphs the Committee gives only a brief summary to highlight the differing situation of some of the non-Russian Soviet nationalities.

### **The Baltic Republics**

**1.20** After being part of Imperial Russia since the eighteenth century, Latvia, Estonia and Lithuania experienced independence between 1918 and 1940. Their people were traditionally oriented towards Western and Central Europe.<sup>3</sup> They were occupied by the Soviet Union in June 1940, by the Nazis in June 1941, and retaken from the Nazis in 1944 by the Soviet Army. During these years there were mass deportations of citizens of the Baltic States. The situation is further complicated in that certain citizens of the Baltic States served with the German forces during World War II.

**1.21** Continuing large-scale ethnic Russian immigration has heightened the fear of Latvians, Estonians and Lithuanians that their culture is under threat.<sup>4</sup> Russification is strongest in the cities; for example, according to the 1970 census, Latvians constituted only 41% of Riga's population. The religion of the majority of the Latvian and Estonian populations is Lutheran. In Lithuania, the national movement is closely linked with the Catholic Church which continues to have a strong influence on the lives of the Lithuanian people.

### **The Ukraine**

**1.22** Ukrainians make up about one-sixth of the Soviet people; Ukrainian nationalism is based on the distinct Ukrainian language and culture, as well as an awareness of the Ukraine's long history. The Ukraine had a brief but turbulent period of independence in 1918-19 and many Ukrainians hoped for independence when Germany attacked the Soviet Union in 1941, only to suffer much more severe repression under the Nazi occupation. In recent years the most articulate proponents of Ukrainian nationalism have been some of the professional elite who resent the linguistic and cultural Russification of the Ukraine.<sup>5</sup>

1. J. L. Scherer (ed.) *USSR Facts and Figures Annual* (US, 1979) Vol. 3, pp. 52; 64-65.

2. 49% of non-Russian citizens of the Soviet Union have become fluent in Russian. Computations based on 1970 census data.

3. The relatively higher living standards of the three Baltic Republics are reflected in Table 1-4 showing the Produced National Income of the Soviet Republics.

4. From 1950 to 1974, 286,200 immigrants from the Soviet Union arrived in Latvia alone, as part of deliberate Soviet policy. The Sub-Committee was informed that these were granted special privileges in respect of employment and accommodation. The problems of Russification in Latvia are discussed further in paragraphs 4.19-4.22; see also *Evidence of Viktors Kalnins of 29 September 1978*.

5. For further details on the problem faced by Ukrainian culture see paragraphs 4.27-4.29; see also *Evidence of Leonid Plyushch of 14 April 1978*.

1.23 Some of the most severe resentment occurs in the Western Ukraine which the USSR annexed from Poland. This has applied in particular to the Ukrainian Greek Catholics—also referred to as Uniates—of whom about three and a half million came under Soviet rule in 1939 (and again in 1944). Although they use the Orthodox rite and a Slavonic language, their allegiance to Rome has caused them to suffer severe persecution (see also Chapter 3).

#### Moldavia

1.24 Moldavia is one of the most artificial Union Republics. It was established in 1924 as an Autonomous Soviet Socialist Republic (ASSR) within the Ukraine as a means of applying political pressure on Romania, a policy which culminated in the Soviet occupation of the Romanian province of Bessarabia in June 1940. Two months later the Moldavian SSR, comprising both territories, was proclaimed.

1.25 Moldavia experienced Tsarist rule for part of the nineteenth century, and Moldavian nationalism is marked by anti-Russian and anti-Semitic sentiment. Lately Moldavian national sentiment has been stimulated by the revival of nationalism in Romania and Soviet reaction against Romania's more "independent" stance. A further identification with Romania is the "Moldavian" language, which is a Romanian dialect.

#### The Transcaucasus

1.26 After the 1917 Revolution, Armenia, Azerbaïdzhân and Georgia experienced brief independence terminated by the Red Army's victory. Despite their geographic proximity, there has been considerable mistrust or rivalry between these republics due to important differences. Highly developed Georgia and Armenia each have a distinct Christian Church, language and culture. The preservation of these distinct languages and cultures—older than the Russian—is zealously guarded, as demonstrated by the disputes in 1978 in Georgia over the status of the Georgian language in the new Georgian Constitution. In contrast, the Shia Muslims of Azerbaïdzhân have more in common with Turkey and Iran (with a large Azeri population).

1.27 The Soviet Government has drawn some advantage from Armenian memories of their horrific persecution at the hands of the Turks (in 1894-95 and 1915) and it is frequently said that Armenians have held a favoured place among Soviet minorities. Nevertheless there is some anti-Soviet feeling in the Armenian diaspora (over 1.7 million outside the Soviet Union). Overseas Armenians have been the object of Soviet courtship and the Armenian SSR is virtually the only area within the Soviet Union which receives immigrants from outside the USSR. There has also been a small amount of Armenian emigration based on family re-union.

#### Soviet Central Asian Republics

1.28 As a group, the Muslim populations of the Soviet Central Asian Republics (see Table 1-2) are economically less developed than their counterparts in most other Soviet republics (see Table 1-4). Despite their earlier vigorous opposition to the Soviet regime they have in recent years been less active separatists than some of the other Soviet peoples already mentioned. Although the Muslim populations have benefited from the economic development initiated by the Soviet authorities they are no less insistent on protecting their national and cultural heritage against Russian domination. The Islamic faith has been an important factor preventing greater Russification of the indigenous Central Asian people.

1.29 Over the next 20 years many in the rapidly increasing Muslim population will have to leave their rural areas in search of jobs in Central Asian cities; they will be reluctant to move to other parts of the Soviet Union. This demand for industrial employment in Central Asia will help to create more industrial centres in these largely Muslim areas and this will generate even greater competition with Russians holding key positions. This in turn is likely to increase friction between Russians and non-Russians despite any general improvement in Muslim living standards resulting from more rapid industrialisation.

TABLE 1-4

PRODUCED NATIONAL INCOME BY REPUBLIC

1960-70<sup>1</sup>

(Ranked by Roubles per Capita)

1960<sup>2</sup>

1970<sup>3</sup>

1	Estonia	872	1	Estonia	1,587
2	Latvia	855	2	Latvia	1,574
3	RSFSR	732	3	Lithuania	1,336
4	Turkmenia	708	4	RSFSR	1,332
5	Ukraine	658	5	Ukraine	1,158
6	Lithuania	636	6	Byelorussia	1,092
7	Kazakhstan	601	7	Kazakhstan	979
8	Azerbaïdzhân	590	8	Moldavia	969
9	Byelorussia	552	9	Armenia	923
10	Armenia	530	10	Turkmenistan	878
11	Moldavia	521	11	Georgia	871
12	Uzbekistan	506	12	Kirgizia	797
13	Georgia	501	13	Azerbaïdzhân	737
14	Kirgizia	492	14	Uzbekistan	728
15	Tadzhikistan	443	15	Tadzhikistan	673
	USSR average	678		USSR average	1,194

Source: Narodnoye khozyaïstvo Latvïiskoi SSR 1972 (National Economy of the Latvian SSR 1972) (Riga, 1972) p. 56.

#### Notes:

1. "Produced National Income" is a Soviet unit for measuring performance of the economy; it is not identical to any Western measure. Measured by this unit the Baltic republics rank highest, the republics which are predominantly Muslim (except for Kazakhstan) rank lowest. The numbers for Armenia and Georgia are low because they do not include the product of the unofficial private sector, which is especially large in these republics.
2. Computed from 1960-70 growth rates, in "comparative prices".
3. In "actual prices".

1. Eventually with increased urbanisation and higher living standards the rate of natural increase of Soviet Muslims can be expected to fall below the current high rate.

## Peoples Without a Homeland

**1.30** As indicated earlier there are several ethnic groups in the USSR who do not have their own national territories (see Table 1-3 for the 53 ethno-administrative units of the Soviet Union). Among the Soviet nationalities who were forcibly dispersed during World War II, for potential or alleged collaboration with the Nazi invaders, were the Crimean Tatars, "Volga" Germans and Georgian Turks (Meskhetians). These nationalities have since been exonerated and they are demanding greater national rights, a national homeland or the right to migrate. The Crimean Tatars are seeking to return to the Crimea and the other two groups have sought to regain their respective co-nationals in Germany and Turkey.

### The Crimean Tatars

**1.31** One of the most shameful examples of the treatment of a national minority by the Soviet Government is the case of the Crimean Tatars.<sup>1</sup> In 1944, after the Crimea was recaptured from the Nazi invaders, the male population was placed in labour camps and on 17-18 May 1944 the entire population was deported to Central Asia. Of the 238,000 people deported, 113,000 were under 18 years old and 93,000 were women.<sup>2</sup> The property of the Crimean Tatars was confiscated and they were subjected to conditions of forced re-settlement with no sustenance, apparently to facilitate their early death. By early 1946, when a decree was issued accusing them of collaboration with the Nazis, 110,000 (46%) of the nation had perished. By a decree of the USSR Supreme Soviet dated 5 September 1967 the Crimean Tatars were exonerated in regard to the charge of collaboration with the Nazis.<sup>3</sup> Despite this, the Crimean Tatars have been forcibly prevented from returning to their homeland and there has been no restoration of any form of autonomy for over 300,000 people (prior to World War II there was a Crimean ASSR).

**1.32** Improvement in the conditions of the Crimean Tatars has been made more difficult because the large quantity of published material antagonistic toward this unfortunate people has not been withdrawn from circulation. Those in the Soviet Union who take up the cause of the Crimean Tatars are under constant pressure from the KGB.<sup>4</sup> As the Crimean Tatars' cause gains wider support in the Soviet Union the Soviet authorities have found it necessary to take more repressive action against the leaders of the Crimean Tatars, including frequent arrests. Police brutality against Crimean Tatars who have returned to their homeland is well documented. Moreover, re-expulsion of returnees has occurred over a period when the Soviet Government has set a sizeable immigration target for the Crimea.

### The Soviet Germans

**1.33** According to the 1970 census there were 1.6 million Soviet Germans, their forebears having been attracted to Russia by Catherine the Great. The prosperous German immigrants formed self-contained communities maintaining their own

1. Similar persecution has not been experienced by over 4 million Kazan Tatars, a majority of whom live in the Tatar and Bashkir ASSRs.
  2. *A Chronicle of Current Events* Nos. 28-31 (1975) pp. 148, 154. Previously during the forced collectivisation of 1929-30, some 30,000 to 40,000 Crimean Tatars were deported. Forced deportation of the Crimean Tatars has not only been a Soviet phenomenon. Severe Russian persecution of the Crimean Tatars after annexation of the Crimea in 1783 reduced the native population through deportation and emigration to 34.1% by 1897.
  3. V. Stanlyey Vardys "The Case of Crimean Tatars", *Russian Review*, XXX, 2 (April 1971) p. 101.
  4. Of their pre-war population of 302,000, 95,000 were males over 18 years. Of these, 53,000 fought in the Soviet Army and 12,000 in the Resistance—30,000 participants in the war perished. *A Chronicle of Current Events* Nos. 28-31 (1975) pp. 147-148.
- Such KGB intimidation is by no means confined to Crimean Tatars, it has been directed at several members of the human rights movement who have espoused the Crimean Tatar cause, such as Major-General P.G. Grigorenko (now exiled from the USSR).

language and culture. Those who had colonised the Lower Volga near Saratov were formed into the Volga German Autonomous Soviet Socialist Republic (Volga German ASSR) in 1918 but German settlement was not confined to this area. After the German invasion in 1941 the Soviet Germans were deported to Soviet Asia, and the Volga German ASSR and the German national districts were dissolved by decree<sup>1</sup>, named in the 1936 Constitution. The status of Soviet Germans gradually improved after Dr Adenauer met Mr Khrushchev in 1955, culminating in rehabilitation by decree in 1964. The Soviet Germans were again recognised as a Soviet nationality but they were not allowed to resettle in their former territories. Despite the considerable restoration of their cultural institutions<sup>2</sup> many Soviet Germans have shown their dissatisfaction by choosing to emigrate (see Table 6-2).

### The Meskhetians or Georgian Turks

**1.34** The plight of the Meskhetians or Georgian Turks has differed from the Tatars and the Volga Germans in that their wholesale deportation from the Soviet-Turkish border areas in November 1944 was not publicised for 25 years. As the Meskhetians have been alienated due to this long-term injustice—comparable to the Crimean Tatars—the Soviet Government is now reluctant to return them to their homeland which is in a strategic area. More importantly, the Soviet Government finds it difficult to yield to any one aggrieved ethnic group because it risks encouraging a number of other dissatisfied groups. The patience of many Meskhetians evaporated and from 1970 they started to seek emigration to Turkey.

### The Jews

**1.35** As at the 1970 census 2.15 million people in the Soviet Union said they were Jews<sup>3</sup> Officially, this made the Jews the twelfth largest nationality in the Soviet Union (see Table 1-1), even though they represented less than 1% of the Soviet population on a strict interpretation of the census. Soviet Jews are required to show their Jewish nationality on the internal passport which is required by all Soviet citizens (see paragraphs 2.49-2.53), but it is generally accepted that many Jews do not indicate their Jewishness when a Soviet census is taken and estimates as to the size of Soviet Jewry vary between 3 to 3.5 million. This number is unlikely to account fully for a large number of Soviet citizens who have one Jewish parent and who may be subject to unofficial Soviet policy on such matters as employment (see paragraph 2.54).

**1.36** The Jews are the most highly urbanised of any Soviet nationality. Almost 98% of Jews live in urban areas of the USSR compared with the national average of 56%. Based on 1970 Soviet census statistics the cities in which there are large numbers of Jews include: Moscow (251,500); Leningrad (162,587); Kiev (152,000); Odessa (116,280); Kharkov (76,211); Dnepropetrovsk (68,776); Tashkent (56,000); Kishinev (49,905); Minsk (47,057) and Chernovtsy (37,000). Over 36% of all Soviet Jews live in the Soviet Union's three largest cities, which enhances their importance in some professions. In Moscow and Leningrad Jews comprise the second largest Soviet nationality after the Russians.

1. Signed by the President of the Presidium of the Supreme Soviet on 28 August 1941.

2. See paragraphs 4.23-4.25.

3. This was a decrease of 5.2% in the number of Jews from the 1959 census at a time when the total Soviet population increased by 16%. The 1970 census occurred before emigration to Israel was permitted on a more substantial scale. According to the 1939 census there were 3.02 million Jews in the Soviet Union, and Soviet annexations in 1939-40 brought this figure to over 5 million. When compared with later figures for Soviet Jews an estimate can be obtained of the horrific destruction of Soviet Jewry during the Nazi Occupation, in an area which coincided roughly with the Pale of Settlement of Tsarist times. According to the 1897 census 4.9 million of Russia's 5.2 million Jews lived in the Pale.



1.37 It will be seen from the above figures that one of the main ways that Soviet Jews find themselves in a different situation to the bulk of Soviet nationalities is that the Jews do not belong to a particular "homeland" in the Soviet Union. This is despite the establishment of the Yevreyskaya (Jewish) Autonomous Oblast (see Map 1 and paragraph 1.39). It will be seen that the scattered settlement of Soviet Jewry has made the Jews particularly vulnerable to the tacit Soviet nationalities policy of assimilating all minorities within the Russian nation. Jewish concentration in the cities has also contributed to a disproportionately large number of Jews in the academic and scientific professions, and among the other highly educated manpower of the Soviet Union (see Table 2-2). Soviet Jews have been disappointed that this proportion has decreased markedly in recent years and they have attributed this to unofficial policy initiatives of the Soviet Government (see Chapter 2).

1.38 Much of this report will go on to show that Soviet Jewry is caught in a serious dilemma. As with some other Soviet minorities, Jews have severe difficulties in preserving their cultural institutions and traditions; yet those Jews who attempt to take the road to assimilation are frustrated by traditional anti-Semitism which is not curtailed by the Soviet authorities. This has caused many Jews to opt to leave the Soviet Union but, as Chapter 6 will show, emigration is not without its problems for all Soviet citizens.

#### "Jewish" Birobidzhan

1.39 The Yevreyskaya (Jewish) Autonomous Oblast or Birobidzhan was proclaimed in 1934 after some Jews had been encouraged to go there after 1928. The Government's decision was based on many considerations; these included the large number of jobless Jews in the USSR after the destruction of the economic fabric in the former Jewish Pale of Settlement, and the desire of the Government to deflect Zionist aspirations away from settlement in Palestine. The Government also hoped to attract money and support from the Jewish diaspora. In fact few Jews were tempted to settle in this swamp and forest area of Eastern Siberia and during World War II they were forbidden to do so. By the 1970 census the Jewish population of Birobidzhan had shrunk to 11,997 or 6.6% of the region's population. Although Birobidzhan could never have been described accurately as "Jewish" or "Autonomous", its continuing existence enables the Soviet Government to declare that Soviet Jews have a territory of their own.

#### Hungarians

1.40 The Hungarian minority in the Soviet Union is concentrated in what is now the Transcarpathian Oblast of the Ukraine (also referred to as Sub-Carpathia or Ruthenia). By the time of the 1970 census the number of Hungarians in Transcarpathia had been massively depleted to 152,000 (compared with 224,000 according to the Hungarian census of 1941). This has been attributed largely to massive deportations to the USSR when the latter acquired the region from Czechoslovakia in 1945.<sup>1</sup> Little information is available on the fate of the large number of Hungarians who were deported to the USSR. The Hungarians had been outnumbered by the Ruthenians, a Slavonic people who were mainly Eastern-rite Catholics and related to the Ukrainians. Allegedly both communities have suffered considerable religious oppression since 1945. A significant aspect of the present condition of this Hungarian

1. Sub-Carpathia had been transferred from Hungary to form part of Czechoslovakia after World War I. In November 1938, most of the Hungarian inhabited areas of Sub-Carpathia were returned to Hungary. When Germany invaded Czechoslovakia in March 1939, Hungary seized the remainder of Sub-Carpathia.

community is its enforced absence of contacts with kinsmen in neighbouring Hungary, whose conditions are much more tolerable. This enforced isolation is seen as a threat to the survival of Hungarian culture in the Transcarpathian region.

#### Conclusion

1.41 This first chapter has given a very brief outline of the nationality problem in the Soviet Union. Witnesses before the Committee were generally of the opinion that non-Russian national movements were the most important of the political forces facing the Soviet Government. There is a growing protest among Soviet ethnic minorities against the suppression of their national and cultural rights in the face of continuing Russification (which has officially supported settlement of Russians in minority areas), and against the Soviet practice of determining all political and economic policies in Moscow, despite the nominal existence of a formal federal structure.<sup>1</sup> The national movements have turned to the Soviet Constitution and to the Soviets' international commitments to human rights—such as the Helsinki Agreement—in making known their objections. This has given them a link with the mainstream dissident movement (see also Chapter 8).

1.42 The national movements of non-Russian people<sup>2</sup> are of uneven intensity. They can be divided into three broad categories:

- a. national movements within the Western and Transcaucasian republics with a tradition of national cultural identity—Ukrainians, Georgians, Armenians, Lithuanians, Latvians, Estonians and Moldavians. Most of such nationalists are realistic enough to stop short of demanding secession from the USSR but are striving for equality with Russians and an end to forced Russification;
- b. national movements within the Soviet Central Asian republics and Azerbaijan, where the predominantly Muslim and economically less developed populations are rapidly expanding. Although less likely to be actively separatist than some in the first group, they are no less insistent on protecting their national and cultural autonomy; and
- c. national movements within those Soviet nationalities who do not have their own republics within the USSR, and therefore suffer special disabilities, such as the Jews, Crimean Tatars, Volga Germans and Meskhetians (Georgian Turks). These peoples are demanding greater national rights, return to their former Soviet homeland from which they were deported (except for the Jews) or the right to emigrate.

1.43 The Soviet leadership is likely to try to contain these pressures from the non-Russian nationalities by a mixture of expedients. More cultural Russification in some areas, limited emigration in the case of nationalities without a Soviet homeland, or more economic specialisation. The latter is based on the notion that if a Soviet republic specialises in a particular commodity it is not going to be in a position to agitate for independence. The Soviet Union must also be concerned that nationalist unrest might be exploited by its adversaries.

1. Sometimes resentment against these Soviet practices extends to members of the leadership of the Union Republics. In 1972, Mr Shelest allegedly lost the Communist Party leadership in the Ukraine because of his appealing attitude to Ukrainian nationalism.

2. There is also a Russian national movement—the "Russians"—with whom the Committee is not concerned here. Their stance is an expression of Russian national feeling as distinct from official Soviet patriotism, with its international Marxist-Leninist ideological connotations.

## 2. THE CITIZEN AND THE SOVIET STATE

### The 1977 Soviet Constitution

**2.1** The Soviet Union has had four constitutions which were adopted in 1918, 1924, 1936 and 1977. A draft of the latest constitution was adopted at a Plenum of the Central Committee of the Communist Party of the Soviet Union (CPSU) on 24 May 1977 and published for discussion on 4 June 1977. After some minor amendments the Constitution (see Annex A) was adopted at an extraordinary session of the Supreme Soviet of USSR on 7 October 1977. The 1977 Constitution has been given wide publicity at home and abroad.

**2.2** The drafting of the 1977 Constitution lasted over 15 years. Nonetheless, nearly all the articles of the 1936 Constitution have been reflected in the new document. Reference is now made to bodies such as the Defence Council of the USSR, the Presidium of the Council of Ministers and the Standing Commissions of the Councils of the Supreme Soviet, which have been in existence for some time but were not referred to in the 1936 Constitution.

**2.3** Although the 1977 Constitution confirms many of the known positions of the Soviet Union, the document contains some noteworthy innovations for a Soviet Constitution that are relevant to this Committee's terms of reference. Chapter 7 of the 1977 Constitution on "Basic Rights, Freedoms and Duties of Citizens of the USSR" is the longest chapter, and it expands considerably on the 1936 Constitution. Many of the listed rights and freedoms were already contained in the 1936 Constitution but are now developed at greater length in separate articles. The constitutional rights of Soviet citizens are qualified by Article 39:

*Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state, or infringe the rights of other citizens.*

*(The Committee's emphasis)*

**2.4** Greater emphasis than before has been put in the 1977 Constitution on social and economic rights, such as the right to work, to housing, to education, to rest and to medical care. This is in keeping with what appears to be the official Soviet position, that these rights are of greater value than the "bourgeois" freedoms of speech, press and association. The new Constitution also includes an expanded list of citizens' obligations. For example Article 62 says:

*Citizens of the USSR are obliged to safeguard the interests of the Soviet State, and to enhance its power and prestige.*

**2.5** The role of the Communist Party in the government of the Soviet Union is constitutionally recognised by Article 6, which says:

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

*The Communist Party, armed with Marxism-Leninism, 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, systematic and theoretically substantiated character to their struggle for the victory of communism.*

*All party organisations shall function within the framework of the Constitution of the USSR.*

In contrast, the 1936 Constitution referred to the CPSU only at the end of an article devoted to union organisations.

**2.6** Mr Brezhnev has claimed that the Soviet Union is the "only country in the world which has inscribed into its draft Constitution the ten principles of the Helsinki Final Act to serve as the foundation of our relations with other States. This represents a practical application of the Final Act on a constitutional basis".<sup>1</sup> Although Article 29 (in the Constitution's chapter on foreign policy) repeats part of the ten principles guiding relations between States in the Final Act of the Helsinki Agreement, the Helsinki principles are not quoted in precisely the same order nor in full in every case. For example, the second part of the seventh Helsinki principle, on respect for human rights and fundamental freedoms, which refers to "freedom of thought, conscience, religion or belief", has been omitted.

**2.7** The most significant aspect of the Soviet Constitution is that there are no adequate provisions or means whereby a Soviet citizen or resident, or indeed, a Soviet republic or organisation, can seek redress for any alleged breach or deprivation of his or its constitutional rights. There is no provision for independent judicial interpretation on any matter involving an alleged abuse of executive power. The consequence of this is that the Soviet Constitution is at best an expression of hopes and desires, and not an instrument whereby basic rights may be protected. There is likewise no means whereby the constitutionality of any Soviet law or its administration may be tested or interpreted. (It appears, for example, that sections of the Criminal Code contravene certain provisions of the Constitution, but there is apparently no means whereby a court may be called upon to determine whether the Criminal Code is ultra vires the Constitution.)

**2.8** Soviet "dissidents" have expressed concern that application of the 1977 Constitution will worsen their situation in that it provides for many undesirable practices which hitherto were carried out contrary to the 1936 Constitution. Those involved with the struggle for human rights feel particularly threatened by Article 59, as they fear loss of constitutional liberties if they fail to comply with this article (the part italicised by the Committee). Article 59 states:

*Citizens' exercise of their rights and freedoms is inseparable from the performance of their duties and obligations.*

*Citizens of the USSR are obliged to observe the Constitution of the USSR and Soviet laws, comply with the standards of socialist conduct, and uphold the honour and dignity of Soviet citizenship.*

Evidently, from the wording of a number of articles in the new Constitution, the Soviet leadership has deprived Soviet citizens of any constitutional and legal basis for dissent. Furthermore, Article 65 virtually imposes police or informant obligations on all Soviet citizens, thus making even passive co-operation with any form of "dissent" extremely hazardous.

**2.9** It is noteworthy that within a few months of the enactment of the 1977 Constitution, the Soviet Government stepped up its prosecution of leading "dissidents" without being inhibited by the human rights provisions of the new Constitution.

#### **The Priority of the State over the Individual**

**2.10** There is some provision for human rights and equality in the latest Soviet Constitution (as with the 1936 Constitution). Nonetheless it continues the ascendancy of

the Soviet State and its bureaucracy over the individual. The 1977 Constitution ensures that none of the individual rights or civil liberties mentioned in the Constitution can be exercised to the detriment of society and the Soviet State. This was indicated in Mr Brezhnev's speech when he introduced the new Constitution on 24 May 1977:

*It goes without saying, comrades, that the draft constitution proceeds from the assumption that the rights and freedoms of citizens cannot and must not be used against our social system and to the prejudice of the interests of the Soviet people. For example, the draft says in no uncertain terms that the exercise by citizens of their rights and freedoms should in no way damage the interests of society and the state and infringe the rights of other citizens and that political freedoms are granted in keeping with the interests of the working people and for the purpose of consolidating the socialist system.*

*Every Soviet citizen should clearly realise that, when all is said and done, the main guarantee of one's rights is the might and prosperity of one's homeland. To this end every citizen should be aware of his responsibility before society and conscientiously fulfil his duty toward the state and the people.*

*(The Committee's emphasis)*

**2.11** The guarantees given by a constitution depend upon a legal and political system in which individuals and groups can demand enforcement of constitutional provisions, can look to the courts to chastise the government and its officials, and to interpret the laws that a state, having enacted them, must follow. The Soviet Union has no such system. The independence of the judiciary is limited as can be seen from Article 152 of the Constitution, which states:

*All courts in the USSR shall be formed on the principle of the electiveness of judges and people's assessors.*

*People's judges of district (city) people's courts shall be elected for a term of five years by the citizens of the district (city) on the basis of universal, equal and direct suffrage by secret ballot. People's assessors of district (city) people's courts shall be elected for a term of two and a half years at meetings of citizens at their places of work or residence by a show of hands.*

*Higher courts shall be elected for a term of five years by the corresponding Soviet of People's Deputies . . .*

*Judges and people's assessors are responsible and accountable to their electors or the bodies that elected them, shall report to them, and may be recalled by them in the manner prescribed by law.*

*(The Committee's emphasis)*

**2.12** The limitation on human rights in Article 39 of the 1977 Constitution has already been noted in paragraph 2.3. As in the 1936 Constitution, some of the most important civil rights and freedoms (speech, assembly, street demonstrations, religious worship and privacy) can only be exercised when "in accordance with the interests of the people and in order to strengthen and develop the socialist system"—see Articles 50 and 51. These and other rights are also to be "inseparable from the performance (by citizens) of their duties and obligations" (Article 59—see paragraph 2.8).

#### **Application of Soviet Law**

**2.13** The administration of justice and the relevance of law in Soviet society cannot be assessed without consideration of Soviet ideology and political institutions. Evidence has been given to the Committee to the effect that Soviet citizens are frequently subjected to administrative actions resulting from unpublished directives from the State authorities which are not based on legal foundation.<sup>1</sup> Nevertheless the 1977

<sup>1</sup> The Committee does not claim to be privy to the contents of unpublished Soviet directives but several witnesses with experience in the Soviet Union spoke about the application of these unpublished directives—some of which have later been exposed.

<sup>1</sup> *Le Monde*, 22 June 1977 reporting on Mr Brezhnev's visit to France.

Soviet Constitution has been hailed by Soviet lawyers as marking a milestone on the road to "legality". To appreciate what this represents, there is a need to know something of current Soviet law and previous procedures in the USSR, particularly before Stalin's death in 1953. Stalin, when introducing the 1936 Constitution, had proclaimed the stabilisation of Soviet society and "elevated" human rights in that document at the moment when he was poised to launch the greatest purge in the history of the Soviet Union. The 1936-39 purges resulted in the severe repression of an alleged four to five million Soviet citizens, including the execution of 400,000 to 500,000 people; the rest were given long periods of confinement.<sup>1</sup>

2.14 There have been significant improvements since Stalin, particularly since his denunciation by Khrushchev in 1956. The most notable change was inaugurated within a few months of Stalin's death, namely the abolition by decree of what had been called the "Special Boards of the Ministry of Internal Affairs". Under a law of 1934 these Boards had been authorised to banish to remote labour camps for periods up to 5 years, persons deemed by the regime to be "socially dangerous". There was no public document to define "social danger", and by decree the Boards were exempt from the requirement placed upon the general courts to adhere to the then-existing codes of criminal law and criminal procedure. These Boards were greatly feared throughout the USSR.

2.15 In addition there had been convictions by the general courts of persons (including resident foreigners, citizens of countries unable to protect them) under the articles of the then-existing criminal codes, notably Article 58. They were executed for sabotage, wrecking, harmful speech, and for actions that were not defined as crimes. They were nevertheless punishable by virtue of the authority given judges under Article 16 of the 1926 RSFSR Criminal Code, to convict socially dangerous persons by "analogy" to similar crimes which were specifically defined elsewhere in the code, if the circumstances seemed to merit such conviction.<sup>2</sup> Many of these persons were sentenced to terms of up to 25 years in prison and many were executed.

2.16 Pastor Hugo Grivans, a witness before the Sub-Committee who spent two separate eight year terms in remote labour camps (commencing in 1948 and 1958), gave an impression of Soviet justice during this period. The following are extracts of his sworn evidence:<sup>3</sup>

I was accused of anti-State propaganda under Article 58, sub-section 1 of the Criminal Code, but at the end of the interrogation period I was told that there was no law under which I could be convicted in Court, but that nevertheless a decision had been made "to put me away". Thus without a formal charge, conviction or sentence I was sent to GULAG labour camps.

. . . . . During that period there was no difference between those officially convicted and those who had not been convicted. There was a state committee which decided whether one should be released or not.

. . . . . Upon Stalin's death all punishments were reviewed following a decree of the Supreme Soviet, and in July 1956, after imprisonment of eight and a half years, I was released. I returned to my congregation in Ventspils, but a year and 11 months later, on 17 June 1958, I was again arrested and accused of anti-State propaganda. Despite the evidence before the Court, this time I was formally convicted and sentenced to eight years imprisonment. I was again sent to Mordovia in Russia . . . . .

1. This was reported as a cautious estimate by Roy Medvedev in *Let History Judge* (London, 1972) p. 239.

2. Article 16 of the 1926 RSFSR Criminal Code stated: "If any socially dangerous act is not directly provided for by the present Code, the basis and limits of responsibility for it shall be determined by application of those articles of the Code which provide for crimes most similar to it in nature".

3. Evidence, 26 October 1977, pp. 138-139; 145-146.

. Senator Scott—Would it have been feasible to appeal against your conviction in 1958, which resulted in a second long period of imprisonment?

Pastor Grivans—I was told that there was no appeal against the sentence but the grounds for this sentencing were read out in such a low voice that I could not hear what was said. Twice I asked the judge to raise his voice so that I could hear. He then raised his voice for a couple of words, lowered it again and I could not hear what the grounds were. I had to strain myself at the end of the sentence, to hear the words that I had been sentenced to eight years imprisonment. After the sentence when I was imprisoned I requested written grounds for the sentence. I made repeated requests but I did not receive them and I have not received them up to this very day.

Senator Scott—You received no replies to the requests at all?

Pastor Grivans—No reply at all.

Senator Scott—Has the practice of imprisonment without trial, as in the case of your first term of imprisonment, ceased since Stalin's death?

Pastor Grivans—As far as I know no imprisonment without court proceedings takes place now. The convictions still take place. They all take place behind closed doors and as frequently as before.

(In answering the last question the witness was referring to political or religious cases.)

2.17 Many practices of the earlier years have been ameliorated. This has included the adoption of new Codes of Criminal Law and Criminal Procedure after promulgation of new federal guidelines in 1958. These 1960 Codes eliminated the old Article 16 of the 1926 Criminal Code which provided for conviction by "analogy" to similar crimes, and the vague definitions of the various sub-sections of the old Article 58 were made clearer. Article 160 of the 1977 Constitution now makes it plain that no-one is to be judged guilty without being judged by a court:

No one may be adjudged guilty of a crime and subjected to punishment as a criminal except by sentence of a court and in conformity with the law.

2.18 An eminent authority on Soviet (as well as Western) law explained to the Sub-Committee that vagueness is not entirely absent from current Soviet definitions of criminal acts. While there is less of it than under Stalin, there are some important articles which leave much to be desired by Western lawyers. One such article is Article 69 of the RSFSR Criminal Code which defines "wrecking" as:

action or omission . . . . . directed toward subversion of industry, transport, agriculture, the military system, trade or other branches of the national economy, or the activity of state agencies or social organisations, for the purpose of weakening the Soviet state, if such act is committed by making use of state or social institutions, enterprises, or organisations, or by obstructing their normal work.

Soviet commentaries on the Criminal Code explain to judges that intent to weaken the state must be found; under Stalin intent was imputed at times from the evidence provided by a decline in productivity of a factory. Whether this would occur today is not known, although the temper of the commentaries suggests that something more than performance records must be proven by the prosecutor before conviction may occur.

2.19 Annex D gives some of the main articles of the RSFSR Criminal Code (there are similar laws in the other Soviet republics) which restrict the exercise of fundamental human rights. Most Soviet political or religious prisoners are prosecuted under these articles and vagueness has to be considered in connection with the much discussed articles of the RSFSR Criminal Code on criminal expression of opinion. Under Article 70 (see Annex D), by which Dr Yuri Orlov was sentenced, "agitation or propaganda carried on for the purpose of subverting or weakening the Soviet

regime...or the circulation for the same purpose of slanderous fabrications which defame the Soviet state and social system" are criminal acts. Dr Orlov received the maximum penalty under Article 70 for a first offender—namely seven years in a labour camp plus five years exile within the Soviet Union.

**2.20** Under Article 190(1) (refer to Annex D), the systematic distribution in oral or written form of deliberately false fabrications harming the Soviet state and social structure is criminal, but it carries a less severe maximum punishment (three years of deprivation of freedom) than Article 70. Once again, intent to harm or slander is required for conviction, but the determination of what is "harmful" is with the court. Outsiders have no information on whether an unpublished instruction to judges may guide their determination of "harm". From what can be found in the published record of the noted trial of the authors Siniavsky and Daniel, harm was found in what would seem to Westerners inconsequential jibes at the Soviet system by fictional characters. Intent was imputed from events surrounding publication of their works, namely that pseudonyms were used, the manuscript had been smuggled to editors abroad, and the foreign press had interpreted the manuscript as derogatory of the Soviet system (see also paragraph 8.5).

**2.21** In recent years considerable evidence has accumulated on Soviet treatment of persons whom the West calls "dissidents". Those within the Soviet system who object to its political or religious restrictions would usually not use this term, as they would say they are working to uphold human rights within the framework of the Soviet Constitution and Soviet international agreements. Some of the "dissidents" maintain that the Soviet system is beyond reform and must be changed totally, others argue that it requires only reform, and that the present leadership is blind to potential reforms which would improve the Soviet system. Some of these "dissidents" have been expelled from the USSR, and others who have been permitted to travel abroad to lecture have been deprived of their passports in view of what they have said abroad.<sup>1</sup> These penalties are exacted without publication of any proceedings that might be interpreted to be a trial.

**2.22** Many of the "dissidents" have been tried, convicted and sentenced to prison, labour camps and exile, under the Criminal Code and in accordance with the Code of Criminal Procedure. This has included over twenty leading members of groups monitoring the implementation of the Final Act of the Helsinki Agreement. Those on trial, and foreign journalists, report that various measures are taken to nullify the effectiveness of the Code of Criminal Procedure in these "political cases" such as:

- a. the trials are not open to the public in the true sense. Specially selected "public representatives" who applaud the prosecutor's speeches are allocated the limited number of seats rather than members of the foreign press, or even relatives and friends of the accused.<sup>2</sup> Mrs Nadia Svitlychna submitted to the Subcommittee that only court officials and armed guards were present at her trial (27 April-2 May 1973) at which she was sentenced to four years in a labour camp for her samizdat activities.

<sup>1</sup> In the case of Major-General P.G. Grigorenko, he was allowed to leave the Soviet Union to have medical treatment but was later informed that he had been banished from the Soviet Union. Grigorenko had not sought exile and his request for a trial was not granted.

<sup>2</sup> In the case of the Soviet trial of Dr Orlov in May 1977, Mrs Orlov and two sons were allowed to attend the trial. Mrs Orlov alleged that when Dr Orlov spoke in his defence he was frequently interrupted by abuse from spectators and court officials. Mrs Orlov was allegedly stripped prior to leaving the hearing before three KGB men in a special room in the court house. Apparently this was done to prevent her from taking out a record of the proceedings. See also *A Chronicle of Current Events*, No. 50 (1979) pp. 3, 16; 43; *Evidence*, 13 April 1978, pp. 168-169.

- b. "in some cases where the trial is ostensibly in public it has been held at a remote court house hard to reach by public transport, or transport allegedly is not available on that particular day. By the time outsiders arrive the only available space may have been allocated to locals such as from the Young Communist League;
- c. the defendant encounters problems in choosing his own counsel;<sup>1</sup> attorneys may be told not to make themselves available;
- d. the defendant is not always allowed to call witnesses;
- e. the defence is prevented from effectively cross-examining prosecution witnesses; and
- f. the accused can be held incommunicado, legally, for a total of nine months before trial, even longer if the Supreme Soviet decrees (Anatoly Shcharansky was held for over a year).

**2.23** The above mentioned Soviet practices which impede fair and genuine trials continued in 1978, although the 1977 Soviet Constitution included the following:

Article 157. 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.

Furthermore, there are special courts within the general court system that conduct cases against citizens working in "sensitive" positions. The conduct of these courts is not provided for by published law, but they are alleged to exist and to function always without the public. Few "dissidents" are in sensitive positions, so they are brought before the general courts which are required to open hearings to the public, unless the Code of Criminal Procedure permits closed doors. The Code permits in camera hearings for a sex crime, where public morals may be offended, or if a matter of state security is involved.

**2.24** Much of Soviet law is like the law of any other industrially advanced society and much of it does not deserve criticism except when the Soviet legal system deals with political or religious dissent. At the formal level it has more in common with Western European legal procedures than with the English Common Law. When commenting on Soviet criminal procedure generally, common law lawyers have been shocked by a stage in Soviet proceedings which differs from anything known to the common law and which seems to them unfair. This is the stage immediately prior to the trial which is called the "preliminary investigation", which is held in secret. In form it is patterned on the procedure of Western European legal systems, in which prior to trial the accused is taken before an examining magistrate to hear from the prosecutor the charges against him, and to present such a defence as he may wish to present. Unlike the traditional common law proceedings before a jury, this stage in Western Europe is a full hearing, not presentation by the prosecutor of a prima facie case which becomes the basis for the indictment. It is in effect a trial, and the formal trial is only a verification of the previous proceedings. Although Soviet procedure is modelled on the Western European form there are some changes which Western European lawyers may regard as prejudicial to the defendant.

**2.25** One such difference is that the preliminary investigator is administratively subordinate to the Office of Prosecutor and not separate from him as a member of the

<sup>1</sup> For example, well before their trials in July 1978, Dina Kaminskaya was chosen by Anatoly Shcharansky and Alexander Ginzburg to represent them. She was disbarred for her previous vigorous defence of several other "dissidents" and forced into exile in late 1977.

magistracy. Secondly, the right to counsel before the preliminary examiner is limited to infants, the physically handicapped and to certain others to whom the prosecutor gives his consent. Even though the preliminary examiner is administratively subordinate to the prosecutor, he is charged by the Code of Criminal Procedure to act impartially in search of the truth.

2.26 The Western democracies have significantly different attitudes to the Soviet Union regarding what is considered dangerous to the state. Western courts are on record as to what they consider "dangerous to the state"; generally there must be extreme danger, sometimes called "clear and present danger" or "clear potential danger" before public expression may be silenced. Also there is considerable tolerance of criticism of the governing party. Even extreme criticism is an integral part of a multi-party political system, where the opposition seeks constantly to win the next election and thus to obtain power. In the USSR, where there is no formal opposition, there is no general acceptance of the fact that no political policy can be considered absolutely ideal. With Russia's history replete with wars and revolutions there is a traditional fear of subversion among the Soviet leadership. In Stalin's time it seemed paranoid. In the current Soviet leadership it is less extreme, but it is still much more intense than what would be expected from those who make policy and conduct the legal systems in the Western democracies.

2.27 The Soviet Constitution declares itself to be the supreme law of the land and theoretically all other Soviet laws that are contrary to it are illegal. The Committee has already noted the absence of any means by which the Constitution can be enforced by a citizen who may feel aggrieved by the actions of his government. The Soviet Constitution is not subject to the judicial interpretation that would be possible for an aggrieved citizen in Australia or the United States. Ostensibly the Soviet system deals with this problem through a special state official called the Procurator-General of the USSR.

#### The Procurator-General

2.28 The Procurator-General of the USSR is given the task (under Article 164 of the Constitution) of ensuring that all actions by an administrative branch conform to the Constitution. Article 165 of the Constitution states:

The Procurator-General of the USSR is appointed by the Supreme Soviet of the USSR and is responsible and accountable to it and, between sessions of the Supreme Soviet, to the Presidium of the Supreme Soviet of the USSR.

The Procurator-General is appointed for a five year term and he also has the duty to protest against any legislation by one of the Republics which is in violation of the Constitution. The Procurator-General is very important in the Soviet system; he oversees the entire Soviet legal system and only through him can a legal conflict be brought to some kind of resolution, in both civil and criminal cases.

2.29 Many people in Western society are unaware of their rights, or they may have insufficient education or finance to enforce them. The Soviets point out that under their system an aggrieved citizen may call upon the Procurator-General's staff who are available in various centres in the Soviet Union. It is then up to the Procurator-General to decide whether he wants to take up the case. The Committee was informed that this frequently happens and that the wishes of the Procurator-General are known to prevail over the administrative departments without resort to a court.

#### The Procurator's Office and Political Cases

2.30 Notwithstanding the power and status of the procurator's office, the Sub-Committee received evidence that Soviet "dissidents" who, over the years, have appealed to the Procurator-General or to his subordinate procurators have found this a futile exercise, so much so that many political and religious "offenders" will not bother to make such appeals. For example, when the Soviet biochemist, Zhores Medvedev, was committed to a mental hospital in violation of the "Regulations on Emergency Hospitalisation of Mentally Ill Persons who are a Public Danger", numerous telegrams which were sent to the Procurator-General were not even acknowledged. The Ukrainian "dissident", Leonid Plyushch, stated in his evidence to the Sub-Committee that, in his case, there was no point in appealing to the Procurator-General because despite the theoretical independence of the procuracy it is subject to the direction of the Central Committee of the Communist Party.

2.31 The Sub-Committee heard other witnesses who could well have used some assistance from an impartial procuracy because of their treatment by the Soviet authorities, especially by the KGB. On the basis of allegations made in evidence to the Committee, it would appear that in political cases the KGB do not fear that they may be called upon to account to any outside authority, including the procuracy, for the legality of their activities. Professor Voronel alleged in his evidence that the KGB sometimes resort to various illegal means against known dissidents, such as summoning them and threatening them (including with physical violence), and manufacturing spurious charges of parasitism and hooliganism. He himself was arrested by the KGB in 1974 and held for two weeks without being formally charged. Leonid Plyushch also asserted that from 1968 (until his arrest in 1972 and subsequent detention in a psychiatric hospital) he was regularly subjected to KGB and police harassment in the form of threats and interrogations, as well as having his apartment searched.

2.32 The Sub-Committee was further informed in evidence that the Procurator-General and his staff are of little assistance to "dissidents" if their formal rights as defendants have been abused. Viktors Kalnins, a Latvian "dissident", testified that when he received a ten year sentence in 1963 the Procurator of the Latvian Republic lodged an objection to the sentence, on the grounds that the section of the Latvian Criminal Code under which Kalnins was sentenced did not apply to his alleged offence. However, the Procurator's objection was not accepted by the court, and a subsequent appeal to the Procurator-General by Kalnins and the other "dissidents" sentenced with him was refused.<sup>2</sup>

2.33 Indeed, in 1975, Amnesty International reported that in their experience, no person charged with a political offence had ever been acquitted by a Soviet Court. This was said to compare with a very significant incidence of acquittal in criminal cases generally. Amnesty International therefore concluded that in political cases the procuracy, although officially the watchdog for observance of legality, "steps aside on behalf of 'higher' (political) considerations".<sup>3</sup> The allegation that in the Soviet Union every political trial leads to a conviction was also made to the Sub-Committee.

1. Evidence, 12 May 1978, p. 435. A full description of the incident is in *A Question of Madness*, by Zhores and Roy Medvedev.

2. Evidence, 29 September 1978, p. 783.

3. Amnesty International Report *Prisoners of Conscience in the USSR* (UK, 1975) p. 32.

2.34 Another example of the Procurator-General's failure to help dissidents whose legal rights have been violated concerns Major-General Pyotr Grigorenko. As a consequence of his political activities, Grigorenko was twice arrested in 1964 and again in 1969, on charges of anti-Soviet activity.<sup>1</sup> Each time he was then confined in a psychiatric hospital after being declared mentally ill. (Such action against sane people is discussed in Chapter 9.) On both occasions, payment of his military pension was suspended and subsequently restored only at a reduced level. According to Soviet law, a military pensioner can be deprived of his pension if he is sentenced by a court to a term of imprisonment, but pensioners receiving compulsory medical treatment are entitled (under a decree of 1972) to have their pensions paid in full. On the basis of this law, in August 1974 (having been released from his second period of confinement in a psychiatric hospital in June of that year) Grigorenko asked for back-payment of his pension for the period when he had not received it at all, and also for retrospective compensation for the period when he was given a reduced pension. Having received only formal acknowledgement of his claims, Grigorenko (in May 1975) lodged a court appeal against the Moscow City Military Commission for back-payment of his pension. He also addressed a complaint to the USSR Procurator-General, demanding that either the court decisions declaring him to be mentally ill, or the decision (by the Minister of Defence) to deprive him of his Major-General's pension be rescinded. In the event, the courts ruled that Grigorenko's claim was not within their jurisdiction, and the Procurator-General's office replied that there were no grounds to contest the original court decisions of 1964 and 1970 against him.

#### Dominance of the Communist Party

2.35 It is beyond the scope of this report to go into great detail on the Soviet political system except where there is a curtailment of political rights for the individual. In the Soviet Union citizens cannot engage in independent political activity, or form or belong to political parties other than the Communist Party (CPSU).

2.36 A publication distributed by the Soviet Embassy in Australia offers the following description of the Soviet electoral system (emphasis is the Committee's):<sup>2</sup>

*At elections the Communist Party appears in a single alliance with the non-Party people, nominating candidates together.*

Both electoral law and practice provide for a free and critical discussion of any number of candidates at nomination meetings held by collectives of working people. These meetings decide by a majority vote which of the candidates is to be nominated.

All the candidates nominated by working people's collectives of a given electoral district are thereupon discussed by the district meeting of electors who select the worthiest of the worthy. *The nominations of the other candidates are withdrawn either by themselves or by the organisations which nominated them.*

*Soviet society has no competing social forces or parties that would be fighting to gain the upper hand in governing bodies. In nominating candidates, working people's collectives wage no political struggle: they merely select persons, from among their midst, who would promote their common interests most effectively in governing bodies, in state administrations. The final choice, however, rests with the voter. For instance, in the 1977 elections to the local Soviets, 61 nominees out of a total of nearly 2.3 million had to be withdrawn because they failed to receive a majority vote.*

1. In 1964, Major-General Grigorenko was charged under Article 70 of the RSFSR Criminal Code, and in 1969 under Article 190 (1) of that Code.  
2. Novosti Press Agency USSR '77—Sixty Soviet Years (Moscow, 1977) p. 28. See also the Committee's comments in paragraph 2.42.

It is perhaps worthy of notice that none of the political parties represented in the Australian Parliament would be permitted within the Soviet Union.

2.37 As already noted by the Committee, Article 6 of the new Soviet Constitution reserves for the CPSU a monopoly of political power (see paragraph 2.5). It is also significant that Mr Brezhnev said shortly after introducing his new Constitution that the combination of the highest Party and State offices demonstrated "the continuous growth in the leading role" of the CPSU, and that this was one of the justifications for him taking over Mr Podgorny's post as President.<sup>1</sup>

2.38 The Soviets are perhaps developing their own solution to compensate for a lack of genuine Soviet political participation in a choice between alternative policies as espoused by political parties. The preferred Soviet solution for greater participation appears to be to enlarge the membership of the Communist Party. It has increased from 6 million to over 16 million in 25 years. Today's membership includes a larger proportion of manual workers, but not as large a proportion as in the total population.<sup>2</sup> Although approximately 7% of the population are now CPSU members, the percentage in certain groups is significantly higher. For example, over half the men aged over thirty with a tertiary education are CPSU members.<sup>3</sup> A Soviet citizen who finds himself with a chance to move up through the hierarchy of his factory or other organisation will be aware that membership of the Party would be an advantage if he wants to reach the top. It is unusual for members of government executive bodies, heads of departments in city, oblast and republic governments, and directors of state enterprises not to be Communist Party members. In most professions over 50% of the membership is believed to belong to the CPSU.

2.39 While membership of the CPSU is virtually a pre-requisite for admission to the highest level of Soviet society, CPSU membership is also meant to be the privilege of the most worthy members of society. The Soviet leadership has made tentative efforts to enlarge public participation and endorsement in decision-making, but the regime wants this to be a process under its control. The CPSU serves as a useful vehicle for this purpose. Such a controlled development of Soviet society is apparently preferable to the Soviet leadership than the granting of political and civil rights, which imply that the individual needs to be protected from the State. This is something that is denied by Soviet theory on the assumption that the Soviet State is a state of the whole people; therefore the individual does not need guarantees against the Soviet State.

2.40 The heart of the CPSU is the large group of members who work directly for it. One witness estimated that there are approximately 200,000 full-time Party officials; they represent the CPSU at every level down to districts and factories.<sup>4</sup> Several million CPSU members also fall within this category if one counts part-time Party and Komsomol workers, KGB officers and political lecturers. Compulsory political meetings organised by Party functionaries are common interruptions to a Soviet citizen's routine, and Party workers have a pervasive influence throughout Soviet society.

1. Mr Brezhnev's speech to the Presidium of the Supreme Soviet on 27 May 1977.  
2. Nearly 41% of CPSU members were industrial workers in 1976, 24% of party members were women. J. Paxton (ed.), *Statesman's Year Book 1977-78* (London, 1977) p. 1399.  
3. R. G. Kaiser, *Russia* (London, 1976) p. 136.  
For the high or low representation of some ethnic groups in the CPSU see paragraph 2.61 and Table 2-3.  
4. Over 386,000 primary Party organisations exist in industrial establishments, collective farms, military units, villages, offices, educational establishments, etc. These consist of at least three CPSU members and most of these would not be full-time Party officials.  
J. Paxton, (ed.) *Statesman's Year Book 1977-78* (London, 1977) p. 1399.

2.41 The CPSU administers the machinery of State—through Party committees inside State and other organisations, and through the “nomenklatura” system of controlling appointments. At each level of government, the relevant Party Committee at that level has a list of positions to fill. For example, recent figures show that in a Soviet city with a population of approximately half a million there are about 600 positions to be formally filled by the Party Committee of that city. Reputedly they are all the important jobs including chairmen of collective farms in the region, the editor of the local newspaper and the director of the high schools. They would also include factory directors and deputy directors if these positions are of moderate importance. However, the directors of the more important enterprises would be appointed by a Committee at a higher level; if it is a factory of strategic importance it is likely to be on the “nomenklatura” of the Central Committee. (See also diagram opposite.)

2.42 The CPSU also has the paramount influence on the choice of candidates seeking election for Soviets at all levels up to the Supreme Soviet.<sup>1</sup> As the Communist Party is the only legal political party, non-CPSU members in the Supreme Soviet are classed as non-Party citizens (they accounted for 28.3% of the deputies listed for the 1979 election). Candidates are selected at a preliminary “constituency electoral consultation” (selection conference) to which organisations which have put forward nominations send delegates, who discuss the various nominees. Up until now, this method of selection has resulted in only one candidate being nominated for each vacancy in the Supreme Soviet. The only way for a Soviet voter to register his disapproval of the official candidate is by taking identifiable action to alter the ballot paper by deleting or adding a name; such action may result in a voter attracting the attention of the authorities. Apparently 185,422 electors were prepared to take this risk by voting against the official candidates listed for the Council of the Union at the elections for the Supreme Soviet on 4 March 1979. Of the 174,944,173 citizens required to vote, 99.99% complied.<sup>2</sup>

#### Economic Rights

2.43 If much of this report points to the violation of human rights by the Soviet Government, it is only fair to draw attention to some areas where for a variety of reasons Soviet performance is said to be better than their record on human rights. Indeed the Soviet Union can well argue—as the Soviets frequently do by alluding to unemployment in Western countries—that the Soviet record in eliminating unemployment is better than that of the capitalist world.

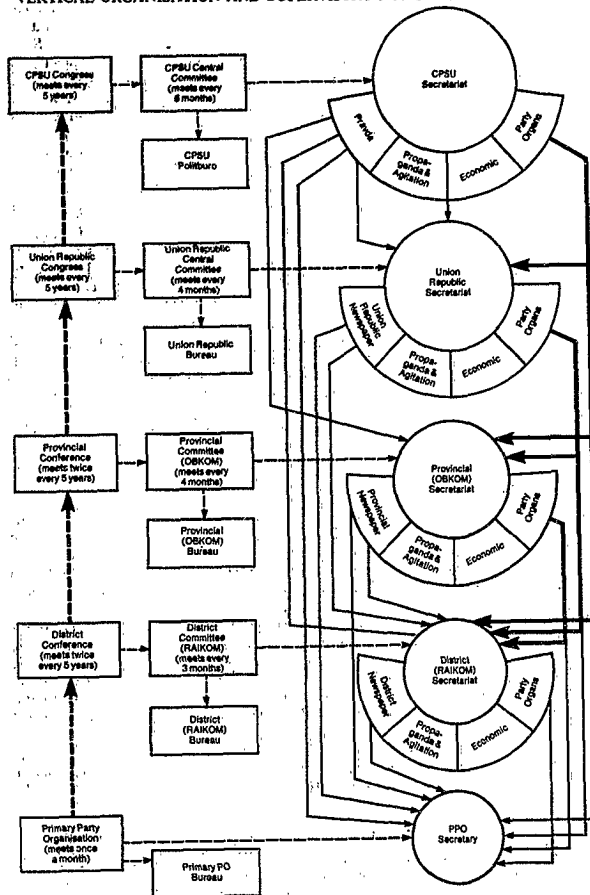
2.44 The Committee has already noted in paragraph 2.4 that the new Soviet Constitution continues to reflect Soviet emphasis on economic rights—see for example, Article 40 (right to work); Article 41 (leisure); Article 42 (health protection); Article 44 (housing). It is common knowledge that there have been considerable achievements in the fields of health, housing and employment in the Soviet Union. What is particularly noteworthy is that in the USSR it is illegal to be unemployed, as indicated in the new Constitution by Article 60:

It is the duty of, and a matter of honour for, every able-bodied citizen of the USSR to work conscientiously in his chosen, socially useful occupation, and strictly to observe labour discipline. Evasion of socially useful work is incompatible with the principles of socialist society.

1. The highest legislative organ in the USSR. It is bicameral, consisting of the Council of the Union (on the basis of population) and the Council of Nationalities (on the basis of territorial units); there is direct balloting (single list) for the delegates every four years. The Supreme Soviet meets for only a few days, two or three times a year. A large proportion of its members sit on standing committees in most areas of legislation.

2. Election statistics from Keating's *Contemporary Archives* (London, 4 May 1979) p.29587.

#### VERTICAL ORGANISATION AND SUPERVISORY FUNCTIONS IN THE CPSU



Source: John Armstrong, *Ideology, Politics and Government in the Soviet Union* (New York, 1974) p. 74.



2.45 As unemployment is illegal, a dissident who is denied work because of his attitude to some aspect of the Soviet system can be prosecuted for being a "parasite", or under the catch-all offence of "anti-Soviet activity" which can be very widely interpreted. Professor Voronel, a prominent Soviet physicist, testified that he was accused of "parasitism" on at least two occasions after he was dismissed from his post because of his attempts to emigrate. On each occasion he obtained a much lesser position only to find that the KGB appeared at his work site to successfully force his dismissal (*Evidence* pp.60-61). Any "dissident" attempting to assert his constitutional right to work finds this impossible since there is no proper machinery to invoke the Constitution, as already noted by the Committee.<sup>1</sup>

2.46 Some "dissidents" who have lost relatively highly paid jobs can sometimes find employment which is inappropriate for their qualifications. For example, Leonid Plyushch, a well qualified mathematician, informed the Sub-Committee that he was offered a job as a stoker and then as a stapler of documents. Although the 1977 Constitution mentions employment appropriate to abilities and qualifications (see Article 40), it includes a qualification—"with due account of the needs of society"—and this presumably would excuse the requirement to give appropriate employment to a "dissident".

2.47 The Committee has noted that despite Soviet emphasis on equality, Soviet society is still stratified and official wage differentials are still considerable, although not as high as in Stalin's time or as high as in the US.<sup>2</sup> In the interests of labour productivity, huge pay differentials were introduced in the 1930s by Stalin, including "Pakety"—substantial secret bonuses—for higher officials. The Committee has no evidence that the practice of secret bonuses continued after Stalin's death.

2.48 None of the foregoing is to deny that the Soviet Union has made substantial progress towards economic equality. Provided a citizen does not display his obvious dissent with the Soviet system he is assured of a pension, free education and health services. He obtains housing at nominal rent (by Western standards) and he can buy his staple foods at subsidised prices.

#### The Internal Passport

2.49 Since 1932 Soviet citizens have been required to be in possession of an internal passport<sup>3</sup> which states the holder's "nationality", which could be Russian, Ukrainian, Jewish, German or any of the other Soviet nationalities (some of these are discussed in Chapter 1). Children whose parents have different nationalities are able to choose either nationality as their own when they receive their first passport at the age of sixteen. The Committee was informed that it has sometimes been possible through "influence" to change the "nationality" on the internal passport. In 1974 the Soviet Government issued a decree forbidding Soviet citizens to have their "nationality" changed once the decision was made at the age of sixteen.

1. This problem is also encountered by Soviet citizens who, having indicated a desire to leave the USSR but have been unsuccessful in their applications for exit visas, are dismissed from their jobs—see paragraph 6.26.
2. The ratio of average earnings of the top 10% of Soviet workers and employees (excluding collective farmers) to those of the bottom 10% fell from 7.2:1 in 1946 to 3.24:1 in 1970. Peter Wiles, "Recent Data on Soviet Income Distribution", Survey, 21, 3, Summer 1975, p. 33.  
Higher incomes have an additional significance in the Soviet Union as a sizeable proportion of personal income is allegedly spent on scarce goods and services which can only be obtained in the flourishing "second economy" or "black" market.
3. The internal passport system was re-introduced in 1932 in order to check a mass movement of peasants from the famine-affected southern parts of Russia.

#### Implications of the Internal Passport for Jews

2.50 The nationality requirement on "line 5" of the internal passport is particularly significant for Soviet Jews because of traditional anti-Semitism in the USSR, which is not seriously discouraged by its government—see Chapter 5. The internal passport is probably also significant for nationalities such as the Crimean Tatars and Soviet Germans, particularly if they attempt to return to their former Soviet lands. There was wide agreement among witnesses that the internal passport acted as a serious form of discrimination against Soviet Jews because it had to be shown when applying for employment and for entry to higher education. The fact that in the past Jews have been well represented in the professions and higher education is irrelevant to this more recent form of discrimination.

2.51 Soviet Jews are expected to assimilate in the Soviet Union, yet they have to take the nationality of their parents and display it on their internal passport for the rest of their lives whether they want to or not. The internal passport is not so significant for a citizen whose Soviet nationality is that of the majority of the population in a particular republic or region of the Soviet Union. Because the nationality clause denotes ethnic origin, not place of birth, mother tongue, culture or religion, even a "Jew" who becomes a Russian Orthodox is unable to escape his origin if he wanted this. Even a child of a mixed marriage who can choose between the two nationalities of his parents, can only partially discard his Jewishness. It soon catches up with him, since most official forms in the Soviet Union require not only the names, but also the nationalities of his parents. This is not to imply that most Soviet Jews have a desire to hide their ethnic origin; as indicated later in this report there has been a re-awakening of Jewish consciousness partly due to its repression by the Soviet authorities.

2.52 Soviet Jews are therefore caught in a dilemma, which leads many of them to perceive their status as that of "second class citizens". Unable to assimilate fully, and because they are burdened with the disadvantage of their "nationality", they are, at the same time, deprived of the ostensible benefits of "nationality" status—those of being able to express and practice their Jewishness. Professor Voronel, an eminent scientist and Soviet Jew who believed that he had completely assimilated, informed the Sub-Committee of the difficulties faced by Soviet Jews who were loyal citizens and CPSU members. He believed the discrimination had an ethnic basis, pointing out that ethnic Jews who converted to Christianity were still discriminated against, yet a group of Jews who are ethnic Russians (in the Voronezh region) are not discriminated against, apart from religious restrictions which apply in various degrees to all religious groups.

2.53 The Committee is not critical of the fact that Soviet Jews have been granted "nationality" status along with over a hundred other Soviet nationalities. However, the Committee is convinced that the deletion of the requirement to show "nationality" on internal passports would be a significant help to those Soviet nationalities which suffer discrimination. Perhaps more than any other official act it would demonstrate a sincere desire by the Soviet Government to fulfil the requirements of Article 36 of the Soviet Constitution (see paragraph 1.7) and other Soviet international commitments not to discriminate against minorities.

#### Discrimination in Education and Employment

2.54 The discrimination in employment that takes place against "dissidents" has already been noted, but the Committee is concerned here with discrimination on ethnic or religious grounds. The requirement for Soviet citizens to indicate on application

forms their "nationality", as well as the name and "nationality" of both their parents, has facilitated the denial of entry to Jews into certain Soviet institutions of higher education and many professions. Probably this has applied to a lesser extent to some other nationalities such as the Crimean Tatars or Soviet Germans. Since 1917, when restrictions on education were lifted, Jews have flocked to educational institutions in the hope of overcoming all the obstacles they had formerly encountered in Russian society, by merging themselves into the well-educated segment of Soviet society.

2.55 The Committee was made aware of the increasing discrimination against Jews in institutes of tertiary education. Every year greater restrictions are placed upon the admission of young Jews to institutions of higher learning, and their entry is now practically barred from many fields of post-graduate study except for the exceptionally gifted. It was also alleged that most Jewish students have great difficulty in being accepted for evening and correspondence courses. Many young Jews are compelled to take up studies in remote regions of Siberia and the Central Asian Republics, where the "numerus clausus" does not yet operate so inexorably. This explains the rather odd phenomenon that there is a relatively high proportion of Jewish students in some areas where the size of the Jewish population is negligible. The Committee also received information that there has been similar discrimination against certain religious minorities such as the Baptists, if their religious devotion became obvious to the authorities.

2.56 Traditionally Soviet Jews have been represented in higher education in a higher proportion than that of Jews in the total Soviet population. This is partly attributable to the fact that 98% of Soviet Jews live in urban areas. The rapid decline in Jewish student admissions to Soviet universities (in a growing Soviet population) is shown by the following figures extracted from Soviet statistical year books:

1970-71	-	105,800
1972-73	-	88,500
1974-75	-	76,200
1975-76	-	66,900.

It is allegedly almost impossible now for a Jew to enter the University of Moscow or certain Ukrainian universities such as Kiev or Lvov Universities.<sup>1</sup> The sharp decline in Jewish post-graduates, from whom future scholars and scientists will be recruited, is indicated by the figures in Table 2-1.

TABLE 2-1  
NUMBER OF FULL-TIME POST-GRADUATES

Year	Total	Number of Jews	% of Jews in Total	% decline of Jews
1970	99,427	4,945	4.97	-
1973	98,860	3,446	3.50	30.11
1975	95,675	2,841	2.97	42.55

Sources: *Narodnoe Obrazovanie, Nauki i Kultura v SSR. Statistichesky Sbornik* (Education, Science and Culture in the USSR. A Collection of Statistics.) Moscow, 1977, and *Vestnik Statistiki* No. 4, 1974.

1. According to H. O. Schoenberg in *Society* Vol. 17, No. 4 (New Jersey, May-June 1979) p. 12, it was reported in Autumn 1977 that not a single Jew had been admitted to Moscow University. See also *Evidence* pp. 339; 511; 839; 908.

2.57 The decline in the proportion of Jewish specialists with higher education among the total number of such specialists in the USSR is also significant. In 1957 there were 260,900 professionally active Jewish graduates, which constituted 9.7% of the total of such specialists. By 1970-71, the 356,800 Jews in this category made up only 5.2% of such specialists. The relative decline of Jewish scientific workers is also shown in Table 2-2, which shows scientific workers by Soviet nationalities. The table shows a much smaller decline for Armenians and Georgians, who also have been traditionally well represented in Soviet higher education.<sup>1</sup>

TABLE 2-2  
SCIENTIFIC WORKERS BY NATIONALITY  
(Ranked by Relative Weight Index, 1971)

Rank	Nationality	1960			1971			Point Change in Weight Index 1960-71
		No.	% of Total	Index <sup>1</sup>	No.	% of Total	Index <sup>1</sup>	
1	Jews	33,529	9.47	8.69	66,793	6.66	7.48	-1.21
2	Armenians	8,001	2.26	1.70	22,056	2.20	1.50	-0.20
3	Georgians	8,306	2.35	1.82	19,411	1.94	1.45	-0.37
4	Russians	229,547	64.81	1.19	666,059	66.41	1.24	+0.05
5	Estonians	2,048	0.58	1.23	4,959	0.49	1.17	-0.06
6	Latvians	2,662	0.75	1.12	6,262	0.62	1.05	-0.07
7	Lithuanians	2,959	0.84	0.76	8,751	0.87	0.79	+0.03
8	Azerbaijdzhanis	4,972	1.40	0.99	13,998	1.40	0.77	-0.22
9	Ukrainians	35,426	10.00	0.56	107,475	10.72	0.64	+0.08
10	Byelorussians	6,358	1.80	0.47	20,538	2.05	0.55	+0.08
11	Tatars	3,691	1.04	0.44	12,619	1.26	0.51	+0.11
12	Turkmen	707	0.20	0.42	1,946	0.19	0.40	-0.02
13	Kazakhs	2,290	0.65	0.38	8,629	0.86	0.39	+0.01
14	Kirgiz	586	0.17	0.37	2,100	0.21	0.35	-0.02
15	Uzbeks	3,748	1.06	0.37	12,928	1.29	0.34	-0.03
16	Tadzhiks	866	0.24	0.36	2,550	0.25	0.28	-0.08
17	Moldavians	590	0.17	0.16	2,624	0.26	0.23	+0.07
USSR		354,158	100.0	1.00	1,002,930	100.0	1.00	

Source: *Narodnoye khozyaistvo SSR 1922-1972; Yubileinye vyzhegodnik - National Economy of the USSR 1922-1972; Jubilee Yearbook* (Baku: Azerbaiddzhan Gosizdat, 1972); p. 105.

% of USSR Scientific Workers  
1. Index =  $\frac{\text{Weight (\%) of Total USSR Population}}{\text{Weight (\%) of Total USSR Population}}$

1. See Soviet Census of 1970, Vol. IV Table 57.

2.58 In recent years, Soviet Jews have systematically encountered difficulties in obtaining higher education because of the tighter operation of an unofficial quota system. This has not only favoured a few very gifted Jews but also the children of influential Party members. The Committee was also informed that bribery was widely used in the Ukraine to overcome the quota system. The kindest interpretation of the Soviet quota system would be that it is the result of the often stated Soviet policy of giving preference to applicants from worker or peasant backgrounds, and of bringing the national composition of the intelligentsia into line with the composition of the Soviet population as a whole.

TABLE 2-3

NATIONAL COMPOSITION OF MEMBERS AND CANDIDATE

MEMBERS OF THE CPSU, 1976-77

Nationality	a		b		c	d	e
	1 January 1976	1 January 1977	% Increase 1976-77	% of total CPSU 1977			
Total	15,638,891	15,994,476	2.27	100.0	100.0		
Russians	9,481,536	9,679,129	2.08	60.5	53.37		
Ukrainians	2,505,378	2,561,818	2.25	16.0	16.86		
Byelorussians	563,408	580,833	3.09	3.6	3.74		
Uzbeks	321,458	333,907	3.87	2.1	3.80		
Kazakhs	282,471	292,936	3.70	1.8	2.19		
Georgians	259,520	265,625	2.35	1.7	1.34		
Azerbaijani	232,223	241,677	4.07	1.5	1.81		
Lithuanians	106,967	110,934	3.71	0.7	1.10		
Moldavians	67,707	72,331	6.83	0.5	1.12		
Latvians	65,116	66,402	1.97	0.4	0.59		
Kirgiz	49,542	51,112	3.17	0.3	0.60		
Tadzhiks	63,611	65,477	2.93	0.4	0.88		
Armenians	234,253	239,460	2.22	1.5	1.47		
Turkmen	48,021	50,269	4.68	0.3	0.63		
Estonians	49,739	50,984	2.50	0.3	0.42		
Jews	294,774	296,424*	0.56*	1.9	0.89		
Others	1,013,167	1,035,168	2.33	6.5	6.71		

\* Estimate from source material.

Sources: Adapted from:

- (1) E.M. Jacobs "Further Considerations on Jewish Representation in Local Soviets and in the CPSU" *Soviet Jewish Affairs*, Vol. 8, No. 1, 1978, p. 32.
- (2) *Partiinaya zhizn*, No. 14, 1973, p. 18; No. 10, 1976, p. 16 and No. 20, 1977, p. 31; and
- (3) 1970 Soviet Census.

The calculations in column d. are the Committee's.

TABLE 2-4

JEWISH REPRESENTATION IN LOCAL SOVIETS, BY TYPE OF SOVIET 1967-75

Year	Total number of Jews in each type of Soviet						
	All local soviets	Kray/Oblast/Okrug	Rayon	City	City borough	Settlement	Village
1967	7,881	161	845	2,887	1,470	1,089	1,429
1969	6,619	148	666	2,452	1,260	905	1,188
1971	6,030	131	572	2,154	1,127	872	1,174
1973	5,173	99	483	1,765	1,047	733	1,046
1975	4,519	90	436	1,561	937	828	667

Sources: E.M. Jacobs, "Further Considerations on Jewish Representations in Local Soviets and in the CPSU", *Soviet Jewish Affairs*, Vol. 8, No. 1, 1978, p. 27, and *Itogi vyborov i sostav deputatov mestnykh Sovetov deputatov trudvashchikhsva, 1975 g.* (Statisticheskyy Sbornik Moscow, 1975) pp. 26-27.

2.59 The Committee has no way of being sure whether it is because of a secret Soviet Government directive, but discrimination against Jews is allegedly continuing in the legal profession, in government, in the highest ranks of political life and in all fields involving foreign contact. Advancement to the highest ranks of most other professions is also very difficult. Allegedly, in the Red Army, Jews are restricted from serving with units outside the borders of the Soviet Union and they are not sent on missions abroad; they cannot be appointed to the post of Commander or head of the political section of any army division, nor study at the General Staff Academy.

Representation in CPSU and in Soviets

2.60 The Committee has already noted the important position of the CPSU in Soviet society. It may therefore be useful to show the composition, by major nationality, of the CPSU in 1976-77 (see Table 2-3).

2.61 As can be seen from Table 2-3, there is a relatively high percentage of Jewish members of the CPSU; however, it does not seem from other sources that there is a similarly high proportion of Jews in high positions in the Party. Table 2-3 also shows that of the other Soviet minorities, only the Georgians and Armenians are not under-represented. These two groups have also had a high achievement rate in education and have been well represented in the Supreme Soviet and on the CPSU Central Committee.

2.62 In late 1976, the Chairman of the Council of Nationalities of the USSR Supreme Soviet claimed that there were more than 35,000 Jewish deputies in USSR society.<sup>1</sup> This figure appears to be a gross exaggeration when compared with the statistics in Table 2-4. The table shows a steady decline in Jewish representation since

1. Vitaly Ruben (not to be confused with the "dissident" Vitaly Rubin) in an interview with *Literaturnaya Gazeta*, 1 December 1976.

1967. The period coincides with an increase in anti-Jewish or anti-Zionist propaganda since the Six Day War in the Middle East. Out of the 1,517 deputies elected to the Supreme Soviet of the USSR in 1970 and in 1974, there were six Jewish deputies (0.4%).<sup>1</sup> Jews are now also under-represented in the union republic Supreme Soviets as well as in the local Soviets.

#### Conclusion

**2.63** The civil rights of Soviet citizens have improved considerably since the days of Stalin; there was of course immense scope for improvement. Although it is a little too early to judge the impact of the widely proclaimed 1977 Constitution, it is unlikely to improve the situation of those Soviet citizens who do not agree with some aspects of the Soviet political system. Indeed, within a few months of Mr Brezhnev's proclamation of his new Constitution, a number of Soviet citizens underwent political trials. In the conduct of these trials the Soviet Government ignored its commitments in the 1977 Constitution as well as natural justice.

**2.64** Similarly the Soviet Union has not entered into the spirit of the Universal Declaration of Human Rights, and other international conventions or accords containing relevant human rights provisions. Within three years of Mr Brezhnev signing the Final Act of the Helsinki Agreement, the Soviet Union has flouted the Accords' human rights provisions to such an extent that it has found it necessary to imprison or expel most of the courageous people who were openly monitoring the Helsinki Agreement within the Soviet Union.

**2.65** The Committee has also drawn attention to the dominance of the Communist Party in the Soviet Union. Recently this has been enshrined in the 1977 Constitution. The Soviet record regarding economic rights is better than its record on political or civil rights, but the Committee has cause to express some important reservations in this regard. One of the most serious infringements of citizenship in the Soviet Union can result from the requirement to show "nationality" on the internal passport and on other official forms. These documents are required, for example, to obtain higher education and employment, and the requirement to show "nationality" can discriminate very severely against some minorities, particularly Soviet Jews.

**2.66** In this chapter the Committee has shown concern that the civil rights and freedoms of Soviet citizens are very much subordinate to the interests of the Soviet State. Soviet citizens have no practical way of enforcing constitutional provisions. There are no independent courts for the purpose of interpreting Soviet laws or to enforce the Soviet Constitution. Soviet courts which sit in judgement on what may be termed political or religious cases seem to be subject to secret directives. The Committee maintains this in the knowledge that the inclusion of human rights provisions in a constitution or in a bill of rights is not necessarily a guarantee against the capricious actions of a government.

1. *Verkhovny Soviet SSR: vozmozhno soazyro.* (Statistichesky Sbornik), Moscow, 1970, pp. 15; 33; and *25 Years of De-Stalinisation and Soviet Jewry: IJA Research Report USSR 78/2*, March 1978.

### 3. THE FREEDOM OF RELIGION

#### The Soviet Commitment

**3.1** By the time of the Bolshevik Revolution in 1917, the people of Imperial Russia had a long tradition of religious devotion. It has been said that whoever lives in Russia is automatically seized by religious forces; even atheism becomes a faith.<sup>1</sup> Of the various religions in Tsarist Russia, the Russian Orthodox Church had enjoyed a favoured position since the tenth century. Thus, one of the chief aims of Lenin's earliest legislation on the separation of Church and State, was to abolish the special position of the Russian Orthodox Church by rescinding all "national-religious privileges and restrictions" in the Declaration of the Rights of the Peoples of Russia.

**3.2** In addition to Lenin's declared policy that all religions would be treated equally before the law, the new Soviet regime wished to effect a speedy and thorough secularisation of the Soviet population. The new regime regarded religion as a superstition and its influence in the life of the people was to be reduced. These aims were reflected in the legislation on religion which was enacted in the decade following the Revolution.

**3.3** The first legal act directly regulating religious life in the USSR was the decree of the Council of People's Commissars (under the signature and co-authorship of Lenin). Enacted in January 1918, this decree entitled "On Separation of Church from State and School from Church" strictly circumscribed the rights and activities of all religious faiths. The most important provisions of the decree were:

- a. the complete secularisation of the State;
- b. the confiscation of all religious property and funds;
- c. the withdrawal of the status of legal entity from churches and church organisations; and
- d. the prohibition of religious instruction in schools.

(It will be seen later that the revised Law on Religious Associations—the 1975 version is in Annex E to this report—modifies b. and c. above).

#### The 1936 and 1977 Constitutions on Religion

**3.4** In line with the Soviet goal of secularising society, the rights granted to religious believers in the 1936 Constitution were limited. Only freedom of religious worship was allowed. Though under the Constitution one could conduct anti-religious propaganda, there was no similar right to conduct religious propaganda (see Article 124 in Annex B to this report). The separation of Church and State, and School from Church, was affirmed in the same article of Stalin's Constitution.

**3.5** The above principles are re-affirmed in the 1977 Constitution, which states in Article 52:

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 of hostility or hatred on religious grounds is prohibited.* In the USSR, the church is separated from the state, and the school from the church.

1. Probably in recent years there has been a revival of interest in religion in the Soviet Union; also it is now not uncommon for young people who may have had little contact with religion to wear icons. Some of the interest in religion has been attributed to a desire by some people to have a link with the past.

Italicised for emphasis by the Committee are words which were not in the 1936 Constitution. If the Soviet Constitution were to be vigorously applied, the addition of the italicised words would signify an important improvement in so far as freedom of religion is concerned.

### International Commitment to Religious Freedom

**3.6** In addition to its commitment to freedom of conscience enshrined in its Constitution, the Soviet Union is formally committed to the principle of freedom of religion through its participation in the Helsinki Final Act and by its adoption of the UN International Covenant on Civil and Political Rights.

**3.7** The importance which the signatories to the Helsinki Agreement attached to the universal protection of freedom of religion can be seen from the incorporation in the Final Act as part of its Principle VII the words:

Within this framework the participating States will recognise and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

**3.8** The principle of freedom of religion has been spelled out even more precisely in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Committee has already noted (in paragraph 1.8) that in the Helsinki Agreement's Final Act, the signatories specifically undertook in Principle VII to respect and implement these covenants. In the wording of the Covenant on Civil and Political Rights (Article 18) this commitment reads:

Everyone shall have the *right to freedom of thought, conscience and religion*. This right shall include *freedom to have or to adopt a religion or belief of his choice and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching*.  
(The Committee's emphasis)

### Soviet Policy on Religion Differs in Theory from Practice

**3.9** Soviet spokesmen on religion have frequently emphasised that their Constitution guarantees freedom of conscience to all religious believers in the Soviet Union. However, the Committee has already shown in Chapter 2 (particularly paragraphs 2.10 to 2.12) that Soviet Constitutions are not a good guide as to the likely enforcement of human rights; there is no guarantee that citizens, including religious believers, can enforce these rights. This chapter will go on to show that in practice the Soviet State discriminates against religious believers in a number of ways.

**3.10** Despite the USSR's declared commitments to the freedom of religion, witnesses informed the Committee that Soviet citizens, especially those working in the bureaucracy, or school teachers, are afraid to attend religious services. Such attendance could result in dismissal or being labelled on their work record as "unreliable". According to the testimony of a clergyman who experienced many years of Soviet rule, this is the real reason why very few weddings or funerals are performed by a clergyman, and why congregations generally consist mainly of old people, pensioners and low income earners.

**3.11** The limited scope for religious believers in the Soviet Union is evident from that part of Article 52 (of the 1977 Constitution) which gives atheists, but not religious believers, the right to propagate their views. This basic restriction on the activities of believers affects most adversely the evangelising faiths, such as the "Reform" Baptists. By the decree of 1918, religious instruction in the schools was prohibited. This

severely affected the privileged Russian Orthodox Church but it also had a significant impact on those religions, such as the Jewish faith,<sup>1</sup> which had supplemented religious teaching in their own widespread system of primary and secondary schools.

**3.12** "Underground" documents reaching the West from Soviet religious believers have cited cases where Christians have been threatened with having their children placed in institutions.<sup>2</sup> This can happen for ideological as well as for religious reasons. The Ukrainian dissident, Nadia Svitlychna, informed the Sub-Committee in her submission that the Soviet authorities continually threatened to take her young boy away from her because she and her brother were opponents of the regime. When Mrs Svitlychna was imprisoned for her political activity, the authorities placed her son in an orphanage for two weeks rather than allow the immediate family to care for the boy. The footnote below cites a case where children of believers have been taken away. Overall, the number of documented cases of discrimination against religious believers in the Soviet Union supports the view that Soviet treatment of all religions is very arbitrary. Later in this chapter (commencing paragraph 3.30) the Committee gives more details of State interference with religion and of how the authorities discriminate between the different faiths in the Soviet Union.

**3.13** A document<sup>3</sup>, made available by the Soviet Embassy in Australia on 27 October 1977, states that "children can be taught religion at home or in church". This statement is unconvincing in view of reports of clergymen being sometimes arrested on charges of teaching religion to the young. To cite two recent instances, one witness before the Sub-Committee had his licence to preach revoked on the grounds that he had children under the age of 18 years in his church choir; and Amnesty International has drawn attention to the case of Pyotr Serebrennikov, a "dissenting" Baptist from Azerbaïdzhan, who at the age of 77 was sentenced to 5 years' imprisonment for teaching religious principles to the children of a member of his congregation, and for other actions related to his religious beliefs.<sup>4</sup>

### Soviet Law on Religion

**3.14** Soviet spokesmen on religion often declare that religious dissenters are punished, not for their religion, but for breaking the Soviet criminal code. Under Article 142 of the RSFSR Criminal Code<sup>5</sup>, "violation of the laws on the separation of Church and State and of Church and School" can be punished by a sentence of up to three years for a previous offender. The laws referred to in this article include not only the Leninist decree of 1918, but the very exacting and detailed RSFSR Law on Religious Associations—sometimes called the Law on Cults—which is shown in Annex E. This law, which basically expanded on the provisions of the 1918 decree, was revised slightly in 1932 and more substantial revisions were finalised and published in July 1975 (these revisions have been underlined in Annex E).

**3.15** The reader should note, for example, Article 6 of the 1975 Law on Religious Associations, which requires a small group of believers to send a petition to the regional or municipal Soviet of Workers' Deputies in order that the latter can make a

1. The Jewish communal administrations or "kehilas" (with their own schools, courts and welfare institutions), which were a characteristic feature of Jewish life in Russia prior to the Revolution, were formally dissolved in June 1919 (but subsequently secular Jewish schools were re-established for a few years—see Chapter 4). In August of that year the Jewish central religious body, the Central Board of Jewish Deputies, was also abolished.

2. See also Michael Bourdeaux (ed.) et al, *Religious Liberty in the Soviet Union*—World Council of Churches and USSR. A Post-Nairobi Documentation, Keston College Book No.7, (London, 1976) pp.37-38; 82. Allegedly on 1 August 1973, Mrs Zoya Petrovna Radvigina, a "Reform" Baptist of Perm, had two boys aged eight and six taken away, for giving her children a religious education.

3. Entitled *Do the Bells Ring in Moscow?* by Igor Troyanovsky.

4. *Amnesty International Report 1977* (London, 1977) pp. 279-280.

5. See Annex D to this report. The other Soviet republics have similar legislation.

recommendation to the Council of Ministers of the autonomous republic (or equivalent) on whether the group of believers may be registered. This has many implications as a perusal of Annex E will show.

3.16 In addition to the published law, the existence of secret and more restrictive regulations on religion was postulated for a number of years by experts on Soviet policy on religion. The existence of such a hand-book of documents (21,000 copies printed in 1971 for limited distribution to relevant Soviet officials) was confirmed, despite official attempts to keep it secret, when a copy reached the West five years after publication.<sup>1</sup> The documents in the hand-book include one dated 1961 entitled "Instructions for Application of the Legislation Concerning Cults", relating to the Law on Religious Associations (in Annex E to this report). These instructions were devised during the early months of Mr Khrushchev's anti-religious campaign; as a result of these directives numerous instances of restrictions on religious believers have occurred. Reports about the restrictions imposed by these instructions continuously reached the West, and were referred to in testimony given before the Sub-Committee. Certain aspects of the instructions—for example, concerning the role of the Council on Religious Affairs—were subsequently published in 1975 as part of the revisions of the 1929 Law on Religious Associations. Nevertheless, these instructions illustrate a significant characteristic of the application of Soviet law: governmental agencies which are not constituted as law-making bodies create regulations—apparently often secret—which not only have the force of law but may even contradict the published law.<sup>2</sup>

3.17 Published law, as well as secret instructions, throw open to question the constitutional guarantees of freedom of conscience and separation of Church and State. The State certainly does not hesitate to interfere in the affairs of the Church. For example, Article 17 of the Law on Religious Associations prohibits religious congregations from "giving material aid to their members", and also prohibits a number of other activities including "organising special children's, youth, or women's prayer or other meetings, as well as general bible, literary, craft, or labour meetings, groups, circles, or departments for the study of religion; and also organising excursions and children's playgrounds, opening libraries and reading rooms, and organising health centres and medical aid."<sup>3</sup>

3.18 Similarly, the important requirement to register a "religious association" is an indispensable prerequisite of recognition, and permission to meet. A minister, priest or rabbi of any house of worship or congregation, not registered according to the provisions of the Law on Religious Associations, can be charged with forming an illegal religious group, and its members can be charged for belonging to an unregistered group. Other provisions of the Law on Religious Associations also sanction direct intervention by the State (through the Council on Religious Affairs) in the affairs of religious congregations. For example, Article 14 states: "Registering organs are granted the right to remove members of the executive body of a religious society or particular individuals of a group of believers". This is obviously in direct contravention of Article 52 of the 1977 Soviet Constitution which (similar to the 1936 Constitution) stipulates the separation of Church and State.

1. See report in *Religion in Communist Dominated Areas*, by Research Centre for Religion and Human Rights in Closed Societies (New York) No. 1, 2 and 3, 1977, p. 15f.

2. For example, a secret instruction prohibited meetings of believers in private apartments and homes, without prior official permission. Such meetings were not specifically prohibited in the 1929 Law, and this restriction only became public when the 1975 revisions of the Law appeared.

3.19 In addition, as a result of Article 6 of the Law, religious associations are required to supply lists of names of their members to the local authorities. This practice not only represents a potential device for discrimination and pressures against religious believers, but it undermines Soviet statements that there is no form of registration or census which would indicate the religious affiliation of Soviet citizens.<sup>1</sup> The Soviet claim that the "religious life of worshippers and the life of the Church are not infringed upon at all by the Soviet State"<sup>2</sup> has not convinced the Committee. Later in this chapter the Committee examines the impact of official Soviet policy on religion (including the effects of some unpublished instructions).

#### Number of Religious Adherents

3.20 An article in *Pravda* on 30 March 1979 indicated that 8-10% of the Soviet Union's adult population are practising religious adherents. As there is no provision on Soviet census forms for any indication of a person's religious faith, any estimates of the total membership of the major religions within the Soviet Union would be subject to a great deal of speculation; however the figure conceded by *Pravda* is likely to be an underestimate. Estimates<sup>3</sup> for the Russian Orthodox Church vary between thirty million and fifty million adherents; the higher figure has been attributed to prominent Russian Orthodox Churchmen. No information is available on the number of adherents of the Georgian Orthodox Church, but the Committee believes it has considerable support. The Armenian Apostolic Church (the most ancient national church in the world) is estimated to have about three million adherents.

3.21 There are believed to be about three million Roman Catholics in the USSR; about half of these are in Lithuania. This figure would not include the Ukrainian Greek Catholic (or Uniate) Church which has continued its allegiance to Rome; nor would it include the Armenian Catholics. As noted earlier in the report, about three and a half million Ukrainian Greek Catholics came under Soviet rule during World War II; estimates as to their present strength are particularly difficult because of their severe persecution (see paragraph 3.27), but they are believed to account for about 10% of the population of the Ukraine.

3.22 The Lutherans allegedly have 500,000 to 600,000 adherents in Latvia and approximately 350,000 in Estonia. A sizeable proportion of the one million Soviet Germans would also be Lutherans. The estimates for Baptists vary between half a million and three million. The lower figure is more likely (than the higher figure) to approximate the number of people who have actually been baptised.<sup>4</sup> The fact that a large number of Baptist "Congregations" have been denied registration also makes the figure for Baptists difficult to estimate. This applies in particular to what, in the Soviet Union, are commonly called "Reform" or "Action-Group" Baptists. Estimates for other groups, who are also out of favour because of their evangelising activities, are even more difficult. These include the Old Believers, Pentecostalists, the Seventh Day Adventists, the Mennonites (suspected by the Soviet Government because of their traditional pacifism) and Jehovah's Witnesses (accused of having links with the CIA).

1. A claim made in *Izvestia*, 31 January 1976, p. 5.

2. See article by Vladimir Lomtso "Freedom of Worship in Russia", published by Novosti Press Agency, Moscow, December 1975.

3. In this section of the report, the Committee has taken into account figures published in H. W. Coill (ed.), *World Christian Handbook* (London, 1968).

4. According to a Soviet estimate in 1965 there were more than 200,000 Baptists in about 2,000 registered communities.

3.23 There are now more than forty million Soviet citizens of the Muslim nationalities and if their present population growth rates continue their numbers are expected to double by the end of the century. They are concentrated in the Central Asian Republics, Azerbaïdzhân and in the Bashkiri, Kazan and Crimean Tatar communities. Although over two million people registered themselves as Jewish nationals in the 1970 census, it is difficult to estimate how many of these people are practising Jews, and what proportion of Jews would practise their religion if there were no impediments to prevent or discourage them from doing so. The number of Buddhists is estimated to be over a quarter of a million.

#### Trends in Soviet Policies on Religions

3.24 Soon after the October Revolution, in line with the legislation on the separation of Church and State, the fledgling Soviet State moved to dissolve not only religious schools but all institutions associated with the various faiths. During the subsequent civil war and immediately afterwards, the Soviet authorities compromised with the Orthodox Church; but in the late 1920s and early 1930s they increased the pressure on religion, especially on the clergy. By the time of Stalin's great purges in the late thirties, the remaining clergy did not fare as badly as some other sections of Soviet society, including many members of the Communist Party.

3.25 The Nazi invasion of the Soviet Union in 1941 brought a pause to official Soviet anti-religious campaigns. Also during this period of great trial for the Soviet people, some Christian churches were reopened in German occupied areas. In 1943, the Soviet Government established a council for the Russian Orthodox Church and a council for all other religious faiths, including Judaism. These councils were to be "the liaisons between the government and the leaders of the corresponding cults on questions affecting those cults and requiring action by the Government of the USSR". In addition a formal, although not publicly announced, agreement was reached between the State and the Russian Orthodox Church, by which this Church regained some of the privileges that it had lost in 1917.

3.26 In the post-World War II period certain religions, their faithful and clergy, suffered greatly as a result of Soviet policies towards them. This applied particularly to those denominations which were accused of collaboration with enemy occupation forces. The campaign against the Greek Catholic (Uniate) Church in the Western Ukraine was especially savage. The union of these Eastern-rite Catholics with the Roman Apostolic See (dating from 1596) made them particularly suspect in the eyes of the Soviet Government.<sup>1</sup>

3.27 Following the Soviet re-occupation of the Western Ukraine in 1944, there was fierce intimidation from the Soviet authorities in order to achieve reunification of the Greek Catholic dioceses with the Russian Orthodox church. This was "announced" in March 1946 at a meeting of clergy. The meeting had allegedly been initiated and organised by the Soviet authorities. The enforced "reunification" is said to have caused 740 "unconvinced" priests to be imprisoned, deported or to go into hiding.<sup>2</sup> It has also been alleged that hundreds of thousands of Greek Catholics were deported from the Western Ukraine during this period. Since that time Greek Catholic clergy

1. The Ukrainian Autocephalous (or Independent) Orthodox Church, had already been repressed in the 1930s and was totally suppressed in the immediate post-war period. Similarly, Stalin had destroyed the Byelorussian Autocephalic Church.

2. *Evidence*, 12 May 1978, p. 635.

and laity who have not accepted the Soviet sponsored "act of union" with the Russian Orthodox Church have been forced to operate underground, illegally. They risk arrest and imprisonment.<sup>1</sup> It is interesting to note that the Greek Catholic Church in both Poland and Hungary has been accorded official recognition.

3.28 Both in 1941 and in the period following Soviet re-occupation, there was large-scale Soviet persecution of the Lutheran Church in Latvia and Estonia. A Lutheran pastor (who left Latvia in 1977) testified that around 1948 approximately one-third of Latvia's Lutheran clergy was arrested, most of whom were not released until 1956. He himself spent two terms in prison, amounting to over 16 years imprisonment, for alleged "anti-State propaganda".

3.29 Despite some relaxation of the restrictions on certain aspects of Soviet life between 1959 and 1964, under Mr Khrushchev all faiths in the Soviet Union suffered from a fresh onslaught aimed at further weakening the "superstition" of religion among the Soviet people. After Mr Khrushchev's fall, the situation of a large proportion of believers in the USSR became somewhat easier. Yet, as attested by the numerous non-Government documents that have reached the West during the last decade, and supported by testimony before the Sub-Committee, official discrimination against religious believers is continuing in the Soviet Union. In regard to the Jewish religion, its very survival as an organised faith seems to be at stake. However, Judaism has not been banned as, for example, is the case with the Greek Catholic Church in the Western Ukraine.

#### Extra-Legal Interference with Practice of Religion

3.30 Despite the theoretical separation of Church and State in the USSR, Soviet authorities seriously interfere with the way members of the clergy can carry out their religious duties. Frequently, this interference exceeds that allowed by the strict "Law on Religious Associations". Such interference includes the following:

- a. Clergymen must register with the Council for Religious Affairs, which enables the Soviet bureaucracy to control all appointments. (This regulation appears under Article 27 of a 1961 administrative instruction, confirmed in more detail in 1968. Although not in the Law on Religious Associations, it enables severe interference in the affairs of a congregation.);
- b. The principal administrator in each Church—a layman appointed by the State—determines which clergyman can be appointed from the official State register; and
- c. Clergymen are bound to register the names and places of work of parents who have their children baptised. At the very least this is bound to jeopardise their membership of the Communist Party or a well-paid position. It has been alleged that clergymen are placed under pressure to act as informers for the KGB.<sup>2</sup>

3.31 Even more serious than the bureaucratic interference with religion are the continuing reports that religious believers in the Soviet Union are subject to harassment and imprisonment by the authorities, merely for their religious activities. This is not confined to the clergy and adherents of the illegal Greek Catholic (Uniate) Church in the Ukraine (as described in paragraph 3.27). Of the other Christian denominations it

1. An incomplete list of 83 Ukrainians, including Uniate Catholics, known to be imprisoned (as at late 1975) for religious activities, was tabled during evidence (12 May 1978, pp. 667-687).

2. These assertions were made by Anatoly Levitin-Krasov (a prominent lay Russian Orthodox activist who was allowed to leave the Soviet Union in 1974) in a document submitted to *The Orlov Defence* (conducted in London in May 1978 by John Macdonald, Q.C.) pp. F22-24. (Copies of documents tendered to the Sub-Committee.)

is more likely to apply to members of the Roman Catholic Church (especially Lithuanians), "dissenting" members of the Russian Orthodox Church, and adherents of the more evangelistic Protestant denominations mentioned in paragraph 3.22. Among the latter, the "Reform" (or unregistered) Baptists are one of the most persecuted religious groups in the Soviet Union.

3.32 No one except the Soviet authorities can give an accurate figure as to how many people are imprisoned in the Soviet Union for religious reasons. In 1977 the Keston College Centre for the Study of Religion and Communism, in the United Kingdom, published a study entitled *Christian Prisoners in the USSR* (Keston Book No 11), edited by Michael Bourdeaux, an authority on religion and communism. In this study, the author has listed 147 Christians known, at the end of 1976, to have been imprisoned on a variety of charges. The editor made it clear that this list was already out of date and certainly incomplete. It was pointed out that, according to other sources, the number of Soviet citizens then imprisoned for their religious activities was about 2,000.<sup>2</sup> Also, as indicated in the Keston College study, some religious believers imprisoned in the Soviet Union were charged with "anti-Soviet" offences (connected with political or nationalist activity) rather than with religious offences. Some were charged with offences such as "parasitism".

3.33 "Reform" Baptists and their children are reported to be victims of discrimination in employment and education, and the Committee has already cited an example (see paragraph 3.12) of where "Reform" Baptists have had their children taken away from them by the State. Since 1960, about 500 Reform Baptists have reportedly been held in prison, with never less than 150 imprisoned at any one time. Several deaths have occurred among the prisoners.<sup>3</sup> One witness drew the attention of the Sub-Committee to the untimely death in 1972 of a 20 year old Baptist soldier, Vanya Moiseyev, while doing his military service. The Reform Baptist group assert that Moiseyev was tortured and deliberately drowned because of his beliefs.<sup>4</sup> A statement obtained from the Soviet Embassy has denied this charge. Other groups whose religious activities have allegedly received particular attention from the authorities, and whose legality in the USSR is vague, include the Pentecostals, Jehovah's Witnesses and the Seventh Day Adventists.

3.34 The Sub-Committee received personal testimony from Pastor Hugo Grivans and the Reverend Yanis Smits, who had encountered numerous difficulties in serving their congregations. Frustrated by the Soviet authorities in their religious endeavours, they managed to leave the Soviet Union but only after their cases had been publicised in the West. The Sub-Committee was told that in Latvia baptisms and confirmations are not permitted; the two clergymen also confirmed that religious instruction is not allowed in the form of Sunday school. In neighbouring Lithuania, the Roman Catholic Church has protested that travel restrictions have been placed on clergymen even within their own diocese, which prevents them from holding confirmations and dispensing the sacraments. Despite alleged KGB measures to prevent the collection of signatures, it has been reported that in early 1972, 17,054 Lithuanian Roman Catholics signed an appeal addressed to the Secretary-General of the Communist

<sup>1</sup> There is also a small breakaway group from the Orthodox Church known as the "True Orthodox Believers", a fundamentalist sect regarded as illegal by the Soviet State. Its members have frequently suffered imprisonment for their beliefs; for example, Amnesty International informed the Committee that a group of ten women were serving long sentences in corrective labour colonies in the Moldavian ASSR.

<sup>2</sup> M. Bourdeaux (ed.), *Christian Prisoners in the USSR*, Keston Book No. 11 (UK, 1977) p. 3.

<sup>3</sup> See also Minority Rights Group Report No. 1, *Religious Minorities in the Soviet Union* (London, 1973) p. 20.

<sup>4</sup> *Ibid.* See also *Evidence*, 18 October 1977, p. 108.

Party of the Soviet Union, protesting at the violation of religious rights by the State.<sup>1</sup> There have been many other complaints from Christian denominations in various parts of the Soviet Union about State interference in religious practice.

3.35 It was consistently stated in evidence that the Soviet authorities have severely interfered with the right of Soviet Jews to practise their religion. This is quite apart from the scarcity of prayer books and ritual objects referred to in paragraph 3.65. Soviet repression of Hebrew since the 1920s has made the study of the few available Jewish religious books and Hebrew prayers very difficult (see also paragraph 4.11). Professor Alexander Voronel told the Sub-Committee of the difficulties experienced by practising Jews in the Soviet Union: one of his relatives organised a prayer group as there is no synagogue for the large Jewish community in Kharkov, and this prayer group met in secrecy for ten years because its members were afraid of being arrested for spreading "religious propaganda".

3.36 During Mr Khrushchev's anti-religious campaign, the practice of the Jewish religion became extremely difficult. This applied to such matters as circumcision (although permitted under Soviet law) and rites associated with the celebration of the Passover. In 1962, the baking of matzoth was prohibited throughout the USSR.<sup>2</sup> However, in 1965, following protests from abroad, the ban was lifted in some centres. Nevertheless, from time to time the Soviet authorities have placed further bans on the baking or import of matzoth as in 1975 and 1977 (applied to imports only). The actions of the Soviet Government in banning or limiting supplies of matzoth contradict official claims that, at the time of the Passover, state trading organisations sell matzoth to enable worshippers to perform the appropriate rituals.<sup>3</sup> A serious case of interference with religion occurred in 1975 when the Soviet police invaded the Moscow Central Synagogue during the Passover services, ordered the building cleared, and kept the synagogue closed for the rest of the eight day festival.

3.37 There are indications that a new provision inserted in Article 59 of the revised (1975) Law on Religious Associations will interfere with religious worship to an even greater extent than before, even though the provision merely strengthens the effect of a previous (in the 1960s) unpublished instruction which had been frequently enforced. Article 59 of the revised law requires believers to obtain advance permission from the authorities for each occasion when they wish to meet privately to pray.<sup>4</sup> This clause will affect all homes to which people from any religion come for prayer. As acknowledged by official Soviet sources, Soviet Jews have placed particular reliance on holding private services, known as minyans, in their homes. There is a religious obligation to have at least ten adult males present at a minyan. This makes it difficult to hold such prayer meetings without the knowledge of other people who could inform the authorities.

3.38 It was alleged to the Sub-Committee that the other two principal non-Christian faiths in the USSR—Islam and Buddhism—also face various forms of bureaucratic obstructions and actual repression in attempting to retain their traditional forms of

1. For full translation of the document see M. Bourdeaux (ed.) et al., *Religious Liberty in the Soviet Union*, Keston Book No. 7, (London, 1976) pp. 71-72.

2. Matzoth—unleavened bread—is central to the celebration of the Passover ritual meal observed in Jewish homes. In 1963, some Jews were convicted for alleged "illegal profiteering", in the sale of matzoth.

3. See for example, R. Groyer "What is Life Like for Jews in the USSR", in *Soviet Life*, p. 34 (September 1977), which claims that each active synagogue has the prescribed ritual objects, collections of religious literature, shops which sell Kosher meat and bakeries which make matzoth. Other information available to the Committee indicates that Kosher slaughtering of meat, for example, has been restricted mainly to the communities of Oriental Jews. The general scarcity of Jewish ritual objects and religious literature is discussed by the Committee in paragraph 3.65.

4. Article 59 makes an exception for the holding of a service (without permission) for gravely ill and dying persons.



worship and their way of life. The Committee regrets that it was not able to obtain extensive first hand information to confirm this. However, it has never been seriously disputed that the persistent strength of Muslim traditions act as a barrier to the Sovietisation (and Russification) of a significant portion of the Soviet Union. The Soviet Government has feared that if it were to press an anti-Islamic campaign too hard, it might stimulate disaffection over a large strategic region of the USSR. Nevertheless, the Soviet Union has allegedly succeeded in developing a compliant Muslim leadership,<sup>1</sup> although the Sub-Committee was informed that secret Muslim brotherhoods have an extensive network which resists Soviet pressures against Islam.

3.39 Allegedly, persecution of the Buddhists has been particularly severe. In the 1930s the Soviet Government took repressive measures against Buddhism in the USSR on the alleged grounds that the Buddhists were in the service of Japanese imperialism. This was despite the fact that the Buddhist spiritual leader—Avgan Dordzhiev—had declared that Buddhist teachings were compatible with “socialist society” on the Leninist model. During the post-war period, Buddhism has revived to some extent, but since the early 1970s there has been renewed repression of Soviet Buddhists. The best known of those arrested was Bidya Dandaron, a Buddhist scholar and expert on the Tibetan language who had already served 19 years in labour camps under Stalin, but had later been fully exonerated. According to a report in *A Chronicle of Current Events*,<sup>2</sup> “the investigation and trial of Bidya Dandaron abounded in violations of the law”. The principal features of the case were:

- a. In December 1972, Dandaron faced charges under Article 227 of the RSFSR Criminal Code (“infringement of the rights of citizens under the pretext of performing religious rites”), and under Article 147 (“fraud; i.e. acquiring the personal property of citizens, or acquiring rights to property, by means of deception or an abuse of trust—which act does substantial damage to the injured party, or is committed by an especially dangerous recidivist”).
- b. At his trial, Dandaron “was charged with organising and directing ‘a secret Buddhist sect’ in 1971-72. In particular, Dandaron and eight of his ‘pupils’ were charged with conducting Buddhist rites in private homes . . . , rites accompanied by ‘bloody sacrifices’, and ‘ritual copulation’ which testified to the ‘sexual mysticism’ of members of the ‘sect’. In the formulations of the indictment there also figured ‘attempts to murder or beat former members of the sect who had wanted to break with it’, and ‘contacts with foreign countries and international Zionism’”.
- c. “Four of those arrested with Dandaron . . . were ruled to be non-responsible by an expert commission of psychiatrists . . . from City Hospital Number One in Ulan-Ude, which recommended that they be sent to psychiatric hospitals of the special type” (see paragraphs 9.40-9.41).
- d. During the investigation and the trial “it was discovered that Dandaron’s ‘rejection’ of defence counsel, supplied with his signature, had been forged”. Another letter submitted in evidence at the trial was found to have been forged.
- e. “In the course of the trial almost all the charges were, in effect, withdrawn.” Notwithstanding this, the court sentenced Dandaron under Articles 227 and 147 of the RSFSR Criminal Code to five years’ deprivation of freedom. Dandaron died in a forced labour camp on 26 October 1974, at Vydrino, allegedly after being subjected to maltreatment.

1. The Soviet Union uses this Muslim leadership to help promote the Soviet cause in the Middle East. See a previous report of this Committee: *The Middle East—Focal Point of Conflict* (June 1977).

2. *A Chronicle of Current Events*, Nos. 28-31 (1975) pp. 24-28; and Nos. 34-36 (1978) p. 34.

#### Restrictions on Co-ordinating Structures

3.40 Under the Soviet law on Religious Associations (see Annex E), each congregation and group of believers (less than 20) appears before the law, not as part of a wider denomination, but simply as a group of individuals who want to satisfy their own religious needs. As already noted, each of these associations must individually request special permission for its existence from the State—not from the Church. The Russian Orthodox Church has been permitted to retain its traditional hierarchy, with a Patriarch and Synod at its head. However, the Church is unable to exercise full, independent control over its own organisation. It does not possess the right to open or close down a diocese or to appoint, remove, or replace bishops and priests freely.

3.41 In 1960 the Baptists (numbering at least half a million but probably many more), along with some smaller Protestant denominations, were obliged by the State to merge with the All-Union Council of Evangelical Christians and Baptists (AUCECB). This was not a sudden display of ecumenical fervour on the part of the Soviet State, but rather a means of strengthening its hold over a group of evangelical religions. The latter were obliged to accept a new set of statutes governing their affairs which provided many opportunities for State interference in the Church. Since then the Baptists have managed to have these 1960 statutes annulled. A consequence of the “official” Baptists’ union with the AUCECB was the emergence of the schismatic “Reform” or “Action Group” Baptist movement. Its best-known organiser and representative was Georgi Vins, who in 1975 commenced a second term of imprisonment, allegedly under very inhumane conditions. He was exiled from the USSR in April 1979 as part of a prisoner exchange with the US. Georgi Vins and his co-religionists have fervently opposed State interference in Church affairs, quoting the Leninist principle of the separation of Church and State. They were not opposed to the AUCECB for theological reasons, but because they believed it was a tool for greater control by the Soviet State.

3.42 Several other Christian faiths have not been permitted to retain even a semblance of a central organisation or co-ordinating structure. Churches in this position include certain Protestant sects (not encompassed by the AUCECB) such as the Seventh Day Adventists.<sup>1</sup> It is also a difficulty faced by the Roman Catholic Church, which is under suspicion for its “international” connections, and because of its identification with the Lithuanian nationalist cause. The Committee has already drawn attention to the predicament of the Greek Catholics of the Ukraine, whose hierarchy was an early target before the final dissolution of this Eastern-rite Church in the Soviet Union.

3.43 The Muslims of the Soviet Union are said to have a central body with four administrative districts, but apart from what the Committee has already noted in paragraph 3.38, it has heard almost nothing of these administrations. The Buddhists have also been allowed a token official mouthpiece—the Central Council of Buddhists at Ivolginsk—but an unofficial leadership does exist. The Committee has already noted that at least one leading Buddhist has been the object of severe reprisals. The Jews have no representative central body in the Soviet Union, and Soviet publications admit that the widely dispersed synagogues operate “autonomously”—in the sense that there has been no co-ordinating structure since 1919.

3.44 Due to the practical implications of the Law on Soviet Religious Associations, those faiths without a central structure suffer marked disadvantages. They have no representative body capable of controlling relations with the Soviet State, and of

1. According to Soviet sources there are around 20,000 Seventh Day Adventists in the Soviet Union. They are described as “fanatics” in Soviet publications. The Soviet authorities banned their co-ordinating structure in 1960, and consequently the legality of this religious denomination is frequently in doubt.

maintaining formal links both internally between congregations and externally with religious organisations abroad. Representatives of the Jewish faith have asserted before the Sub-Committee that the absence of a central body has, in these respects, contributed greatly to the weakening of Judaism as an organised religion in the Soviet Union. Furthermore, under the 1929 Law on Religious Associations, religions lacking a central body were unable to convene religious conferences and congresses, and all publication of religious literature and the production of devotional items was confined explicitly to "religious centres".

3.45 Under the 1975 revisions of the Law, however, the right to convoke religious congresses is no longer restricted to religious centres, although the law requires permission to be obtained from the authorities to hold such congresses (Article 20—see Annex E). It is to be hoped that religions lacking a central organisation will be able to benefit from this change in the Law, and that all faiths may also benefit from the revision (Article 3) which permits individual religious associations to acquire property and ritual objects for their needs. Previously, no religious body or group was permitted to acquire property.

#### Houses of Worship

3.46 The Christian faiths in the Soviet Union, including the Russian Orthodox and the Roman Catholic denominations, have shown dissatisfaction with the completely inadequate church facilities available to their worshippers, the forced closure of churches even in recent years and of the continuing difficulties of obtaining permission to register new church premises. This has been corroborated in documents made available to the Sub-Committee. According to one estimate, the Russian Orthodox Church has only about 7,000 churches open for worship. This is 3,000 less than in 1964, by which year the number of functioning churches had probably been halved—by Mr Khrushchev's anti-religious campaign—from the estimated 20,000 said to have been open in 1959.<sup>1</sup> Although the Russian Orthodox Church is relatively privileged compared with other faiths, in 1974 it allegedly had only nine open churches for Leningrad's population of four million people; Novosibirsk, with one and a half million people, had only one open Orthodox Church.

3.47 It has been alleged that in Lithuania almost half the Catholic churches have been closed since the Soviet occupation.<sup>2</sup> Again, one witness before the Sub-Committee alleged that around 2,000 Baptist churches alone were closed during Mr Khrushchev's anti-religious campaign—there had been over 5,000 Baptist/Evangelical Christian congregations before 1960. The Greek Catholic Church has not been permitted to possess a single church, creating a "catacomb" church situation in the Western Ukraine.

3.48 Pastor Hugo Grivans who had spent a total of 16 years in prison camps—apparently because of Soviet displeasure with his religious activity—described the experience of Christians in Latvia as follows:<sup>3</sup>

Practising of any religion in occupied Latvia is severely restricted. Latvians are predominantly Lutherans and the Lutheran Church is experiencing direct and active persecution. All churches and church property have been nationalised and have to be hired from the Government. Most churches have been vandalised, demolished, closed down or converted to other uses. The Lutheran cathedral church in Riga has been converted into a concert hall, whilst the Orthodox cathedral has been converted into a planetarium.

1. In 1914 the Russian Orthodox Church had 54,174 churches. Michael Bourdeaux (ed.) et. al. *Religious Liberty in the Soviet Union* (London, 1976) p. 5.  
2. Minority Rights Group, *Religious Minorities in the Soviet Union*, Report No.1 (London, 1973) p. 15.  
3. Evidence, 26 October 1971, p. 139.

Congregations not only have to pay rent and taxes for those churches that remain and are available for hire, but they also have to carry maintenance, repairs and insurance. Where they are too poor to carry these charges, they are turned out. Sometimes when churches in country towns are set alight by vandals or atheists and communist sympathisers, fire brigades do not attend the fires under the pretext of overwork and shortage of fire units. The few remaining churches in Riga and other capitals in the USSR where tourists are permitted are being shown off to underline the State's tolerance of religious beliefs. Every year international church delegations visit Moscow as well as Riga and other places and are assured that religious freedom exists. Leading clergy in occupied Latvia would prefer not to have these visits as unfortunately they have to lie when asked about church life.

3.49 The decreasing number of houses of worship has not been confined to the Christian faiths. For example, it was reported in 1969 that the number of Muslim mosques had been decreased to 1,200 for the whole of Central Asia, compared with 12,000 before the 1917 Revolution in the province of Turkestan alone.<sup>1</sup> The Sub-Committee was informed that there are now about 500 registered mosques which are in the hands of about 1,000 or so mullahs. Allegedly this represents only a very small proportion of total Islamic life in the Soviet Union. For example, Azerbaïdzhân had been reduced to 16 registered mosques by 1969, but there were reported to be about 1,000 clandestine mosques and 300 places of pilgrimage in this Soviet republic.

3.50 There has been a marked reduction in the number of synagogues within the USSR. Within the first decade after the 1917 Revolution, only 1,103 synagogues out of around 3000 that existed in 1917, were still functioning. Many more of course were destroyed during World War II (most of these were never restored) and a large number were forcibly closed during the Khrushchev era. Today, official Soviet sources claim there are 92 registered synagogues in the Soviet Union which are supplemented by registered small groups of less than twenty believers. On the other hand, Jewish sources believe that only 62 synagogues were in existence as at July 1975.<sup>2</sup>

3.51 A survey of addresses of these 62 synagogues shows that nearly half are located in the Caucasus and in the Central Asian republics, where the mainly Oriental Jewish communities totalled 254,000 in 1970. As most Soviet Jews live in the European part of the USSR the balance of synagogues is expected to serve the religious needs of nearly three million ethnic Jews. This situation is even more inadequate than for most Christian religions in the Soviet Union. There is, for example, only one official and one small unofficial synagogue for Moscow's Jews (251,000 at 1970 census). By comparison, in Sydney, there are 16 synagogues for a Jewish population of 25,000-26,000. The Committee is well aware, when quoting these figures for the purpose of comparison, that there are many ethnic Jews in the USSR and Australia who do not wish to practise their religion. There are other major cities such as Lvov and Kharkov (with a Jewish population exceeding Australia's) which now have no synagogues at all.

#### Decreasing Clergy

3.52 All religious faiths in the Soviet Union are reported to be experiencing difficulties with training sufficient young men to replace the present generation of clergy. The difficulty may in part be attributed to the restrictions imposed by the Soviet authorities on theological training. The generally unfavourable conditions for religious practice, especially the restriction on religious instruction to those under 18 years, must also be a contributing factor.

1. Minority Rights Group, *Religious Minorities in the Soviet Union*, Report No.1, (London, 1973) p. 25.  
2. Evidence, 12 May 1978, p. 573—lists the addresses of 62 synagogues then known to have been in existence.

3.53 Reportedly, even the *relatively* privileged Russian Orthodox Church has only two academies and three seminaries in the whole of the Soviet Union. In 1914 the Russian Orthodox Church had 51,105 priests. Many of these lost their lives in the early revolutionary years and under Stalin. At the beginning of World War II there were probably no more than a few hundred priests operating officially. Due to the compromise between Stalin and the Russian Orthodox Church during World War II, the number of priests increased rapidly and during the decade 1947-57, the figure is estimated to have been some 20,000.<sup>1</sup> By 1962 it was estimated at 14,000 and in 1966 at 10,000. A current figure is not available. The total number of resident students in the few remaining seminaries and academies is reported to be four or five hundred, with a further four or five hundred doing correspondence courses. According to Anatoly Levitin-Krasnov, the Orthodox Christian and dissident, there is consequently a shortage of priests, with the result that many parish churches have no priests.<sup>2</sup> Despite this there are more applicants than places for theological training and selection is strictly under State supervision.

3.54 In Lithuania, the number of Catholic priests had allegedly fallen to 811 by 1970,<sup>3</sup> and it is reported that of four seminaries only one at Kaunas remains open. According to protests that have been made through the medium of the samizdat "Chronicle of the Lithuanian Catholic Church", the Kaunas seminary is under such pressure from the Soviet authorities that dozens of parishes in Lithuania are left without priests each year. Although about 20 priests die annually, it is alleged that the Soviet authorities allow only about 10 or 12 young men to enter the seminary each year.

3.55 Protestant faiths are also experiencing serious difficulties with the training of aspirants for the ministry. In Latvia, by 1962, the number of pastors had been reduced to 288 and the Lutheran Church is now reported to be experiencing an acute shortage of clergy. The Church has been able to operate some theological courses, but the number of ordinations that have taken place is very small. For example, it is known that between 1955 and 1966 there were only ten pastors ordained while 23 pastors died in the same period. The Lutheran church in Estonia is reported to be experiencing a similar shortage of clergy. Again, although the Baptists succeeded in 1968 in obtaining the re-introduction of theological education for the ministry (after a period of 40 years), this is only in the form of a correspondence course. However, the All-Union Council of Evangelical Christians and Baptists (AUCECB) has had the chance to send a few students to Baptist seminaries in the West.

3.56 There has been special concern among Jews with the decreasing numbers and the old age of Jewish clergy practising in the Soviet Union, plus the fact that there is no provision for the few remaining Rabbis to be replaced by younger men. Estimates for the number of Rabbis (in the early 1970s) have varied between 10 and 40, but obviously such a small number is totally inadequate for such a scattered religious community. Despite the existence of a small Yeshiva (religious school) attached to the central Moscow Synagogue, the school has reportedly trained only one Rabbi—Rabbi Y. L. Fishman—since its re-opening in 1956. He is the present incumbent at the Moscow Synagogue and is regarded as a supporter of the Soviet policy on religion.

<sup>1</sup> In 1914 there were 57 seminaries and 4 academies. The statistics on numbers of clergy in these paragraphs are largely attributable to M. Bourdeaux (ed.), *Religious Liberty in the Soviet Union*, Keston Book No. 7 (London, 1976) pp. 5-6; 54-55; 74-75.

<sup>2</sup> *The Orion Defence* (London, 1978) Transcript p. F23; documents held by the Committee.

<sup>3</sup> Minority Rights Group, *Religious Minorities in the Soviet Union* Report No. 1 (London, 1973) p. 15.

3.57 Soviet statements in recent years on the subject of Jewish theological training have claimed that the Yeshiva does have some ten students, or that it is proposed to send students to the Budapest Yeshiva. At the same time "approved" spokesmen on Jewish affairs have stressed that it is very difficult to find young Jews who are willing to undertake theological studies. There are indications however, as in the case of other religions in the USSR, that this state of affairs has arisen because the authorities have placed administrative difficulties in the way of would-be rabbinical candidates; for example, by refusing to grant candidates permits to reside in Moscow. According to Western Jewish organisations, there are in fact no facilities at the Moscow Yeshiva for training religious officials. Without permission for any interchange with other Jewish communities abroad, and without any significant Jewish theological training, Jewish religious experience in the Soviet Union is slowly being eliminated.

#### Contact with Co-Religionists

3.58 In the Soviet Union, churches possessing a recognised central body are permitted some degree of contact with their co-religionists in Western countries, as well as representation on various international bodies. The Russian Orthodox Church sends representatives to meetings of the World Council of Churches, has a representative at the Vatican, and is represented at numerous international religious conferences. This is in addition to relations with overseas Russian Orthodox churches through the staffing of certain parishes and bishoprics situated outside the USSR. In contrast to the Russian Orthodox Church, the Roman Catholic Church in the Soviet Union does not have formal representation at the Vatican. However, since the Second Vatican Council some Catholic bishops have been permitted to visit Rome.

3.59 Among the Protestant churches, the Lutheran churches of Latvia and Estonia and the officially approved All-Union Council of Evangelical Christians and Baptists are permitted representation on the World Council of Churches. The Council maintains close relations with international Baptist organisations, and its representatives make regular trips abroad to meetings of committees of the Baptist World Alliance and the European Baptist Federation.

3.60 As with the Roman Catholic Church in the Soviet Union, abolition of its formal central co-ordinating body has prevented Judaism from being able to maintain formal representation abroad. Only Rabbi Fishman of the Moscow Synagogue is officially permitted to have contacts with co-religionists in the West. However Rabbi Fishman is not acceptable to most Jews, who regard him as an unofficial spokesman for the Soviet Government. The leaders of the Russian Orthodox Church are regarded in a similar light by some Orthodox believers in the USSR. During the last decade, Orthodox dissenters (including clergy) within the USSR have protested in a number of appeals to the World Council of Churches and other bodies, that their Church is under the very close scrutiny and control of the State.

#### Religious Publications and Devotional Items

3.61 It is frequently claimed by Soviet spokesmen on religion that religious literature and devotional items are readily available in the Soviet Union. However, numerous appeals by religious believers asserting the contrary continue to reach the West from the Soviet Union. This was corroborated in testimony before the Subcommittee by clergy with first-hand experience of conditions in the Soviet Union. Witnesses have stressed the serious shortage of bibles and hymnals.

3.62 The Russian Orthodox Church has an editorial department to carry out publishing activities. This, however, is controlled by the State, and the Church has no printing press of its own.<sup>1</sup> Publications include the regular monthly edition *Journal of the Moscow Patriarchate* (now published in parallel Russian and English editions), and in the Ukraine, the *Orthodox Herald* (re-established in 1968 after a long interruption). Since the end of the Second World War the Patriarchate has published a number of prayer books and calendars as well as limited editions of the Bible in 1956 and 1967. The Russian Orthodox, like other believers, are hampered by an inadequate supply of devotional literature due to the restrictive policy of the State on the printing of such material. According to a document submitted to the Sub-Committee, Anatoli Kevitin-Krasnov, a Russian Orthodox layman, had to pay 60 roubles (nearly \$90) for a bible on the black market.<sup>2</sup>

3.63 The All-Union Council of Evangelical Christians and Baptists is also permitted to publish its own magazine, the bi-monthly *Fraternal Herald*. In 1969 the Union was given permission to print 20,000 bibles and 31,000 hymn books. Subsequently, in 1974, the Council took delivery of 20,000 New Testaments. The Evangelical-Lutheran Church of Latvia was permitted to publish a hymn book in 1954, and in 1960 an edition of the Psalms. Later, permission was given to print an edition of the New Testament. These printings are able to meet only a small part of the large demand for bibles and hymnals.

3.64 The Sub-Committee was informed by a Latvian Baptist Minister that, in order to provide Christians with bibles which are often confiscated during house searches, the "Reform" Baptists had established some primitive underground printing shops. When two of these were discovered printing the New Testament, those persons connected with them were sentenced to hard labour. The Sub-Committee was also told that in Latvia no religious journal can be published and mailing of Christian literature from abroad is not allowed. Similarly, since the Soviet annexation, there have been no Catholic religious journals published in Lithuania. It appears that catechisms are not available for Catholics, and allegedly Lithuanian believers have been imprisoned for the "unofficial" production of catechisms and prayer books.

3.65 The Committee was informed that no Jewish Bible has been printed since the late 1920s. Furthermore, only two small editions of the Jewish prayer book have been published in recent years—3,000 copies in 1957, and 5,000 copies in 1968. As the 1929 Soviet Law on Religious Associations explicitly confined the production of devotional items and religious literature to "religious centres", the scattered and uncoordinated Jewish communities have been prevented from manufacturing their devotional items.

#### Anti-Religious Propaganda

3.66 Since the 1917 Revolution, all religions in the Soviet Union have had to contend with onslaughts of officially sanctioned, anti-religious propaganda. The Committee has already noted that under Article 52 of the 1977 Constitution, citizens of the USSR are guaranteed the right to conduct atheistic (but not religious) propaganda. Accusations have at times been directed at the clergy of all faiths and their followers. In the early 1960s, at the height of Mr Khrushchev's campaign against religion, it was fairly common practice to publicly accuse Orthodox believers (from archbishops

down) of all kinds of debauchery and immorality, but attacks of this kind on the Orthodox Church have reportedly become far fewer in the last decade. Similar attacks were made on Roman Catholic clergy, particularly during the Khrushchev period. Ukrainian Greek Catholics have frequently been attacked by the Soviet media as servants of fascism, of American imperialism or the Vatican, and as allies of the Ukrainian "bourgeois nationalists".

3.67 The Reform Baptists frequently come under attack in the Soviet media. Thus, in 1975, the leaders of the Reform Baptist group (including Pastor Georgi Vins) were accused of enriching themselves at the expense of believers' donations, and of tax evasion.<sup>3</sup> Perhaps the most virulent anti-religious propaganda against Protestant groups has been directed at the Seventh Day Adventists and Pentecostalists. For example, Adventists have been accused of such diversified "crimes" as adultery and causing deaths through adult baptisms in icy rivers. There have also been prejudicial statements issued against the allegedly "harmful" traditions that have survived in Muslim communities, such as payment of dowries. It has also been alleged that Muslim rituals spread disease; this is an accusation that has also been made against the Baptist practice of multiple baptisms.

3.68 Anti-Semitic propaganda has had a long history in the Soviet Union. The anti-Judaic (as distinct from anti-Semitic) propaganda issued in the course of Mr Khrushchev's anti-religious campaign was particularly vicious. It depicted synagogues as centres for debauchery, illegal profiteering, black marketing and even espionage. Allegedly, synagogue worshippers and Rabbis have been described as "lice", "money grubbers" and "exploiters". One Soviet propagandist, F. Mayatsky, described Judaism as "the worst of all religions; pessimistic, nationalistic, anti-feminine and anti-popular".<sup>4</sup> Western protests concerning the issuing of this type of material by Soviet State publishing houses has, on occasions, forced the Soviet authorities to withdraw or criticise particular tracts. Following the Khrushchev era there have been continued reports of "incitement of hostility on religious grounds" (the 1977 Soviet Constitution forbids this in Article 52). For example, the allegation has been published that Judaism "divides all mankind into two unequal parts: the 'chosen'—Jews—and the 'despised'—non-Jews".<sup>5</sup>

#### Conclusion

3.69 The weight of evidence and documentation before the Committee gives a strong indication that the nature of past and present Soviet law and policy on religion is discriminatory against religious believers<sup>6</sup>, in that:

- a. the high degree of State control over, and direct State intervention in, the affairs of religious congregations and over their houses of worship, as well as the appointment of clergy, is not in accordance with the principle of separation of Church and State as proclaimed since the 1917 Revolution, in the Soviet Constitution;
- b. religion is not awarded the same rights as atheism in regard to proselytising activities. (Severe penalties are imposed for imparting religious instruction to the young;);

1. In contrast the Armenian Apostolic Church was allowed a printing press in 1961, which must be regarded as almost unique under Soviet conditions.

2. *The Orwell Defence* (conducted in London in May 1978 by John Macdonald, Q.C.). Transcript p. F23; documents held by the Committee.

1. According to official Soviet statements supplied by the Soviet Embassy, Canberra, 27 October 1977.

2. F. Mayatsky in a booklet *Contemporary Judaism and Zionism*, (State Publishing House, Kishinev, 1964).

3. From Captain Yu Makulin, "Rabbis and Soldiers", published in *Sovetsky voia, No. 10, 1976*.

4. This discrimination or State interference generally does not apply with equal severity to all denominations, as indicated under the various headings in this chapter. Apparently some of this discrimination is as a result of unpublished directives.

- c. the limitation on religious freedom and acts of harassment against individual believers (frequently including imprisonment or exile) contradict the spirit and letter of the Helsinki Agreement, the UN Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and indeed, the Constitution of the USSR;
- d. over the years since the 1917 Revolution, there have been a large number of enforced closures of places of worship. This has applied throughout the Soviet Union and has affected all faiths. The closures were on a particularly massive scale during Mr Khrushchev's anti-religious campaign;
- e. in the Soviet Union it is illegal to conduct religious services other than within a house of worship registered as such with the appropriate authorities, unless the service is conducted by a registered group of adherents of a religious denomination. No religious instruction is permitted in educational institutions and special permission must be sought for any theological courses for the training of clergy;
- f. although there is no published, legal basis for this, Soviet authorities have outlawed whole denominations such as the Eastern-rite Catholics and the status of some other faiths is very vague. Furthermore, Soviet authorities have forced members of some Christian denominations (if they wished to continue to worship) to merge with other "approved" denominations;
- g. Soviet authorities discriminate more against some religions than others by not allowing certain religions to have central representative bodies, and in any case the latter come under a great deal of State control. The Soviet Government also prevents some faiths from having official contacts with their co-religionists outside the USSR, and from having national congresses;
- h. there is discrimination at places of work, in public life and in higher education, if not against all, then at least against some religious believers. Such political and social discrimination—if it jeopardises higher education and Communist Party membership—tends to result in economic disadvantages as well; and
- i. anti-religious propaganda which appears from time to time in the Soviet media or in publications (controlled by the Government) tends to be more condemnatory against some faiths than others. There is no right of reply against such attacks.

3.70 The Committee is convinced that there is State interference in all religious activity in the Soviet Union. Some of the most severe persecution has been suffered by those faiths where there has been an interaction of religion and a "national" sentiment, such as with the Greek-Catholics of the Western Ukraine, the Roman Catholics of Lithuania and the Jews. Allegedly the Buddhists have also suffered particularly severely. The "unregistered" Baptists seem to be singled out for special discrimination, and a variety of other evangelising denominations mentioned in this chapter suffer similar disabilities. Compared with these denominations, the mainstream Orthodox Churches have been *relatively* fortunate, but their situation is far from satisfactory. The Soviet Union will need to pay greater attention to the aspirations of its large Muslim communities. The Committee hopes that genuine tolerance and equality will be extended by the Soviet authorities to all religious groups in the Soviet Union, in conformity with the USSR's constitutional commitment to the separation of Church and State, and in accordance with the Soviet Union's international undertakings.<sup>1</sup>

1. The principle of freedom of religion as enshrined in the UN Universal Declaration of Human Rights, the UN Covenant on Civil and Political Rights and in the Helsinki Final Act (see paragraphs 3.6-3.8).

## 4. THE CULTURAL AND LINGUISTIC RIGHTS OF SOVIET MINORITIES

### Soviet Commitments

4.1 As a signatory to the Final Act of the Helsinki Agreement and the International Covenant on Civil and Political Rights, the USSR has made commitments not to deny its minorities the right to practise their culture and language, as already noted by the Committee (for details, see paragraphs 1.8-1.10). Furthermore, in August 1962 the Soviet Union ratified the UNESCO Convention against Discrimination in Education, which in Article 5 (c) states:

. . . the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language . . .

It should be noted that the inclusion of the words "depending on the educational policy of each State" makes this convention almost worthless; but in any event problems with the maintenance of minority languages and cultures exist outside the Soviet Union (for example, the use of Welsh and Gaelic languages in Great Britain, the French language in Canada, the difficulties of various ethnic minorities in France, and the continuing disputes between the Walloons and Flemings in Belgium).

4.2 In its examination of Soviet policy regarding the many "nationalities" that live within the USSR, the Committee has already noted that equal rights for these nationalities have been enshrined in all Soviet Constitutions (see paragraph 1.7 in regard to Article 36 of the 1977 Constitution). The Communist Party of the Soviet Union (CPSU) Programme adopted by the Twenty-Second Congress of the CPSU in October 1961 stipulated that "the Communist Party guarantees the complete freedom of each citizen of the USSR to speak and educate his children in any language—ruling out all privileges, restrictions or compulsion in the case of this or that language". Since then Article 45 of the 1977 Constitution refers to "the opportunity to attend a school where teaching is in the native language". Furthermore, Article 34 includes the words: "The equal rights of citizens of the USSR are guaranteed in all fields of economic, political, social and cultural life". Nevertheless, it should be borne in mind that there are no satisfactory means available to a Soviet citizen to secure the enforcement of the "rights" contained in the Soviet Constitution.

4.3 Despite these constitutional commitments, the officially encouraged trend towards Russification in the Soviet Union has fostered the primacy of the Russian language and culture, as already noted by the Committee. There remains a need to examine whether the Soviet Government has taken deliberate steps to suppress one or more of its minority cultures. It is obviously beyond the scope of this report to extend this examination to encompass over a hundred "nationalities" that make up the Soviet population, except by way of comparisons.<sup>1</sup> For this reason the Committee will commence with an examination of Soviet Jewry, as most non-Jewish as well as Jewish witnesses were sure that Yiddish, Hebrew and other Jewish languages, as well as Jewish culture, were being suppressed by the Soviet authorities. The Committee will then make some comparisons with two smaller minorities—the Soviet Germans, who, like the Jews, are also widely dispersed, and with the Latvians, about 94% of

1. The 17 major Soviet nationalities are shown in Table 1-1. Table 1-3 indicates the large number of Ethno-Administrative Units of the Soviet Union.

whom live in the "Latvian Soviet Socialist Republic". Finally the Committee will try to ascertain whether the culture of the largest minority in the USSR—the Ukrainians—is also threatened.

#### Identification with Language

4.4 Table 4-1 shows the number of speakers of the languages of the 17 major Soviet "nationalities"; these ethnic groups accounted for 93% of the population of the USSR at the 1970 census, even though there are over a hundred nationalities and language groups in the USSR. The table shows that a high percentage of each of these Soviet nationalities identify their titular language as their mother tongue, with the notable exception of Soviet Jews. In paragraphs 4.8–4.12, the Committee gives some of the causes for the accelerated assimilation of Soviet Jewry.

4.5 The 1970 census revealed that 17.7% of Soviet Jews declared Yiddish or another Jewish language as their mother tongue (but 78% declared Russian as their mother tongue and a further 16% were fluent in Russian as a second language). This is in stark contrast to, for example, the Soviet Armenians. According to the 1970 census, of the 1.35 million Armenians who lived outside the Armenian SSR, but within the Soviet Union, 77.6% retained Armenian as their native language. Nevertheless, the trend towards linguistic assimilation is not restricted to the Jewish population in the USSR. Over 13 million non-Russians gave Russian as their native tongue. Of the USSR's urban population, 22.1% of the non-Russians considered Russian to be their native language and a further 46.9% considered it as a second language.<sup>1</sup> This means that over two-thirds of the most modernised and highly educated people of the USSR's non-Russian nationalities are linguistically Russified.

#### The Position of Jewish Culture and Schooling

4.6 In view of the Committee's initial terms of reference, and in view of the statistics in Table 4-1, it is proper to examine in more detail the position of Jewish languages and culture in the Soviet Union. Lenin believed that the Jews, freed from the constraints of anti-Semitism by the Bolshevik Revolution, would voluntarily assimilate with the mass of the population. He permitted a variety of Jewish cultural institutions, as it was never his policy to achieve assimilation forcibly by the destruction of such institutions. Formal political expression of the legal status of the Jewish nationality was acknowledged with the establishment of a Commissariat for Jewish National Affairs.<sup>2</sup> In the 1920s, under the aegis of this Commissariat and the Jewish sections of the Communist Party (Yevsektsia), an extensive network of Jewish cultural institutions re-emerged in secular form. Yiddish—still spoken by over 70% of Soviet Jews in 1926—was declared an official language, and between 300 and 400 Yiddish language books were published annually. A complete system of secular Jewish schools arose (replacing the former religious schools) and Yiddish theatre performed across the Soviet Union. The aim was to be "Jewish in form, socialist in content". Even in 1940, about 20% of the Jewish student population was still studying in schools where Yiddish was the language of instruction.

4.7 The situation of Soviet Jewry changed dramatically after World War II. Few Jewish institutions destroyed during the German occupation were re-established. In the Stalinist purge of so-called "cosmopolitans" beginning in 1948, many of the

1. L. Hirszowicz, *Soviet Jewish Affairs*, Vol. 7, No. 2 (London, 1977) p. 8.  
2. For the implications for Soviet Jews of the requirement to show "nationality" on the Soviet internal passport, see paragraphs 2.50–2.53.

Soviet Union's leading Jewish intellectual and artistic figures were killed or imprisoned. All Jewish publications, theatre and remaining cultural institutions were closed down. Stalin's death in 1953 has generally been regarded as most fortunate for Soviet Jewry, yet despite his excesses little has been done to revive Jewish cultural life since that time.

TABLE 4-1

#### SPEAKERS OF LANGUAGES OF MAJOR NATIONALITIES OF USSR, 1970

(Ranked by % Identifying Titular Language as Mother Tongue)

Language	Native Speakers	Fluent as Second Language	Total Speakers	% Nationality Identifying Language as Mother Tongue
Russian	141,830,564	41,937,995	183,798,559	1
Turkmen	1,514,980	50,996	1,565,976	98.9
Kirgiz	1,445,213	41,493	1,486,706	98.8
Uzbek	9,154,904	543,023	9,697,727	98.6
Tadzhik	2,202,671	261,248	2,463,919	98.5
Georgian	3,310,917	190,115	3,501,032	98.4
Azerbaijani	4,347,089	263,160	4,610,249	98.2
Kazakh	5,213,694	146,057	5,359,751	98.0
Lithuanian	2,625,608	152,523	2,778,131	97.9
Estonian	974,649	69,520	1,044,169	95.5
Latvian	1,390,162	215,376	1,605,538	95.2
"Moldavian"	2,607,367	283,426	2,890,793	95.0
Armenian	3,261,053	147,727	3,408,780	91.4
Tatar	5,493,316	344,414	5,837,730	89.2
Ukrainian	35,400,944	5,618,837	41,019,781	85.7
Byelorussian	7,630,007	903,024	8,533,031	80.2
Jewish <sup>2</sup>	381,571	166,571	547,649	17.7

Source: Itogi vsesoyuznoi perepisi naseleniya 1970 goda, Results of the All-Union Census of 1970 (Moscow, 1973) IV, pp. 20; 76; 331-359.

1. Evidence indicates that virtually all who identify themselves as of Russian nationality speak Russian as their native language.
2. Includes Yiddish and other Jewish languages in the USSR. Data not available on non-Jewish speakers of these languages except for Birobidzhan. It is generally accepted that there is a tendency to understate Jewishness on Soviet census forms.

4.8 Most significantly, no Jewish schools (teaching in Yiddish or Russian) have been revived despite large concentrations of Jews in several Soviet cities (see paragraph 1.36). This is in contrast to the existence of special national schools for other Soviet ethnic minorities without a homeland within the USSR, such as the Germans and the Poles. For example, according to the 1970 census there were 240,000 Poles in Lithuania who had about 200 schools. In contrast there is not a single Jewish school in Moscow for the 250,000 Jews who reside there. Allegedly, in those schools, which are in areas of large Jewish populations, there are also no classes in Russian or a Jewish language which teach Jewish history or other aspects of Jewish culture. As any objective treatment of Jewish history or culture has been virtually eliminated from Soviet textbooks and encyclopaedias,<sup>1</sup> the need for some facility for Jewish education seems to be all the more necessary.

4.9 The accelerated urbanisation of the Soviet population in the 1930s, and the associated movement of population away from the traditional compact Jewish communities in the former Pale of Settlement, was no doubt a very important factor in promoting the linguistic and cultural assimilation of Soviet Jewry. Soviet writers also argue that Jewish educational establishments have not flourished in other countries. Such statements ignore the fact that no move was ever made by the Soviet Government in the post-Stalinist period to revive, or at least remove any impediments to the restoration of, Jewish cultural institutions that had been forcibly uprooted by war, or destroyed during Stalin's "anti-cosmopolitan" campaign. (See Chapter 5 on officially sanctioned anti-Semitism, which has been one of the main impediments to the restoration of Jewish culture as it tends to cause many Jews to shun their cultural inheritance.)

4.10 Furthermore, unlike in many countries where Jewish schools can be established with private support, Soviet Jewry is totally denied the right of choosing a Jewish education (whether in Russian or Yiddish). Also, there are no extra-curricular or special classes for the teaching of Yiddish, even in those areas where there are sizeable Yiddish-speaking populations who would welcome such classes. Although Soviet authorities emphasise the linguistic assimilation of Soviet Jews, they have not tolerated Jewish cultural facilities (including publications) in Russian, as distinct from Yiddish.

4.11 A clear case of discrimination against Jewish culture is the attitude of the Soviet authorities towards the study of Hebrew. Prior to the 1917 Revolution there was a flourishing Jewish culture in the Hebrew language, but Hebrew has been repressed since the 1920s. The Soviet Government currently confines the public teaching of Hebrew to a few specialised institutions of higher learning, including the Russian Orthodox Seminary; the private teaching of Hebrew is barely tolerated if not forbidden. Many of the younger generation of Soviet Jews wish to study Hebrew as a consequence of a newly awakened Jewish consciousness, which is not necessarily associated with Zionism. They have demanded the right to study the language openly, while simultaneously undertaking "unofficial" private courses. The exact number of "unofficial" Hebrew teachers and pupils is not known, but judging by reports reaching the outside world there seem to be scores of teachers and a few thousand pupils, of

1. The entry concerning "Jews" in the Great Soviet Encyclopaedia, for example, was reduced, between 1932 and 1972, from 70 pages to one and a half pages; allegedly, in relevant Soviet history books, the contribution of the Jews to Soviet life and the Nazi persecution of the Jews is largely ignored.

whom a large part appear to live in Moscow and Leningrad. A number of cases have been reported where Soviet officials have refused to register private Hebrew language courses, even though registration of other foreign language courses is permitted.

4.12 Other examples of discrimination against Jewish culture are that Hebrew language textbooks sent from abroad have been confiscated in private houses, and Jews who had earned their living by teaching Hebrew have received prison sentences for "parasitism". It should be noted that such persons usually try to pay taxes on their earnings, in order to legalise their positions as private teachers. Such offers are frequently refused, because Soviet authorities prefer to resort to the charge of "parasitism" against Jewish activists, even though the latter are breaking no law in attempting to teach or study Hebrew. One such example is Joseph Begun, sentenced in 1977 to two years' exile.

4.13 In order to counteract the official suppression of their culture, Soviet Jews have had to resort to other unofficial cultural activities besides private language tuition. This has included "samizdat" publications (with unofficial cultural and political content) as well as the holding of seminars in private apartments. These were started in Moscow by Jewish scientists dismissed from their positions because of their desire to emigrate, and were designed to keep such scientists abreast with scientific developments. Gradually the programme was extended to include Jewish cultural subjects, and similar seminars developed in other cities. Sometimes the Soviet authorities tolerate these seminars because they really cannot be termed illegal, but from time to time they seriously interfere, so as to curb at least any parts of the seminars devoted to aspects of Jewish culture. The organisers of the seminars have been intermittently harassed by the KGB, threatened with beatings or with charges such as "parasitism". During searches of the organisers' homes, the KGB have confiscated any books with Jewish content.

4.14 The first Jewish science seminar was founded in April 1972 by Professor Alexander Voronel. In evidence to the Committee he described how the KGB stopped one of his seminars which was to be attended by eminent overseas scientists, including at least eight Nobel Prize winners. The authorities, realising that they could not stop the seminar in any other way, arrested and detained all the Soviet participants for two weeks. Subsequent cultural seminars have been disrupted by similar methods, even though none of the seminars have been illegal.

4.15 Some Jewish theatre has survived as a limited expression of Jewish culture while working within official restraints—many of which also apply to other Soviet groups. Small amateur groups and some government sponsored tours have presented Jewish theatre. There are now reports that a professional Jewish theatre is to be re-established after a thirty year lapse; the last of the once flourishing professional Jewish theatres had closed after Solomon Mikhoels, the actor-manager of the Moscow State Jewish Theatre, was murdered in 1948.<sup>2</sup> In an attempt to counter Western allegations of anti-Jewish discrimination, Soviet authorities sometimes allude to the considerable popularity of Yiddish concerts and theatrical performances in the USSR; this is in itself evidence that a significant number of Soviet Jews wish to keep their culture alive.

1. Soviet Jews are of course not the only Soviet minorities using "samizdat" publications, notably, Ukrainian and Lithuanian dissidents have produced their own underground publications.

2. Mikhoels was also the Chairman of the Jewish Anti-Fascist Committee and therefore the veritable leader of Soviet Jewry.

## Publications

4.16 The number of books published in 1970 in the languages of the major Soviet "nationalities" are shown in Table 4-2. In that year, four books were published in Yiddish. Between 1962 and 1964, no books in Yiddish were published. Then from 1965 to 1970 approximately 24 additional books were published in Yiddish, consisting mainly of reprints of deceased Jewish writers. Between 1970 and 1977, few books in Yiddish and none in Hebrew were published. Official Soviet sources refer to large numbers of books in Russian by Soviet Jewish authors; these are unlikely, however, to have specially Jewish themes.

TABLE 4-2

BOOKS PUBLISHED IN LANGUAGES OF MAJOR SOVIET NATIONALITIES,  
BY LANGUAGE, 1970

(Ranked by Copies per 100 Speakers of Language\*)

Language	No. Books	Total Volume (1,000)	Speakers of Language* (1,000)	Copies per 100 Speakers of Language
Estonian	1,346	9,290	1,044	889.7
Latvian	1,165	11,870	1,606	739.3
Russian	60,216	1,033,333	183,799	562.2
Lithuanian	1,415	12,019	2,778	432.6
Georgian	1,613	12,963	3,501	370.3
Turkmen	308	3,796	1,566	242.4
Uzbek	925	23,203	9,698	239.3
Kazakh	634	12,807	5,360	238.9
Ukrainian	3,112	92,800	41,020	226.2
Kirgiz	410	3,322	1,487	223.4
Armenian	822	7,224	3,409	211.9
Moldavian	550	6,102	2,891	211.1
Azerbaijani	850	8,857	4,610	192.1
Tadjik	377	4,118	2,464	167.1
Byelorussian	430	9,371	8,533	109.8
Tatar	195	2,891	5,838	49.5
Jewish†	4	10	548	1.8

Source: Z. Katz, (ed.) Handbook of Major Soviet Nationalities, (New York, 1975) p.459.

\* Native speakers and all fluent in the language as a second language (see Table 4-1).

† Presumably Yiddish.

4.17 The major Soviet nationalities have their own periodicals and newspapers published either in their titular language or in Russian. In contrast the only newspaper especially catering for any of the Soviet Union's three million Jews is in remote Birobidzhan—the so-called Jewish Autonomous Province—where there are only about 12,000 Jews. *The Birobidzhaner Shtern* (circulation of a few thousand) is in Yiddish. Furthermore there are no newspapers (in Russian or Yiddish) to provide for the cultural tastes of Jews in the large Soviet cities, as there are newspapers catering for Jews in many Western countries with much smaller concentrations of Jews.

4.18 The only periodical in Yiddish is *Sovietish Heimland*, which was established in 1961 and which, since 1965, has been published monthly. It is often cited by Soviet spokesmen as evidence of continuing Jewish literary and cultural activity, but *Sovietish Heimland* is very much an "establishment" publication. The journal has published the works of more than one hundred Jewish authors and has provided some focus for Jewish cultural expression in the USSR. The journal and its editor (Aron Vergelis), however, are supporters of the Soviet system. A large part of the journal's small circulation (around 25,000) is sent overseas.

## Comparison with Latvians

4.19 The scattered Soviet minorities<sup>1</sup>—such as the Jews, Germans and Crimean Tatars—are in a particularly difficult position in regard to the preservation of their culture. The Latvians, although not a dispersed nationality, also face problems of national identity. As the Sub-Committee heard three witnesses from Latvia, it was able to gain an impression of the difficulties faced by the Latvian population in trying to maintain their identity, and to make some comparisons with the problems faced by Soviet Jews.

4.20 Viktors Kalnins (a Latvian journalist who served a ten year sentence from 1962 for his political agitation on behalf of Latvia) told the Sub-Committee that Russification of Latvia has reached the point where the national culture of the nation is threatened with extinction. He testified that the policy of Russification is being implemented in several ways; one of these is through the establishment by the Soviet Government of large industrial complexes in Latvia, which are geared to non-Latvian raw materials and markets. This is one pretext for bringing in a large immigrant work force which then receives preference over Latvians in the allocation of scarce accommodation. This in turn does not help to redress the low Latvian birth rate. Kalnins stated that in two factories in which he himself worked, only about 15% of those employed were Latvians. He said that there is a policy of not promoting Latvians to managerial positions and that ethnic Russians constitute the majority in the Communist Party of Latvia (CPL)<sup>2</sup>—see also Table 2-3.

4.21 The influx of mainly Russian immigrants is threatening to supplant the Latvian identity of the large cities. Already at the 1970 census Latvians accounted for only 57% of Latvia's population; the population of Latvia was 30% Russian, with Latvians outnumbered in their capital, Riga. Intensive Russification has continued since that time with a gradual consolidation of the Russian language in the bureaucracy, managerial positions and the professional services.<sup>3</sup> Consequently, and also as a matter of

1. See Table 1-3 and paragraphs 1.30-1.39.

2. Slow promotion of native cadres and failure to encourage the use of the Latvian language by party workers was a major concern of a group of Latvian Communists who were removed in 1959-60 in a major purge of the CPL.

3. For example, it has been alleged in the "Letter from 17 Latvian Communists", which reached the West in 1972, that two-thirds of the doctors in Latvia's city health services do not speak Latvian, making for errors in diagnosis and in the prescription of remedies. Z. Katz (ed.) Handbook of Major Soviet Nationalities (New York, 1975) p. 115.



Soviet policy, Russian rather than Latvian is increasingly becoming the language of the Latvian cities, while in tertiary institutions Russian is becoming more and more the language of instruction. The Sub-Committee was informed that this particularly applies to any instruction with a strategic connotation.

4.22 Latvians with tertiary education are encountering difficulties in obtaining appropriate employment in Latvia, and according to Viktors Kalnins, they frequently have to move to the USSR and adopt the Russian language. It would seem that although Latvians are encountering an increasing problem in obtaining tertiary instruction and subsequent relevant employment in their mother tongue, they are not suffering from the imposition of rigid quotas as applied by Soviet universities to Jews. Latvian children are able to go to schools where instruction is in Latvian or bilingual. In those schools where Latvian is the medium, Russian is a compulsory subject from Grade 2. Russian is used for over two-thirds of television and radio broadcasts, which has caused particular resentment among those concerned for the preservation of the Latvian language and culture.

#### Comparison with Soviet Germans and Others

4.23 The Committee has already noted (in paragraph 1.33) that 1.6 million Soviet Germans are a displaced minority who have been forbidden to return to their former Soviet homelands. Despite their official rehabilitation in 1964, many Soviet Germans feel that they have been deprived of their language and culture. Nevertheless, concessions to the restoration of German culture and language are quite striking compared with what has not been done for the larger number of Soviet Jews.

4.24 The Committee was informed that in those areas where there are concentrations of Soviet Germans, the measures for their cultural revival have included:

- a. the issuing of instructions to the various Soviet Socialist Republics to assist their German population in economic and cultural re-habilitation in accordance with "their national features and interests";
- b. the establishment of *Freundschaft*, a new newspaper in Kazakhstan to supplement the central Soviet German weekly *Neues Leben*, the literary journals *Hand in Hand* and *Kultur und Leben*, and the *Rote Fahne* in Slavgorod;
- c. a big expansion in the printing of books in German under the slogan "Every Second Day a New Book";
- d. special "mother tongue" TV programmes for Soviet Germans and the extension of German radio broadcasts, with special attention being paid to instruction in the German language and to German cultural activities; and
- e. the organisation of teacher training, summer camps for German children, the institution of obligatory German language exams for Soviet Germans, and the sending of officials to German parents to explain their children's legal right to be taught in German as a mother tongue.

4.25 The Sub-Committee did not receive first hand information as to the adequacy of the above mentioned measures on behalf of Soviet Germans. Nevertheless, it is generally accepted that there is a significant amount of dissent among Soviet Germans, which has led to a large scale emigration movement.<sup>1</sup> (It should be noted that most, if not all, ethnic German emigrants from the USSR choose to settle in the Federal Republic of Germany rather than in the German Democratic Republic.) Although this emigration movement has been assisted by low-key pressure from the

1. See paragraphs 6.12; 6.42 and Table 6-2.

Federal Republic of Germany, many Soviet Germans have been frustrated by their inability to leave the Soviet Union and by their inability to enjoy their cultural heritage. The efforts of the Soviet Government in recent years to rehabilitate German national culture casts doubt on the legitimacy of the argument used by the Soviet authorities that the past cannot be revived for Jewish culture. The authorities argue that it would be unrealistic to expect the re-establishment of Jewish schools, newspapers, and other cultural activities, because Soviet society has progressed and conditions no longer justify the existence of such institutions.

4.26 The plight of Soviet Jewish culture is made more obvious when compared with several other smaller groups—many of whom are dispersed—such as the Ossetians, Maris and Yakuts, who have their own newspapers, literature and language schools. The Committee has already alluded to the favoured position of the Soviet Armenians, a large proportion of whom live outside Armenia and, like Soviet Jewry, are highly urbanised. These Armenians have been able to retain their cultural heritage outside the Armenian SSR, including their language.

#### The Ukraine

4.27 There are over 40 million Ukrainians within the Soviet Union. Dissidents have interpreted Soviet restrictions on the distinct Ukrainian culture as attempts to maintain it at a provincial level, so that it will not appeal to Ukrainian intellectuals. Between 1965 and 1972 many Ukrainian literary people and academics were arrested and imprisoned because of writing and disseminating nationalist literature. Allegedly when a literary journal becomes independently minded and widens its readership, its management immediately comes under pressure.

4.28 A former human rights activist in the Ukraine, Leonid Plyushch, told the Committee that Russification in the Ukraine is accompanied by direct repression of Ukrainian culture. Any protests against this policy are severely dealt with and even attempts to contribute to Ukrainian cultural development are quashed. For example, the sculptor Ivan Honchar had assembled a collection of museum specimens of Ukrainian folk art, but the museum was subsequently closed because of its "nationalist propaganda". Unofficial amateur youth choirs have been prohibited unless they maintain a Russian repertoire.

4.29 In many academic institutions the use of the Ukrainian language is said to be regarded as a manifestation of "Ukrainian bourgeois nationalism". Leonid Plyushch also told the Committee that one of the reasons for his dismissal from his academic position in 1968 on political grounds, was his refusal to obey the Communist Party's ban on attending the commemoration of the Ukrainian poet Shevchenko at his memorial. Leonid Plyushch illustrated the intensity of the Soviets' Russification policy by stating that in 1977-78 alone, eight Ukrainian scientific journals were converted into Russian language publications. It would seem to the Committee that even the largest minority in the USSR is severely affected by Russification.

#### Conclusion

4.30 In this chapter the Committee has tried to establish whether or not the Soviet Government has been prepared to honour its clear constitutional and international commitments to ensure that its many minorities are able to enjoy their own culture, and use their own language. It was not feasible within the scope of this report to make a detailed examination of a large number of Soviet minorities. Nevertheless, from the

evidence it has received—particularly regarding the Ukraine, Latvia and Soviet Jewry—the Committee is convinced that Soviet policies are a clear threat to at least several of the minority cultures within the USSR. To a large degree this has been due to the steady Russification of the non-Russian Soviet Socialist Republics. In the case of Latvia, its people and language have already become overwhelmed in the main cities due to heavy Russian immigration.

4.31 While this situation appears to apply with varying severity to most Soviet minorities, those minorities (such as the Crimean Tatars, the Germans and the Jews) who are not based on a geographical homeland within the Soviet Union suffer special disabilities. Although the Jews are not fully accepted by Soviet society, they are virtually subjected to enforced cultural assimilation. Even the dispersed Soviet Germans, who at times have shown considerable dissatisfaction, seem to be *relatively* sufficient in regard to cultural facilities and schools, when compared with Soviet Jewry. This chapter indicates that there has been an uncompromising denial to Soviet Jews of opportunities to bring up their children in their own languages, literature and traditions. It is difficult for the Committee to understand why it has not been possible to re-establish a single Jewish school in the USSR, particularly in any of those cities where there are large concentrations of Jews, just as there are schools in the Soviet Union catering for concentrations of Germans, Poles, Hungarians and many other smaller minorities (in accordance with Article 45 of the Soviet Constitution).

4.32 In the case of Soviet Jews, national and cultural institutions have been virtually non-existent since Stalin's purge of Jewish national culture in 1948. Any minor concessions since that time can only be described as token gestures which may be designed to obviate too much foreign criticism. Considering the obstacles to the Yiddish language and culture, it is not surprising that there has been a great decline in the use of Yiddish which was once widely used by Soviet Jews. Even private language instruction and seminars on Jewish culture are severely discouraged, and books in Hebrew with no political content are confiscated. The growing number of "unofficial" Jewish cultural activities over the last decade are in themselves evidence of the desire by a significant number of Soviet Jews to have more opportunities and facilities for expressing their national culture. Frequently, the official Soviet attitude towards such expressions of Jewish national culture is that they are "Zionist". This point of view shows a misunderstanding of the aspirations of a large proportion of Soviet Jews who only wish to be allowed to participate in Jewish cultural activities *within* the Soviet Union.

4.33 Soviet policies in regard to ethnic minorities can vary greatly. There is certainly cause for dissatisfaction in the Ukraine and the Baltic States. To serve a broader policy, the Soviet leadership is prepared to give reign to the cultural aspirations of a particular group, as with the Armenians. The Armenian SSR serves as a useful buffer state on the border with Turkey due to residual Armenian resentment of past Turkish massacres. Furthermore, with the exception of the Jews, the predominant proportion of each of the 17 main Soviet "nationalities" have managed to retain their titular language as their mother tongue, even if it is not enshrined as *the* official language in the relevant constitutions of several of the Soviet Socialist Republics.<sup>1</sup> Nevertheless, any cultural autonomy or manifestations of national traditions of the minority nationalities is usually regarded by the Soviet Government as a threat. From the Sub-Committee's evidence this appeared to be most pronounced in the Ukraine and in the

1. Sometimes this has required some positive action by the Soviet minorities, as for example the 1978 demonstrations in Tbilisi, to retain in the Georgian Constitution the Georgian language as *the* official language of the Georgian SSR.

Baltic States, whose national cultures have suffered accordingly. At best any active involvement in a minority culture is likely to bring on itself the accusation of "bourgeois nationalism". Some of the Sub-Committee's witnesses did tell of a much worse fate (Chapter 9 refers to such cases). While it depends somewhat on the circumstances and the minority concerned, the Soviet authorities have been prepared to disregard utterly the Soviet constitutional and international commitments to cultural freedom and equality.

## 5. ANTI-SEMITISM

### Tradition of Anti-Semitism

5.1 As the testimony and documents tendered before the Sub-Committee indicate that in the Soviet Union there are manifestations of severe anti-Semitism which are tolerated, if not encouraged, by the Government, it is only fair for the Committee to re-emphasise at this stage that anti-Semitism is not a phenomenon that was introduced by the Soviet regime, nor is it one that has been confined to that part of the world. It is not disputed that Tsarist policy towards Russia's Jewish population exploited traditional anti-Semitism; this found expression in anti-Jewish legislation including restrictions on employment in government, on residence in rural areas, and on entry to universities through the use of quotas.<sup>1</sup> By laws of 1795 and 1835 Jewish settlement was restricted, with some exceptions, to the area known as the "Pale of Settlement". "The Pale" corresponded to the western provinces of the Empire and by 1897 it contained nearly five million Jews who, in many urban areas, made up one third of the population.

5.2 Under the last two Tsars anti-Jewish legislation was particularly stringent. There was widespread publication, with Government sanction, of anti-Semitic books and pamphlets, including the notorious forgery known as the *Protocols of the Elders of Zion*. It has been widely accepted that the series of violent pogroms that occurred in Russia during this period were carried out with official sanction. As late as 1903 an especially brutal pogrom occurred at Kishinev resulting in 45 deaths, many more injuries and extensive damage to property. These brought extensive protests from many countries and from some of Russia's intelligentsia. Tolstoy, for example, declared:

The outrages of Kishinev are but the direct result of the propaganda of falsehood and violence which our Government conducts with such energy.

In 1911, the ancient Jewish "blood" libel was revived against a Jew named Mendel Beilis, who was put on trial in Kiev allegedly for murdering a Christian child to use the blood for the baking of Passover bread.<sup>2</sup> This event also led to worldwide protests against the Tsarist regime, which nevertheless continued to resist any improvement in the status of Soviet Jewry until the fall of the monarchy in 1917.

### Soviet Jewry After the Revolution

5.3 The Bolshevik seizure of power in 1917 was immediately followed by legislation enacting the emancipation of Soviet Jews. The young Soviet State vigorously opposed anti-Semitism during the civil war (1918-20) when large-scale violence against Jews was perpetrated by the anti-Soviet forces. The deaths of over 100,000 Jews have been attributed to the massacres during this period, which were reminiscent of the worst pogroms in Tsarist times. Lenin not only denounced anti-Semitism but appointed Jews to top positions, including Trotsky as Commissar of Home Affairs. The appointment of so many Jews to top positions at this time tended to reinforce popular anti-Semitism. In the late 1920s and early 1930s the Soviet Government continued its

1. At times there was some amelioration of the harsh anti-Jewish laws, as during the reign of Tsar Alexander II (1855-81). The fortunes of Soviet Jewry also have varied with the changes in the Soviet leadership since 1917.

2. Compare with case of Dr Mikhail Shtem who was tried in December 1974—see paragraph 5.14.

struggle to eradicate anti-Semitism; the authorities used books and brochures and exposed instances of anti-Semitism in the media.

#### World War II and Soviet Jewry

5.4 After the Nazi invasion of the USSR in 1941 there was a revival of popular anti-Semitism in the German-occupied areas. The conquests extended beyond the area of the former Pale of Settlement which contained about 2.7 million Jews in 1941. It has been variously estimated that over 2.5 million Jews were killed as a result of the Nazi invasion (this figure included Jews in areas annexed by the USSR as a result of the latter's pact with the Germans in 1939). Some of the inhabitants in the occupied areas co-operated actively or passively with the occupying forces in the rounding up of Jews. Although there were reports of a certain amount of overt anti-Semitism in the non-occupied areas, including in the Soviet Army,<sup>1</sup> at the official level this was toned down because Stalin actively sought support of world Jewry for the Soviet war effort. For this purpose Stalin established, in 1942, the so-called Jewish Anti-Fascist Committee which was permitted to communicate with Jewish organisations in the United States and Britain.

#### Post-War Problems of Soviet Jewry

5.5 After World War II, the USSR assisted the Zionist claims for a Jewish national home in Palestine by supporting the partition of Palestine, and the Soviet Union was the first country to recognise the new State of Israel in May 1948. When in October 1948 Israel's first Ambassador to the USSR (later to become Prime Minister Golda Meir) arrived in Moscow, she was enthusiastically received by large numbers of Moscow's Jewish community. Nevertheless, soon after the establishment of Israel the Soviet press began to condemn Israel as a tool of Anglo-American capitalism, and a campaign against "rootless cosmopolitans" was unleashed within the Soviet Union. The anti-Semitic nature of the campaign was highlighted by the fact that the "corporate Jew" was clearly identified as the enemy. The Jewish Anti-Fascist Committee was dissolved and its leader was murdered in February 1948. The Committee has already noted that the remaining Jewish schools and cultural institutions were dissolved at this time. Between 1949 and 1953 hundreds of prominent Jewish artists and literary figures were killed or disappeared.<sup>2</sup>

#### "The Doctors' Plot"

5.6 The "anti-cosmopolitan", anti-Jewish campaign climaxed in 1953 in the so-called "Doctors' Plot". A group of doctors—most of them were Jews—was charged with attempting to poison the Soviet leadership at the instigation of Jewish organisations abroad. This accusation was accompanied by almost hysterical anti-Zionist and anti-Jewish propaganda in the Soviet press, and thousands of Jewish medical specialists were expelled from hospitals and medical facilities. The Soviet historian, Roy Medvedev, a Marxist dissident, has reported that there was evidence that just before Stalin's death, preparations were being made for massive deportations of Jews from major cities for whom barracks had been prepared in Kazakhstan.

1. About 500,000 Jews served in the Soviet Armed Forces during World War II. Of these about 200,000 Soviet Jews were killed on active service and 160,772 were decorated. Subsequently, instructions were issued to belittle the contribution made by Jews. For further details of the participation of Soviet Jews during World War II, see L. Kochan (ed.), *The Jews in Soviet Russia Since 1917* (London, 1972) pp. 273-286.

2. See *Evidence*, 12 May 1978, p. 546.

#### Soviet Jewry under Mr Khrushchev

5.7 Soon after Stalin's death "The Doctors' Plot" was officially discredited; the accused doctors were released from gaol, but two of them had perished. The mass arrests and executions of Stalin's time, which had often included a disproportionately large number of Jews, ceased. Under Mr Khrushchev, Jews were subjected to less discrimination in education and employment than in the late Stalin period, and compared with recent years. Nevertheless, Mr Khrushchev made no serious attempt to eradicate anti-Semitism. For example, in his secret speech at the Twentieth Party Congress, in which he denounced Stalin, Mr Khrushchev did not take the opportunity to attack political anti-Semitism which had been at the root of Stalin's "Doctors' Plot".

5.8 When Mr Khrushchev initiated his general anti-religious campaign in 1960, anti-Judaic propaganda with racist overtones was particularly virulent (see paragraph 3.68). In 1963, when the Ukrainian Academy of Sciences published T. K. Kichko's blatantly anti-Semitic tract, *Judaism Without Embellishments*, it aroused such world-wide protests that the publication was later temporarily withdrawn. These protests included some by Western Communist parties which were well aware that the Soviet Government's prior approval would be necessary for Kichko's work to be published.

5.9 During the early 1960s, at a time when there were serious shortcomings in the Soviet economy, Jews were made the principle victims of a Government drive against economic corruption. They were singled out for greater prominence in press reports of the trials, and between 55% and 60% of those shot for economic crimes against the State were reported to be Jews; in the Ukraine the proportion was reported to be as high as 90%.<sup>1</sup> These manifestations of anti-Semitism stirred a number of protests from Western countries, and in 1964 Mr Khrushchev cancelled a visit to three Scandinavian countries because of their criticism. A report of the International Commission of Jurists on "Economic Crimes in the Soviet Union"<sup>2</sup> concluded:

It is a tragedy for the Soviet Jewish people that they have been made a scapegoat for the transgressions of those whose guilt it would be dangerous to make public.

#### Trends in Anti-Semitism since Mr Khrushchev

5.10 Immediately after the removal of Mr Khrushchev there was a temporary improvement in the situation of Soviet Jews. The economic crimes trials were discontinued, and for the first time, several thousand Soviet Jews (mostly older citizens) were allowed to emigrate to Israel. This changed with the six-day Arab-Israeli war in June 1967, which proved significant for Soviet Jewry, as the USSR became more and more involved on the side of the Arab states. Diplomatic relations with Israel were severed, and the small-scale but significant emigration from the Soviet Union to Israel was halted. The Soviet media undertook a vituperative campaign against Israel, Zionism and Judaism. By 1968 the anti-Semitic author T. K. Kichko was back in official favour with a new book, *Judaism and Zionism*, (60,000 copies) in which Judaism was presented primarily as "a creed teaching poisonous hatred for all other peoples".

1. See also *Evidence*, 12 May 1978, pp. 523-524

2. *International Commission of Jurists Journal*, Vol. V, No. 1, (Summer 1964).

5.11 At the time of the 1967 conflict in the Middle East, Soviet propagandists began to make the cruel assertion that Zionists had collaborated with the Nazis during World War II, and had actually participated in the massacre of Jews. They accused Zionists of being successors to the Nazis, carrying out wholesale genocide of the Arabs, and resurrected the charge that the Jewish religion inspired its adherents to seize control of the world and destroy other peoples.<sup>1</sup> At this time the Soviet Union embarked on the practice, still continued to this day, of disseminating "statistics" to show that the Zionists—"the rich Jewish bourgeoisie"—maintained a stranglehold on the United States.

5.12 From the late 1960s, Soviet propagandists attempted to exploit the fact that a number of prominent persons associated with the intellectual dissident movement were Jews. Professor Voronel told the Sub-Committee that the Soviet authorities noticed—even before the Jews themselves did—that a large proportion of the dissenters were Jews. It was also stated to the Sub-Committee that well-known non-Jewish dissidents, like Andrei Sakharov, Alexander Solzhenitsyn, Pyotr Grigorenko and Leonid Plyushch, were accused, at various times, of being Zionist agitators or of being of Jewish origin. In other words, anybody who dissented from the Soviet system was likely to be represented as a Zionist or a Jew.

5.13 In 1968, Soviet Jews began to protest publicly about what they saw as increasing anti-Semitism in the USSR. In October 1968, for example, a letter by 26 Lithuanian Jews appeared in United States newspapers alleging numerous examples of anti-Jewish discrimination by the Soviet authorities. The reaction of the Soviet Government to Jewish (and non-Jewish) human rights protesters was to step up its "anti-Zionist" campaign. The campaign even spilled over into events in Eastern Europe, where the democratic tendencies of Mr Dubcek's Government in Czechoslovakia were seen as a threat to Soviet totalitarianism. Particularly after Soviet and other East European troops crossed the Czech frontier in August 1968, Soviet propagandists portrayed Mr Dubcek's Government as the embodiment of a "counter revolution" in which Zionists played a decisive role. This type of attack on Zionism has continued unabated during the 1970s despite many international protests—including those from Communist parties in the West. In view of the Soviet Government's willingness to exploit its people's traditional anti-Semitism in the guise of "anti-Zionism", it is somewhat ironic that, in the international context, Soviet propagandists frequently boast of their Government's support for the 1975 UN resolution which condemned Zionism as a form of racialism.

5.14 An example of how the Soviet authorities exploit traditional anti-Semitic prejudices is the trial in 1974 of Dr Mikhail Shtern in Vinnytsa, Ukraine.<sup>2</sup> The authorities first attempted to charge Dr Shtern with child killing, but this charge was dropped when the West responded with horror at the resort to such a mediaeval charge against a Jew. Dr Shtern was then formally charged with accepting bribes, although during interrogation a prosecutor repeatedly told Dr Shtern that he was in trouble because of his refusal to disavow his son's desire to emigrate to Israel. Finally the KGB managed to persuade only one person to testify against Dr Shtern and the accused was then promptly sentenced to eight years' imprisonment. During his severe sentence, Dr Shtern's health rapidly declined and the Soviet authorities gave this as a reason for his

1. See paragraphs 5.17-5.23 for some typical quotations.

2. How far the encouragement of anti-Semitic propaganda in the Ukraine may be motivated by a Soviet "divide and rule" policy is difficult to determine. Nevertheless, a great deal of such propaganda has been produced in the Ukraine, where there are long-standing tensions between Ukrainians and Jews.

early release from prison in 1977. Most observers attribute the early release to a world-wide campaign in support of Dr Shtern, as ill-health has not been a sufficient reason for early release in numerous other cases. It should be noted that the French Left was particularly concerned about Dr Shtern's arrest and a campaign for his release was mounted by persons not normally regarded as being vehemently anti-Soviet, such as the publishers of the journal *Nouvel Observateur* and spokesmen of the French Communist Party.

#### Anti-Semitic Publications

5.15 Official Soviet denials regarding anti-Semitism in the USSR also lose their credibility when Soviet Government sponsored "anti-Zionist" publications and press articles are examined. The Sub-Committee had an opportunity to examine what were alleged to be translations of a large quantity of Soviet publications and radio broadcasts. During the taking of evidence the Sub-Committee also received the names of Soviet books which the authors of the submissions considered to be anti-Semitic. They are listed in Annex F, which names 54 books which were printed in the Soviet Union during two periods: 1970-72 and 1975-77. The list therefore does not encompass all anti-Semitic books printed in recent years, and does not include anti-Semitic articles that have appeared in Soviet journals and newspapers.

5.16 Publication of Soviet anti-Semitic material is not confined to Russian, Ukrainian or other Soviet minority languages. As Annex F shows, several Soviet books have been translated into English, French, German or Spanish. This also applies to anti-Semitic pamphlets and articles which are then available for distribution overseas, including from Soviet Embassies. The Committee quotes from such material distributed by the Soviet Embassy in Australia in paragraphs 5.20 to 5.23. An example of anti-Semitic propaganda being distributed outside the Soviet Union, which occasioned a great deal of public outcry, occurred in France in 1972. An article, largely based on the classic anti-Semitic forgery *The Protocols of the Elders of Zion*, was published in *L'URSS*, the official magazine of the USSR Information Office in Paris. As a result of this article, its author was found guilty by the French court of inciting race hatred, and of public slander against the Jews. He was fined and forced to print the Paris court's judgement in a subsequent issue of *L'URSS*, and six newspapers. It seems particularly worthy of comment that the complainant in this action was the French League of the Rights of Man. This organisation, which was founded by Emile Zola to defend Captain Dreyfus, has played a leading role in French left-wing politics and in the French human rights movement. During the German occupation of France, the League's President was murdered by the Nazis.

5.17 One ruse used in Soviet "anti-Zionist" campaigns—presumably to absolve the Soviet Union of any charges of anti-Semitism—is to promote "anti-Zionist" publications if they are written by a Soviet Jew. Particularly notorious have been two books by V. Y. Begun—*Creeping Counter Revolution (1974)* and *Invasion Without Arms (1977)*. One edition of the latter book by the Komsomol Publishing House ran to 150,000 copies. Begun resorts to such trite "revelations" as that the monk Rasputin was "ruled by the biggest Jewish capitalists". He also asserts that the Jewish religion preaches that its adherents will enslave the world, as indicated by the following extract:

Especially repulsive was the chauvinistic idea of dominion over the world formulated in the "holy scripture" and reflected in prayers . . . The Biblical instruction that all peoples,

according to the Lord's will, will allegedly become slaves to the Jews has frequently caused the adherents of Judaism trouble.<sup>1</sup>

5.18 The Committee is disturbed that the anti-Judaic over-tones of Soviet propaganda (which were so characteristic of Mr Khrushchev's general anti-religious campaign) have continued in more recent years in a way that could only encourage anti-Semitism in the Soviet Union. This type of propaganda is further illustrated by the following extract:

The principal dogma of Judaism declares that there is only one God over the whole world and that he chose the Jews from all the peoples of the earth, concluded a contract (covenant) with them, and appointed them shepherds of the "goyim"—"cattle with human faces". The preservation of the purity of their blood was proclaimed as the most sacred obligation of Jewry, and mixing with the goyim was prohibited. The "God-chosen" had laws of their own, a circle of their own, and a fate of their own, while the despised goyim were useful only as "speaking tools", as slaves. Thus did Judaism, comprehensively and highly consistently engender a complete ideology of racial superiority and Apartheid.<sup>2</sup>

Anti-Semitic or anti-Zionist writings also appear in popular magazines such as *Ogonyok*, which has a street circulation of about two million copies.

#### Soviet Anti-Semitic Publications in Australia

5.19 The Soviet Embassy in Australia makes available a number of publications (in English) dealing with the status of Soviet Jews. The majority of these publications are not overtly anti-Semitic, as some of them are used to give a positive image of the Soviet "nationality" question. Nevertheless, even this category of pamphlets and other handouts do contain factual inaccuracies and distortions of historical facts about Jews. In addition to being distributed by the Embassy in Canberra, several of such publications have appeared on Australia's campuses and have been handed out by pro-Soviet groups. Also, several booklets were displayed by the Soviet Embassy at the Asian Trade Fair held in Melbourne in 1977, though hundreds of copies were later removed from the display after several complaints had been made. Three of the books, notably *The Sword of David*, *Zionist Falsehoods* and *The Truth About Zionism*, do in fact contain material which is blatantly anti-Semitic and anti-Zionist. The Committee will quote some passages from the books in the ensuing paragraphs to support this view.

5.20 An illustration of one predominant theme of Soviet "anti-Zionist" writings—the image of a world-wide Jewish conspiracy in which "international Zionism" uses its financial power to achieve world domination—is in *The Sword of David* in which Leo Korn writes:

Once the Jewish money-lenders and tax-farmers had accumulated their millions, they became bankers, industrialists and owners of monopolies. United by their religious beliefs and business interests, the Jewish servants of the golden calf—the Rothschilds, Hirschs, Kuhns, Loeb's, Lazaruses, Solovitchiks, Ginsburgs and hundreds of other uncrowned kings of business—turned into an international bourgeoisie. Their contacts were not limited by the boundaries of their respective 'homelands'. Their ideal was unlimited sovereignty in the world of capital. They gave birth to Zionism.

1. V. Y. Begun, *The Creeping Counter Revolution* (Belarus Publishing House, Minsk, 1974). Extract from the translation by Dr Howard Spicer.

2. V. Skuziatov, *Zionism and Apartheid* (Politizdat Ukrainy, Kiev, 1975) p. 12.

3. It is somewhat ironical that in some extreme right-wing anti-Semitic literature distributed in Australia by such organisations as the Australian League of Rights, the New York banking firm of Kuhn, Loeb and Co. is accused of having financed the Bolshevik Revolution in furtherance of "the international Jewish-Communist conspiracy".

Zionism then came to embody the basic traits of the ideology and practice of imperialism: expansionism and aggression, racism and hatred of mankind, hostility to the working-class and the national-liberation movements. It became the enemy of peace, socialism, democracy and progress.

The Zionist leaders sought to further their idea of expansion by placing their agents in the governments of other countries, as well as in their press, and public and cultural organisations.

A global Jewish conspiracy? No, simply a programme of action by the Jewish bourgeoisie dictated by its goal as a class.<sup>1</sup>

5.21 Another theme frequently used in Soviet anti-Semitic propaganda is the "God-chosenness" and alleged "racial exclusivity" said to underpin the Jewish religion and, it is argued, the Zionist philosophy. For example, in *Zionist Falsehoods*, B. Bakanov writes:

What is the substance, the real essence of Zionism? Its basic components are Judaism (which banks on the people's ignorance and the authority of the synagogue), reaction against anti-Semitism (which plays on the people's fear of anti-Semitism and its alleged 'eternal' character), and racism (the idea of belonging to the 'purest race', of being 'God's chosen people').

In the theological writings of the Zionists the idea is clearly implicit that Judaism is used to promote the political goals of Zionism. Thus the Zionists' motives in preaching Judaism are far from religious.

Fragmatists first and last, the Zionists took a purely business-like attitude towards religion. So when it came to the question of setting up a "Jewish state", they immediately produced the religious symbol of Palestine to direct the stream of Jews terrified by pogroms to the Suez Canal area. The strategic importance of this zone for Zionism and imperialism can hardly be overestimated.

Why do the Zionists put so much emphasis on anti-Semitism and its alleged eternal nature? There is only one answer: to oppose Jews to all non-Jews, treating them all as anti-Semites.<sup>2</sup>

5.22 Bakanov, in *Zionist Falsehoods*, shows some ingenuity on page 50 when he describes the Torah (the Jewish Old Testament) as a "Zionist handbook"; unless of course he is referring to the biblical descriptions of how Moses led the Jews out of ancient Egypt. Bakanov goes on to claim:

Is it surprising then that when Israeli school children, who have just learned the three R's, are asked, "What should one do to the Arabs?", they cry out, "Kill them!"

The Zionists, not without some success, as we have seen, count on the people's ignorance to achieve their ends. Their aim is to bring up robots ready to kill, plunder, and destroy when ordered to do so, for these are the commands of almighty Jehovah.

5.23 The Committee has already noted that Soviet propagandists frequently assert Zionist collaboration with Nazi genocide during World War II. This is a hurtful distortion as Jews who were Zionists were not spared from Nazi gas chambers. Yet Australian Jews have been able to provide to the Sub-Committee pamphlets which the

1. L. Korn, *The Sword of David* (Novosti Press Agency, Moscow, 1977) pp. 22-27. This publication has been available in Australia from the Soviet Embassy and, during 1978, from the library of the cruise ship "Shota Rustaveli".

2. B. Bakanov, *Zionist Falsehoods* (Novosti Press Agency, Moscow, 1974) pp. 11-13. This publication has been available in Australia from the Soviet Embassy.

Soviet Union makes available in this country, containing material such as that quoted below from *The Truth About Zionism*:

Zionists closely co-operated with SS Obersturmbannführer Adolf Eichmann and SS Sturmführer Kurt Becher, two of Hitler's henchmen who organised mass killings of Jews. Early in 1939, long before Hitler planned his "final solution" of the Jewish question, Zionist leaders made a deal with Eichmann according to which the Nazis were to let a train of Jews leave for Palestine. The passengers on that train had been carefully selected and included Zionist activists and Jewish capitalists. In return for that favour Zionists helped Eichmann to select 40,000 people from among the Jewish poor and workers and send them to extermination camps. It is easy to see why Eichmann took a favourable view of Zionist activities.<sup>1</sup>

The Committee makes the observation that although the Soviet Government concedes the distribution of the sort of distorted propaganda contained in the above paragraph, official sources deliberately under-state Jewish suffering during World War II. For many years the Soviet Government impeded the erection of a Jewish memorial for about 100,000 Jews who were massacred at Babi Yar (near Kiev) during the German occupation. At times the authorities have impeded memorial services for the Jews massacred at Babi Yar by sending away those wishing to visit the site (see *Evidence*, pp. 64; 513).

#### "Traders of Souls"

5.24 Soviet anti-Semitic material is not confined to publications. A Soviet "documentary" entitled *Traders of Souls* seems to be a clear example of how a film can be exploited for a similar purpose. The Sub-Committee was informed that the film was broadcast on Moscow Television at 7.00 p.m. on 22 January 1977, and repeated a week later. The Committee was able to obtain two descriptions of the film. One is a short description in an article written by Sergei Buranov (Novosti Press Agency, 4 March 1977) which was made available in Australia by the Soviet Embassy. The second description—much more detailed—occurs in a submission to the Sub-Committee forwarded by the Australasian Union of Jewish Students. The Committee is aware that previous requests to the Soviet Embassy by members of the Australian Parliament to see *Traders of Souls* have been unsuccessful. Therefore the Committee has no way of verifying the description which follows, which is mainly based on the latter submission.

5.25 The hour long documentary shown in prime viewing time, purported to show that the emigration of Soviet Jews is virtually unhindered by the Soviet authorities; that once the emigrants get out they find that they have exchanged an idyllic life for one of slavery and misery; and that the whole issue of Soviet Jewry is one of external manipulation and internal disloyalty. One sequence of *Traders of Souls* shows a demonstration in front of the Soviet Embassy in London, held in support of the rights of Soviet Jews. Allegedly it is followed by a scene in which a fat Jew pays five pounds sterling to each of the "demonstrators". This actor is the living version of the traditional anti-Semitic caricatured stereotype of the "Jewish banker". The documentary allegedly purports to give "proof" that the Zionists are attempting to subvert the Soviet Union by sequences in which people—ostensibly American and French tourists—are shown admitting that they had brought so-called "anti-Soviet materials" with them, had secret address lists, and were acting on instructions received from Zionist organisations. One tourist from the US—named Mark Levitt in

1. R. Brodsky, *The Truth About Zionism* (Novosti Press Agency, Moscow, 1974) pp. 18-19. This publication has been available from the Soviet Embassy in Australia, and copies were available from the library of the cruise ship 'Shota Rustaveli' in 1978.

the Soviet description of the film—is shown saying that it is possible that these Zionist organisations have secret ties with, and carry out the orders of, the CIA. People supposedly organising a secret meeting in the Moscow synagogue are also shown. The announcer comments on this by asking about the "influence of Zionist organisations on the minds of the Soviet youth". This theme of subversion allegedly is continued by showing shots of Moscow Jewish activists talking to members of Israeli teams competing in international sporting events being held in the Soviet Union. In his commentary on this scene, the announcer asks how it was possible that Zionist cadres had been created within the Soviet Union, adding that all these subversive activities are financed from overseas.

5.26 It is alleged in the submission that to support the impression arising from *Traders of Souls* of overseas financial support for Zionist subversion (rather than for sustenance of dissidents who are frequently not allowed to work), closeups of receipts for money orders made out to two activists are shown.<sup>1</sup> It is at this point that the most frightening and dangerous aspect of the film is revealed. The names and addresses of five Soviet Jewish activists (including Anatoly Shcharansky)<sup>2</sup> appear on the screen, while the announcer comments that "these people are, in fact, soldiers of Zionism within the Soviet Union and it is here that they carry out their subversive activities". Finally, there are a series of scenes which present Jewish political prisoners as speculators, hooligans, and drunks. Before the narration is completed the picture of a fat Jew handing out pounds sterling is flashed onto the screen once again. It would appear that the screening of names and addresses was a deliberate attempt to intimidate Jewish activists. Such action could endanger the physical safety of the people involved, because the programme appealed to the basest instincts of some viewers. Most observers of the Soviet scene comment on the pronounced fear of subversion in the USSR.

5.27 In order to appreciate the lack of redress available to a Soviet citizen who claims to have been falsely accused of improper conduct by an organ of the State, it is interesting to consider the sequence of events which allegedly followed the transmission of *Traders of Souls*:

- a. Four of the individuals named in the programme—V. Slepak, Y. Begun, Y. Kosharovsky and A. Shcharansky decided to file suit against Soviet Television, claiming that *Traders of Souls* depicted them as carrying out illegal and subversive activities.
- b. On 22 February 1977, the four Soviet Jews went to the local Dzerzhinsky Civil Court to file suit before Acting Judge B. E. Shalagin. He informed them that he would accept the suit after they had each paid 30 kopeks (about 44 cents) for duty stamps.
- c. Two days later, Kosharovsky returned with four stamped documents, but was told by Judge Shalagin that he could not accept the documents because they were not accompanied by a transcript of the recording of *Traders of Souls*. Such evidence is not required by Article 7 of the Civil Code, certainly not at that stage.

1. It is significant that one of these activists—Joseph Begun—received two years' internal exile for "parasitism" shortly after *Traders of Souls* was shown (see paragraph 4.12).

2. Shcharansky was also arrested not long after the showing of *Traders of Souls*. In 1978 he received a severe sentence for "treason"—see paragraph 5.29.

- d. On 18 March 1977, the four returned and saw Judge Petrov, who refused to accept the papers, claiming that he only dealt with criminal cases, and not civil ones. They then went to see the Chairman of the Court, who said that he had already discussed the matter with Judge Shalagin, and refused to allow any further discussion. On being told that the Court was bound by Article 129 of the Civil Code to accept the suits, Judge Petrov told the four that they could complain to the City Court.
- e. Subsequently they were prevented from taking this course because a written refusal is necessary before lodging a complaint, and Judge Shalagin, Judge Petrov, and the Chairman of the Court would not put their refusals in writing. In a final attempt to put their case before the Court, the four sent letters to the authorities concerned, in the hope of getting a written refusal with which to approach the City Court. Apparently they did not receive a response.

#### "Agents of International Zionism"

5.28 The showing of *Traders of Souls* was only part of a continuing campaign in the Soviet media to brand Soviet Jewish activists as agents of Zionism. For example, it was reported in a *TASS* broadcast that on 8 December 1976, the Soviet Deputy-Minister of Culture, Mr V. Popov, claimed that a Jewish cultural symposium then being organised in Moscow by Soviet Jews, was in fact being planned by "International Zionism".<sup>1</sup> Soviet authorities then prevented the symposium from being held by arresting the participants and confiscating the papers which were to be discussed at the seminar.

5.29 Subsequently on 4 March 1977, *Izvestia* published an "open letter" by Dr S. L. Lipavsky naming several prominent Moscow Jewish activists—some still in the USSR (including Anatoly Shcharansky) and others who had emigrated—as being spies in the service of US Intelligence.<sup>2</sup> Those with whom they were said to be involved were Jewish staff members of the American Embassy and American pressmen with Jewish names, most of whom had completed their service in the Soviet Union. These actions were clearly attempts to frighten Jewish activists, and to arouse the hatred of the population against these alleged "Zionist spies", said to be working hand in hand with the imperialists to subvert the USSR. The Soviet authorities wanted to make an example of Anatoly Shcharansky (who was later speedily convicted and sentenced to 13 years in prison and hard labour) in the hope of deterring other dissidents from airing their grievances to foreigners. Most observers of the Soviet scene believe that the CIA would be unlikely to use as agents, prominent "Refuseniks" who are known to be under constant KGB scrutiny.

#### Soviet Response to Criticism

5.30 Soviet statements on the position of Jews in the USSR reiterate that anti-Semitism no longer exists in the Soviet Union. Such statements sometimes theorise that racial chauvinism, including anti-Semitism, arises from class exploitation, and that the victory of socialism in the Soviet Union destroyed the foundations of anti-Semitism. Soviet publications emphasise that all Soviet Constitutions have

proclaimed the equality of all Soviet citizens of all races.<sup>1</sup> As a result of this true equality that Jews are said to enjoy in their "Soviet Motherland", it is claimed that they are rapidly assimilating with the mass of the population. Another line frequently adopted by Soviet spokesmen is that Jews have a high proportion of academically qualified people, implying that Jews have prospered in the Soviet higher education system (but see paragraphs 2.55-2.58). Soviet spokesmen have also been in the habit of drawing attention to the existence of the Jewish Autonomous Oblast or Birobidzhan. For the reasons already noted by the Committee in paragraph 1.39, "Jewish Autonomous Oblast" was never an accurate description for this remote area of Siberia.

5.31 In addition to its constitutional commitment to full equality for all "nationalities" in the USSR, the Soviet State is bound by similar undertakings through its participation in a number of international agreements, notably the "Convention Concerning Discrimination in Respect of Employment and Education and Occupation", adopted by the International Labour Organisation in 1958; the "UNESCO Convention Against Discrimination in Education", ratified by the USSR in August 1962; the "International Convention on the Elimination of All Forms of Racial Discrimination", ratified by the USSR in February 1969; and, the Final Act of the Helsinki Agreement of 1975, with its commitment to respect "human rights and fundamental freedoms . . . without distinction as to race, sex, language or religion".<sup>2</sup> It should be emphasised that the Soviet citizen has no more power to secure enforcement of the rights provided for in these agreements signed by his Government than he has to enforce similar provisions in the Soviet Constitution. The Committee is aware that for various reasons a number of Western Governments, including Australia, have not ratified some of these agreements.

5.32 Accusations of anti-Semitism against the Soviet Union from Western countries have usually drawn a sharp response from the Soviet state-controlled press. Recent Soviet publications on the subject describe such accusations as Zionist-inspired slanders against the Soviet State. For example, in an official Soviet publication which has been distributed in Australia, it is stated that "The Zionists have nothing but malice and spiteful fabrications to oppose to the achievements of the Soviet people in whose midst the Soviet Jews live freely and happily as equals among equals", and that there cannot be a Jewish problem in the Soviet Union since "religious and national prejudices have disappeared".<sup>3</sup>

5.33 Soviet denials of the existence of anti-Semitism are unconvincing when viewed against the manifestations of current anti-Jewish discrimination in education and employment; the Committee has already drawn attention to this in paragraphs 2.54-2.59. Furthermore, if the Soviet Union was serious about eradicating anti-Semitism—for which there is ample constitutional and extra-constitutional power—then the Western media would not have to witness groups of youths chanting anti-Semitic slogans at Soviet dissidents and Western reporters. It was widely reported by the Western press that such an incident occurred in May 1978, outside the courtroom

1. *Insight*, Vol. 3 No. 1 (London, January 1977) p. 4, and *Evidence*, 7 October 1977, p. 47.

2. *Insight*, Vol. 3, No. 4 (London, April 1977) p. 2. Allegedly at this stage Dr. Lipavsky was under the influence of the KGB who had sought to use him as a link which the KGB wanted to establish (in the eyes of the Soviet public) between Anatoly Shcharansky and the CIA.

1. See, for example, *Soviet Jews: Our Motherland Is the USSR* (Novosti Press Agency, Moscow, 1976) pp. 35-36; and *Jews in the USSR* (Novosti Press Agency, Moscow, 1975) pp. 3-4. Most relevant are Articles 36 and 52 of the 1977 Constitution (Annex A) and Article 123 of the 1936 Constitution (Annex B). The Committee has already drawn attention in this report to the difficulties faced by Soviet citizens if they wish to enforce the Constitution.

2. In Principle VII of the *Final Act of the Helsinki Agreement*; see also paragraphs 1.8-1.10 of this report.

3. B. Bakanov, *Zionist Falsehoods* (Novosti Press Agency, Moscow, 1974) pp. 73; 77.



used for the Orlov trial, in full view of Soviet law enforcement authorities (see *AAP Reuter* report of 17 May 1978).

#### Conclusion

5.34 It would be a gross misrepresentation to infer that anti-Semitism in the Soviet Union affects Soviet Jews as seriously as it affected the Jews in pre-war Nazi Germany, before this unfortunate people faced mass extermination during world War II. Furthermore, the unsatisfactory situation faced by Soviet Jewry today is a considerable improvement to that of the "Black Years" of 1948-53, prior to Stalin's death. Nevertheless the Committee believes that the Soviet Government has failed to implement its constitutional and international commitments to eliminate all forms of racialism.

5.35 The Sub-Committee received a large number of examples of anti-Semitism reflected in the Soviet media and numerous official publications. As detailed in Chapter 2, there is also discrimination in employment and higher education; this is facilitated by an internal passport system which indicates a Soviet citizen's "nationality". These are not just matters involving condonation by the Soviet authorities. It has to be borne in mind that in the Soviet Union nothing is printed without official sanction, except "underground" literature. Unlike Western democracies, the State sponsors or endorses much of the anti-Semitic material which appears in the Soviet Union. The State can also issue secret directives regarding quotas in universities, and restrictions on Jews holding certain positions.

5.36 Anti-Semitism need not necessarily be a characteristic of a totalitarian or Marxist-Leninist state. While Romania has a tradition of popular anti-Semitism, unlike the Soviet Union, the Romanian Government has done much to prevent anti-Semitism, by strictly enforcing the laws which make such action illegal.<sup>1</sup> Indeed, in the early years of the Soviet regime, considerable efforts were made to stamp out anti-Semitism.

5.37 The Soviet Government could do much to overcome the serious dilemma confronting Soviet Jews who face great difficulties in preserving their culture and traditions. Yet if Soviet Jews choose to assimilate, they are frustrated by traditional anti-Semitism, which is frequently manipulated by Soviet authorities. The Soviet Government could take action to ameliorate the effects of traditional anti-Semitism. The Sub-Committee was informed that the Government could easily "switch off" anti-Semitic propaganda in the media and in Government sponsored books. The Government has the legislative powers to prosecute blatant acts of anti-Semitism. These prosecutions could then be publicised in the media. It is also important to eliminate the requirement for the inscription of "nationality" on the internal passport—mandatory for Soviet citizens—and on other official documents. The Committee emphasises again that this would benefit those Soviet minorities such as the Jews, Germans and Crimean Tatars, who face discrimination in obtaining higher education and employment.

<sup>1</sup> This observation by the Committee should not be interpreted as meaning that the Committee believes that there is no discrimination against some other Romanian minorities.

## 6. THE RIGHT TO EMIGRATE

#### International Commitments

6.1 The right to emigrate is enshrined in a number of international declarations and covenants. The Soviet commitment to some of these has already been noted (see paragraphs 1.8-1.10). The Universal Declaration of Human rights declares in Article 13 (2):

Everyone has the right to leave any country including his own, and return to his country.

Article 5 (d) (ii) of the International Convention on the Elimination of All Forms of Racial Discrimination repeats the above words of Article 13 (2) of the Universal Declaration. Similarly, the International Covenant on Civil and Political Rights provides in Article 12 that "everyone shall be free to leave any country including his own".

6.2 Principle VII of the Final Act of the Helsinki Agreement signed by Mr Brezhnev, specifically contains the commitment by the participating States to "act in conformity with the . . . Universal Declaration of Human Rights". Principle VII further commits the participating States to "fulfil their obligations as set forth in . . . the International Covenants of Human Rights".<sup>2</sup> In this way, freedom of movement at large has become part of the undertakings embodied in the Final Act. The Human Rights principle is of universal application because Principle X of the Helsinki Final Act specifically states:

The participating States declare their intention to conduct relations with all other States in the spirit of the principles contained in the present Declaration.

Application to Israel and other Mediterranean States is additionally safeguarded by an explicit declaration in the Final Act that the Helsinki principles will be applied to "relations with the non-participating Mediterranean States."

6.3 Among the issues covered by the Helsinki Final Act stands the reunification of families. The agreed language is unequivocally clear:

The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family . . .

The preamble of the Human Contacts section of Basket Three contains the formula: . . . to facilitate freer movement . . .

6.4 A 1963 study by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities makes the right to leave a country a precedent for other rights. Judge José Ingles notes in the study that if a person is restrained from leaving a country, he may thereby be "prevented" from observing or practising the tenets of

1. This was based on a United Nations General Assembly resolution 2016 (20) of 21 December 1965. It was signed by the Soviet Union on the 7 March 1966 and ratified on 4 February 1969.

2. See paragraph 1.8 for relevant quotation in full.

3. The study was entitled "Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and Return to His Country", UN Doc E/CN.4/Sub.2/239 Rev. 1, 1963. The Special Rapporteur of the Sub-Commission was the Philippine Judge, José D. Ingles.

his religion; he may be frustrated in efforts to marry and found a family; he might be "unable to associate with his kith and kin"; and he could be prevented from obtaining the kind of education which he desires. Thus, the jurist concludes that disregard of the right to leave "frequently gives rise to discrimination in respect of other human rights and fundamental freedoms." Judge Ingles adds that for a man who is being persecuted, denial of the right to leave "may be tantamount to the total deprivation of liberty, if not life itself". The Committee agrees with this contention and believes it to be applicable to some sections of the Soviet population, but certainly not to the horrendous extent experienced by the Jews in Nazi Germany.

#### Soviet Attitudes to Emigration

6.5 Despite the Soviet Union's international obligations it is clear to the Committee that the USSR does not consider emigration as a human right,<sup>1</sup> nor is the right to emigrate enshrined in the Soviet Constitution. The Soviet Government views family reunion as being the sole legitimate reason for emigration from the USSR, and as will be seen from this chapter, there can be many impediments to family reunion as well. It is apparent that Soviet commitments in international accords are qualified, from a Soviet point of view, by their attitude that Soviet national sovereignty is not compromised by any treaty entered into voluntarily by the USSR.

6.6 If the right to emigrate is freely granted, many Soviet citizens, particularly those from the non-Russian "nationalities", may take the opportunity to leave the Soviet Union. Those who seek to emigrate from the Soviet Union are regarded as unpatriotic and are described in such terms. This is one of the reasons why the Soviet Union has tried hard to associate the concept of emigration with Soviet Jews, or more particularly with Zionism, even though many of those who wish to emigrate are not Jews.

6.7 The Soviet Government exploits the traditional anti-Semitism (discussed in the previous chapter) to discourage non-Jewish Soviet citizens from emigration. The Soviet Government does this by stressing that only Jews are dissatisfied with Soviet life and by alleging that it is only Jews who wish to emigrate. Both Alexander Solzhenitsyn and Andrei Sakharov have been portrayed as Jews. The Soviet Government attempts to justify Jewish emigration to the Soviet people on the grounds of "repatriation to the homeland", as has also been the case with Poles, Germans and Greeks living in the USSR. In the much less frequent cases where the Soviet authorities allow non-Jews to leave the USSR, they are forced to apply for Israeli visas in an effort by the authorities to convince the Soviet people that all emigrants are at least part Jewish, even though this is frequently not the case. Andrei Amalrik, who was forced to apply for an Israeli visa, was among many people in this category who has even included a Russian Orthodox priest. A Ukrainian dissident and writer, Anatoly Marchenko, refused to participate in such a pretence even though his wife was Jewish. He insisted on being free to emigrate to North America rather than accept Soviet permission to go to Israel. Consequently, he was imprisoned by the Soviet authorities and then exiled to Siberia.

1. Countries which may be considered somewhat analogous to the USSR in the context of exit restrictions on their own nationals are as follows: Poland, Romania, Czechoslovakia, Hungary, the German Democratic Republic, Bulgaria, Albania, the People's Republic of China, the Democratic Republic of Korea and Cuba. Virtually all other countries impose some degree of control on total freedom of travel. In some countries the process of obtaining a passport may be a long and complicated one, and for example, may be subject to completion of military service obligations, completion of criminal proceedings or finalisation of taxation obligations. See also paragraphs 7.7-7.14.

6.8 Another reason why the Soviet authorities prefer a limited emigration of dissatisfied people to be directed towards Israel is that the USSR (which does not have diplomatic relations with Israel) can take away the emigrants' Soviet citizenship and prevent them from subsequently returning to the Soviet Union. This enforced renunciation of Soviet citizenship is used by the Soviet authorities to exact a relatively heavy renunciation fee of 500 roubles, which in itself then acts as an additional deterrent to emigration (see also paragraphs 6.37 to 6.39 for other charges).

#### The Jewish Concern

6.9 The need to re-unify families is on a much larger scale for Soviet Jews compared with other Soviet "nationalities". This is because there are special circumstances in recent history that have caused large-scale separation of Jewish families. World War II brought havoc to most of Europe—particularly in the Nazi-occupied parts of the Soviet Union. Because Europe's Jews suffered barbaric persecution at the hands of the Nazis, large numbers of Jews sought to escape extermination by fleeing to other countries, frequently in circumstances which prevented them from taking their entire family with them. Many East European Jews (see paragraph 1.35) were caught up in the German advance into the Soviet Union and inevitably family separations occurred. Even the post-1970 emigration of Soviet Jews has caused new problems of separated families, as frequently only part of a family is allowed to leave.

6.10 It is sometimes said that because Soviet Jews have been allowed to emigrate in relatively large numbers in recent years (see Table 6-1) the Jews are favoured in the Soviet Union. This is when they are compared with most other Soviet "nationalities" who find it virtually impossible to emigrate. Part of the explanation for this has already been given in this chapter. More important is that Jews frequently suffer from such severe discrimination in the Soviet Union that their reasons for seeking emigration are more compelling than those of most other groups. The nature of this discrimination has already been indicated in the previous chapters, but the Committee believes that there are non-Jewish individuals, ethnic and religious groups, who too have grounds for receiving preferential treatment in regard to exit visas. This is not to say that the Committee falls short of wanting all Soviet citizens who wish to emigrate to be allowed to do so in accordance with the Universal Declaration of Human Rights. As Soviet Jews are not allowed to live as Jews in the country of their birth, their struggle to emigrate has been summed up in the slogan "Let Them Live (as Jews) or Let Them Leave". Even Soviet Jews who try to assimilate feel rejected. Emigration is the only available method for the self-determination of Soviet Jewry as a people.

#### Number of Emigrants

6.11 Table 6-1 shows the total number of Jewish emigrants from the USSR since 1968 and the numbers going to Israel. The table also gives an indication for each year of the much larger number of Jews who have held a strong interest in leaving the USSR by being in possession of an affidavit from relatives in Israel.

TABLE 6-1

NUMBER OF JEWISH EMIGRANTS FROM USSR SINCE 1968

Year	No. of Visas Issued by Netherlands Embassy	Emigrated to Israel	No. of New <sub>1</sub> Affidavits <sup>2</sup>	Transferred in Vienna to HIAS <sup>3</sup>
1968-70	4,327	4,263	38,917	
1971	14,310	12,819	40,794	58
1972	31,478	31,652	67,895	251
1973	34,922	33,477	58,216	1,456
1974	20,181	16,816	42,843	3,879
1975	13,139	8,531	34,145	4,928
1976	14,138	7,279	36,104	7,004
1977	17,159	8,348	43,062	8,483
1978	30,594	12,192	107,212	16,867
1979 (to June)	25,152	8,659	73,231	16,109
<b>TOTAL</b>	<b>205,400<sup>3</sup></b>	<b>144,036</b>	<b>542,419</b>	<b>59,035</b>
1968 - June 1979				

- Does not include renewals; there were 28,527 renewals in 1977 and 38,602 in 1978.
- HIAS - Hebrew Immigrant Aid Service, which has assisted Soviet Jews who have chosen not to go to Israel.
- Emigrants do not necessarily leave the USSR in the same year as their visas are issued by The Netherlands Embassy (which handles Israeli affairs in the USSR).

Sources: Insight: Soviet Jews Vol. 3 No. 5 (London, May 1977) p. 2, and the Hebrew University Centre for Research on Eastern European Jewry. "Behinot" Year Book No. 8 (Jerusalem, 1979) and since updated by the originator.

6.12 Since the Helsinki Agreement, total Soviet emigration—including Jewish emigration—showed an upward trend, particularly in 1978-79, although the process of obtaining an exit visa is fraught with obstacles in order to discourage applicants. The level of emigration of Soviet Germans remained above the levels reached prior to the signing of the Helsinki Agreement in 1975, as shown in the rounded figures in Table 6-2. Emigration of Soviet Germans in the period 1955-77 exceeded 60,000. It is still proceeding, but not without difficulties in many individual cases. Of the other Soviet nationalities the Armenians have probably had the most consistent success in

recent years in obtaining visas to join relatives abroad.<sup>1</sup> This has not been on the same scale as the Soviet Jews, Soviet Germans or of the Poles who left the Soviet Union in the post-war years. Under the Soviet-Polish Repatriation Agreement about 250,000 Poles left the Soviet Union during 1956-59.

TABLE 6-2

EMIGRATION OF SOVIET GERMANS

1972-77		
1972	-	3,400
1973	-	4,500
1974	-	6,500
1975	-	6,000
1976	-	9,700
1977	-	9,300
<b>TOTAL 1972-77</b>	<b>-</b>	<b>39,400</b>

Source: Fourth Semi-Annual Report by the President to the Commission on Security and Co-operation in Europe, 1 December 1977 to 1 June 1978 (US, 1978) p. 56.

**Variations in Numbers of Emigrants and Reasons**

6.13 It will be seen from Table 6-1 that 201,000 Jews have emigrated from the USSR in the period 1971-79 (to 30 June). At present rates of Jewish emigration, the figure for 1979 is likely to exceed 48,000. The flow of emigrants has not been consistent since 1971. Due to foreign pressure there was an upsurge of Jewish emigration between March 1971 and the October 1973 Middle East War. Subsequently, there was a reduction in Jewish emigration until 1975, which in the West has been variously attributed to one or more of the following:

- Soviet propaganda against Israel and against Israeli living conditions;
- the worsening economic conditions and feeling of insecurity in Israel after the 1973 Middle East War; and
- Soviet reaction to the limitations imposed by the US Congress on the amount of US credits to the USSR as well as the Jackson-Vanik Amendment linking US-Soviet trade with freedom of emigration from the Soviet Union (paragraphs 10.4-10.8 refer).

On the other hand, the Soviets claimed that the decrease in emigration after 1973 was due to the fact that most Soviet Jews who wanted to emigrate had already been allowed to do so. The Soviets also argued then, and continue to do so, that any reduction in visas issued is a reflection of the disappointment of Soviet Jews in Israel,

1. In a letter to West European Communist Parties prior to the 25th Party Congress in February 1976, Mr Boris Ponomarev, a candidate member of the Politburo, stated that Armenian emigration reached 2,400 in 1975. He also claimed that other nationalities (not including Soviet Jews or Soviet Germans) left at the rate of 3,800 annually. According to the Fifth Semi-Annual Report by the President to the Commission on Co-operation in Europe (US, December 1978) pp. 4-5, Armenian emigration to the US fell from 729 to 427 in the first half of 1978 because Soviet authorities applied stricter criteria than previously in issuing passports to Armenians; in 1978 it required 12 to 15 months or more for a Soviet Armenian to receive an exit visa.

and of the difficulties of their absorption into their new home. This would not explain away the increase in Jewish emigration over the last three years.

**6.14** The increases in Jewish emigration since 1975 should not necessarily be attributed to the signing of the Helsinki Agreement, or to the follow-up CSCE meeting in Belgrade (concluded 9 March 1978). Although the Helsinki Agreement has been a modest help in regard to the reunion of families, in more recent times there have been other Soviet motives for easing the restrictions on emigration. Recently the USSR has been seeking US reciprocity by way of ending the current restrictions against the USSR on trade and credit concessions. The USSR has also been keen to obtain ratification by the US Congress of the SALT II Agreement, as well as to appease international opinion at a time when there will be increasing focus on the USSR until the completion of the 1980 Moscow Olympics.

#### **How Many Refusals to Soviet Jews?**

**6.15** In contrast to the statistics in Table 6-1, Soviet spokesmen consistently claim that exit visas have only been refused to 1.6% of the total number of Jewish applicants. This figure has been announced in Soviet publications (distributed for example by the Soviet Embassies in Canberra and London). It was also quoted in the 10 July 1977 article in *Le Monde* by Mr Boris Shumilin, USSR Deputy Minister of Internal Affairs. Unfortunately Soviet policy has been to hedge their decisions with uncertainty and to keep their answers vague. Only a small minority of applicants are unequivocally told that their applications have been rejected outright, and of these an even smaller group are prepared to risk an open struggle with the authorities by publicising the circumstances of their refusal. It would not be surprising, therefore, if at some time the number of those listed as formal refusals amounted to only 1.6% of all Jewish applicants.<sup>1</sup> This number probably refers to those Jews who have been told that they have no chance of being allowed to leave the Soviet Union. These people have elected to fight openly for their right to do so, and have asked relatives and friends abroad to embark on a struggle on their behalf; they are usually referred to as "Refuseniks" (see also paragraph 6.20).

**6.16** There are no accurate means to measure the number of applications for emigration in the Soviet Union, but the number of certified affidavits for family reunion sent from Israel by relatives are known to the Israeli authorities. According to an announcement on behalf of the Israeli Government by Mr Gideon Hausner in the Knesset on 3 August 1976, the number of invitations to Soviet Jews to migrate to Israel by the beginning of that month had exceeded the exit visas granted by the Soviet Union by 175,000. More recent statistics (see Table 6-1) put the number of Jews who have requested invitations but who have not yet succeeded in leaving the country at 337,000 (as at 30 June 1979). In 1978 alone the excess of invitations over exit permits was 76,618 (allegedly these figures do not include renewals of invitations for the same person).

**6.17** Professor Voronel told the Committee that he believed there would be few Jewish families in the Soviet Union who had not considered emigration at some time or another. The actual numbers still attempting to emigrate—despite the impediments—have been variously assessed by non-Soviet sources as between 200,000 and 500,000. Until 1978 most of these estimates were nearer the lower figure

<sup>1</sup> The percentage mentioned over recent years by Soviet spokesmen and in Soviet publications. For example in Soviet Jews: *Our Motherland in the USSR* (Novosti Press Agency, Moscow, 1976) p.31.

and such estimates tended to be based on similar statistics as in Table 6-1. However, this table is unlikely to take account of those Soviet Jews who wish to emigrate but who do not have relatives in Israel to send affidavits to facilitate their family reunion. Nevertheless, it would appear that by 30 June 1979, 25.2% of Soviet Jews (as at 1970 census) had sought affidavits and 9.5% of Soviet Jews had received visas to leave the Soviet Union (see Tables 6-1 and 6-4). At the 1978 rate of emigration (30,600), those remaining Jews who had taken the first step to emigrate (without allowing for a change of mind or monthly increases in affidavits) would have taken over nine years to leave the Soviet Union. At the increased rate of emigration (as in the first half of 1979) it will still take over six years for the remainder of those who have lodged affidavits to emigrate. This is no doubt a daunting prospect for a Soviet Jew contemplating emigration.

**6.18** It is necessary to make a few reservations about the 337,000 outstanding affidavits (as at 30 June 1979) as derived from Table 6-1. The Committee does not know whether each invitation reached its destination because Soviet authorities are known to closely scrutinise mail from Israel. Furthermore, it is not known how many Soviet Jews changed their minds about emigration before submitting an application or were unable to do so because the intending emigrants could not obtain all other necessary documents. There are likely to be some people who gave up their intention to emigrate because of the prolonged uncertainty and hazards of an indefinite waiting period and because of fear of the difficulties involved. The campaign of harassment and intimidation against applicants is bound to have an effect (for further details see paragraphs 6.26-6.28).

**6.19** One reason why comprehensive statistics on Soviet refusals are unavailable outside the USSR is that many Jews—both inside and outside the Soviet Union—would be reluctant to enter into a controversy with the responsible Soviet issuing authority. This would apply to other ethnic groups as well. In view of the compelling impediments to cause intending emigrants to change their minds, overseas sponsors do not wish to harm kinsfolk who have actually applied for emigration, or who may not have finally decided on emigration.

**6.20** On the other hand there are more detailed statistics available (see Table 6-3) on the number of "Refuseniks" in the USSR. As noted in paragraph 6.15 these are Soviet Jews who have publicised the Soviet refusal of their visas in order to enhance their chances of leaving the Soviet Union. Those identified as "Refuseniks" have numbered in recent years between 2,000-2,500. Of these between 25% and 33% are allowed to go each year, after up to six years of waiting. They are replaced by new "Refuseniks". Such prolonged refusals discourage others from seeking exit visas and this may be partly the explanation why the number of affidavits greatly exceeds the number of exit visas as shown in Table 6-3. While the Committee would accept that some Soviet Jews may not have proceeded with their applications, it believes that Table 6-1 confirms that the Soviet Government has tried to impede Jewish emigration (as well as other emigration) on a very large scale. The Committee believes that it may be safely asserted that if a Jew has asked for an affidavit, in the knowledge that his mail is almost certainly censored, then he has seriously considered the possibilities of applying for an exit permit.

TABLE 6-3

## STATISTICS FOR "REFUSEES" ACCORDING TO REPUBLICS

1 JANUARY 1976 - 30 JUNE 1979

Republic	Number of Refusees in January 1976		Number of emigrants among Refusees during 1976		Number of additional Refusees during 1976		Total number of Refusees at end of 1976		Number of emigrants among Refusees during 1977		Number of additional Refusees during 1977		Total number of Refusees at end of 1977	
	Fam.	Pers.	Fam.	Pers.	Fam.	Pers.	Fam.	Pers.	Fam.	Pers.	Fam.	Pers.	Fam.	Pers.
RSFSR	337	773	122	244	84	127	299	656	97	216	123	290	325	730
Ukraine	187	502	65	174	38	125	160	453	60	175	86	211	186	489
Byelorussia	18	42	3	10	4	8	19	40	3	9	9	30	25	61
Uzbekistan	28	104	6	7	22	89	44	176	23	45	17	52	38	183
Moldavia	86	211	33	93	35	100	88	218	29	72	54	141	113	287
Georgia	15	41	1	4	1	1	15	38	-	-	2	13	17	51
Azerbaijdzhan	8	22	3	13	8	24	13	33	5	17	9	34	17	50
Latvia	45	107	10	28	13	38	47	117	16	41	11	24	42	100
Kazakhstan	3	15	1	3	1	2	3	14	-	-	3	9	6	23
Lithuania	72	184	12	33	-	-	60	151	24	56	11	27	47	122
Tadzhikistan	7	27	1	3	2	2	8	26	2	7	7	32	13	51
Kirgizia	-	-	-	-	1	5	1	5	-	-	2	7	3	12
Estonia	4	9	2	3	-	-	2	6	2	6	3	4	3	4
Daghestan ASSR	15	41	4	20	10	47	21	68	2	11	8	32	27	89
Total	825	2078	263	635	219	568	780	2001	263	655	345	906	862	2,252
% change from previous year			-30.6%		+27.3%		-3.7%		-32.7%		+45.3%		+12.5%	

90

TABLE 6-3 (Cont'd)

Republic	Number of Refusees in January 1978		Number of emigrants among Refusees during 1978		Number of additional Refusees during 1978		Total number of Refusees at end of 1978		Number of emigrants among Refusees during 1979		Number of additional Refusees during 1979		Total number of Refusees at end of 1979	
	Fam.	Pers.	Fam.	Pers.	Fam.	Pers.	Fam.	Pers.	Fam.	Pers.	Fam.	Pers.	Fam.	Pers.
RSFSR	325	730	60	159	78	229	341	800	27	72	63	161	377	889
Ukraine	186	489	52	134	61	131	195	486	31	79	72	217	236	624
Byelorussia	25	61	6	13	5	29	24	77	3	7	16	48	37	118
Uzbekistan	38	183	16	53	12	36	34	166	6	19	6	21	34	168
Moldavia	113	287	40	106	20	54	93	235	20	63	24	63	97	235
Georgia	17	51	4	13	7	33	20	71	1	5	-	-	19	66
Azerbaijdzhan	17	50	3	7	5	11	19	54	2	7	4	9	21	56
Latvia	42	100	17	34	4	12	29	78	1	4	3	6	32	84
Kazakhstan	6	23	-	-	2	6	8	29	1	5	1	4	8	28
Lithuania	47	122	10	22	2	5	39	105	6	14	2	4	35	95
Tadzhikistan	13	51	4	9	5	14	14	56	2	7	2	4	14	53
Kirgizia	3	12	2	6	1	5	2	11	1	5	1	2	2	8
Estonia	3	4	1	1	1	1	2	3	-	-	-	1	3	6
Armenia	-	-	-	-	1	1	1	1	-	-	-	-	1	1
Daghestan ASSR	27	89	6	18	3	16	24	87	4	15	3	11	23	83
Total	862	2252	221	575	204	582	845	2259	104	298	198	553	939	2514
% change from previous year			+12.5%		-25.5%		+25.8%		+0.3%		-13.2%		+24.5%	

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Source: Adapted from Faculty of Law, Tel Aviv University, *Israel Year Book on Human Rights*, Vol. 7, 1977, Tables H 1 and H 2 and subsequent updating of these tables by the originator.

TABLE 6-4

**PERCENTAGE OF EXIT PERMITS COMPARED TO AFFIDAVITS SENT  
TO SOVIET JEWS ACCORDING TO REPUBLICS  
(1968 - 30 JUNE 1979)**

Republic	Jews at 1970 census	First Affidavits sent		Exit permits	
		Absolute figures	% of Jews (1970)	Absolute figures	% of Jews (1970)
RSFSR	807,900	87,643	11.1	27,297	30.4
Ukraine	777,100	214,217	27.5	76,402	35.6
Byelorussia	148,000	22,024	14.9	5,393	24.5
Uzbekistan	102,800	37,633	36.6	13,441	35.7
Moldavia	98,100	46,089	47.0	21,570	46.8
Georgia	55,400	67,718	116.8	30,860	48.0
Azerbaijahan	41,300	25,601	62.0	5,811	21.9
Latvia	36,700	17,612	48.0	10,342	58.7
Kazakhstan	27,700	1,210	4.4	274	22.6
Lithuania	23,600	12,924	54.8	10,719	83.0
Tadzhikistan	14,600	7,184	49.2	2,426	33.8
Kirgizia	7,700	956	12.4	298	31.2
Estonia	5,300	714	13.5	348	48.7
Turkmenia	3,500	244	7.0	108	44.3
Armenia	1,000	159	15.9	60	37.7
Others		1,500		131	
<b>Total</b>	<b>2,150,700</b>	<b>542,419</b>	<b>25.2</b>	<b>205,400</b>	<b>37.8</b>
					<b>9.5</b>

Sources: 1970 Soviet Census; Faculty of Law, Tel Aviv University, *Israel Year Book on Human Rights*, Vol. 7, 1977, Table F 3 and subsequent updating of these tables by the originator.

Note: The percentage of affidavits for Georgia illustrates a point noted in paragraph 1.35 that Soviet censuses tend to under-estimate the number of Jews.

### Pattern of Jewish Emigration

**6.21** Table 6-4 shows the percentage of exit permits compared to affidavits sent to Soviet Jews (1968-June 1979) in each of the fifteen Soviet Socialist Republics. There is a considerable variation in the number of exit permits between the republics, and there are indications that the Soviet Government has shown less objections to Jewish emigration from regions annexed after World War II, from Georgia, and parts of Central Asia. Although only one fifth of Soviet Jews live in these regions, they constituted four fifths of the total Jewish emigration up to the end of 1973. The feeling of Jewishness of these people had remained stronger than in other parts of the Soviet Union and thus there was more resistance to the process of assimilation.

**6.22** After 1973 there was a reversal in this trend; by 1977 the number of Jews from RSFSR, Byelorussia, and the Eastern Ukraine made up 54.4% of Soviet Jewish emigration. The Jews in these inner areas of Soviet Russia tended to be more assimilated, and this is one of the explanations given for a greater tendency for Soviet Jewish emigrants in recent years to opt not to go to Israel.<sup>1</sup> Table 6.1 illustrates this marked trend. The deprivation of Jewish education and culture has estranged a considerable proportion of Soviet Jewry from its Jewish heritage. *It is therefore likely that many Jews who emigrate do not necessarily do so to live more Jewish lives, but rather because they wish to shed their Jewish identity in order to escape the anti-Semitism which they have experienced in the Soviet Union.* Better job opportunities in the US for certain categories of employment and some economic hardships in Israel (as widely proclaimed by the Soviet Union) have also contributed to this continuing trend.

**6.23** The percentage of Soviet Jewish emigrants who decided not to go to Israel increased from 4.2% in 1973 to 55.1% in 1978. This has caused some concern to the Israeli Government which has regarded Soviet Jewry as a principal source of immigrants (the only other large potential source would perhaps be Argentina). The Committee is not concerned about whether Jewish emigrants from the Soviet Union go to Israel or to some other country of their choice, provided the choice is available. The Committee is concerned that the conditions in the Soviet Union are such that Soviet Jews wish to emigrate and that there are severe impediments to emigration, for Jews and non-Jews alike.

**6.24** It has been estimated by the Israeli Ministry of Absorption that of the 115,000 Soviet Jews who arrived in Israel during the six years to March 1977, only 7,000 or 6% have left Israel permanently. This is a low percentage compared with the rate of returnees of all immigrants in other countries such as the US and Australia. The Soviet Union has tried to highlight the fact that there has been some dissatisfaction among Soviet Jews going to Israel but it is noteworthy that very few of these Soviet Jews have wanted to go back to the Soviet Union. Many in this latter category have tried to go to the US rather than to the USSR.

**6.25** The Committee is aware that a number of Jewish emigrants from the USSR who settled in Israel have subsequently left that country. According to the *Guardian Weekly* of 18 September 1977, some hundreds of them were at that time in difficult circumstances in Austria and Italy. Estimates of Soviet Jews waiting in Vienna and Ostia to return to the Soviet Union varied between 300 and 700 in 1977. In addition there are currently about 10,000 Soviet Jews waiting in the environs of Rome, who have not yet made use of their visas to Israel in the hope of being accepted by the US or some other Western country.

1. *Of the Soviet Jews who emigrated from Moscow with Israeli visas in 1976-71, 3% opted out from going to Israel; from Odessa-93% opted out (Night-Soviet Jew, Vol. 4, No. 5, May 1978-London, p. 4).*

### Soviet Intimidation of Potential Emigrants

**6.26** The Soviet authorities seem to have devised a number of measures to impede emigration. The emigration process is complicated and expensive as can be seen from the detailed bureaucratic procedures contained in Annex G of this report. The Sub-Committee received testimony and documents stating that Soviet discouragement of potential emigrants has included one or more of the following measures:

- a. arbitrary arrests of some applicants for emigration with the intention of deterring those who might have followed in their footsteps. 'Hoooliganism' is a frequent charge; sometimes the charge has been much more serious such as the case of Anatoly Shcharansky, who was sentenced for allegedly gathering information for the US Central Intelligence Agency;
- b. dismissal from work of many of those seeking emigration, or at best forcing them to take unsuitable and poorly paid work. Those losing their jobs face an indefinite period without means of livelihood before they receive their permits—an ordeal of anxiety and great uncertainty that in itself is sufficient to deter many from embarking on the hazardous emigration procedure;
- c. expelling students from colleges and universities after they have requested the character reference needed in order to submit an application to emigrate;
- d. conscripting applicants' sons of military age, even when the latter are entitled to exemption because of their studies, their health, or other reasons. Conscripting excludes the possibility of emigration for five or more years until the military "secrets" acquired by conscripts during their two and a half to three years service are regarded as obsolete;
- e. bringing charges of "parasitism" against selected emigrants who lose their jobs after applying to emigrate, and who are then refused permission to leave the Soviet Union. A person dismissed from work because of his desire to leave the Soviet Union would not be able to find other suitable employment for the same reason, and has no legal redress under the full employment undertakings in the Soviet Constitution;
- f. officers in the reserve are demoted to the rank of private once their intention to emigrate is known. This means not only humiliation but also loss of pension; and
- g. physical and verbal abuse of some applicants for emigration by KGB plain clothes officers, or such intimidation at the latter's behest.

**6.27** It seems that applicants for emigration are also discouraged by alleged administrative delays which can only be partly attributed to bureaucratic inefficiency, such as:

- a. questionnaires needed for applications are not available over long periods;
- b. character references from employers (required with the application) are delayed for several months;
- c. office hours at the nearest Office of Visas and Registrations (OVIR) are so restricted that intending emigrants are delayed for months in merely submitting numerous forms; and
- d. non-delivery of certified invitations from abroad; these can be held up in the post, disappear altogether or be transmitted direct to the OVIR rather than to the person seeking the invitation.

**6.28** In addition to the usual harassments, many activist "Refuseniks", as well as other dissidents, have often been subjected to short-term "preventive custody" when

Soviet authorities have feared that they might publicly petition foreign visitors. This happened during President Nixon's visits to the Soviet Union in 1972 and 1974, and the Committee is concerned that it is likely to happen again on a larger scale during the Moscow Olympics in 1980. Among the examples submitted to the Sub-Committee of an applicant suffering this type of harassment was the noted sinologist, Vitaly Rubin. Between the time he was refused an exit permit and his eventual emigration from the Soviet Union, Rubin experienced several intimidatory arrests, usually of a day's duration. His apartment was subjected to frequent searches and electronic eavesdropping. During President Nixon's visit to Moscow in 1974, Rubin was arrested and detained for 8 days. No formal charges were ever laid against him. The lengthy but successful campaign for Rubin's release is discussed in paragraphs 10.21-10.27.

### Restrictive Interpretation of International Commitment

**6.29** Frequently the Soviet authorities try to justify their restrictive practices by the Helsinki Accords which, in fact, they violate.<sup>1</sup> They have lately argued that, if some members of a family stay behind, the departure of others would lead to separation rather than reunification of the family and that would be contrary to the Helsinki Accords—even though the intended departure would serve the purpose of reuniting other family members abroad. The Soviet authorities demand consent of members of the applicant's family for his departure (see Annex G). This is an unjustified requirement except in cases where the applicants for emigration have maintenance obligations towards a remaining family member who may be too young or infirm to support himself.

### Refusals on "Security" or "State Interest" Grounds

**6.30** The International Covenant on Civil and Political Rights' provision (in Article 12) that "everyone shall be free to leave any country including his own" is subject to the following limitations:

The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others . . . (Article 12(3))

Security considerations are the legitimate concern of States, and if the restriction is fairly applied then the Committee would not object to it. However, in the case of the USSR, the concomitant condition (in the Article quoted above) that the restriction must be "provided by law" is not fulfilled. There seems to be no provision in the Soviet legal system to clarify which categories of employment carry with them the diminution of the freedom of movement; and what is the length of time required until a person who once had access to State secrets can be declassified. The regulation of this by open and accessible legal norms is not only a requirement of the Covenant but also explicitly follows from the Helsinki Final Act's stipulation (in its Principle VII):

The right of the individual to know and act upon his rights and duties.

**6.31** For a Soviet citizen to know his or her rights, it is not sufficient that the text of the Final Act should be published in *Pravda* and *Izvestia* (which it was). An individual should be able to know all the laws and regulations relevant to the exercise of his rights. The present legal uncertainty has led to a situation in which the authorities can apply the "national security" argument in the most arbitrary fashion. Persons whose

1. See also "What is Life Like for Jews in the USSR" in *Soviet Life*, September 1977 (published by the Soviet Embassy, Washington) p. 34.

jobs have not brought them into contact with any state secret or classified scientific knowledge are being declared security risks. In some other instances the authorities may see genuine reasons for security considerations, yet this comes as a complete surprise to the applicant.

6.32 The large number of people in the USSR who have served in the Soviet armed forces are also regarded by the Soviet authorities as people who may be prevented from emigration on "national security" grounds; this may apply even if the aspiring emigrant was only a private soldier who may have had no access to military secrets. The Committee has already noted that Soviet regulations on conscription may be administered by the Soviet authorities in such a way as to stop some aspiring emigrants by calling up their sons for military service—even if they would normally have been exempt from service (see also paragraph 6.26 d).

6.33 One of many examples of a person being refused an exit visa on security grounds is the case of Ida Nudel, who was an economist in the Institute for Microbiology. She first applied to emigrate in 1971 and has been consistently refused an exit visa since that time. In June 1978, Ida Nudel was sentenced to four years exile in a remote part of the Soviet Union for "malicious hooliganism". The charge was laid against her because she displayed placards from her flat, and in a public demonstration, requesting a visa to Israel. Since her exile to Siberia she has suffered severely. On a tape recording smuggled out of the Soviet Union, Ida Nudel tells of how she lives in degrading conditions, including having to share a hut with 60 former male convicts who molest her at night. Another case is that of Vladimir Slepak, an electrical communications engineer, who first applied to emigrate in 1970 and met with over a dozen refusals. He was sentenced to five years exile (in Siberia) for "malicious hooliganism" because he displayed a placard from his Moscow apartment protesting against the refusal of the Soviet authorities to allow him to emigrate.

6.34 The alleged secret nature of work has also been used to deny exit visas to a retired couple whose son and family live in Australia. In this example the Australian Government has given an open visa to Mr Abram Englin (aged 70) and his wife but the Soviet authorities have prevented family reunification, most likely on the grounds that he allegedly carried out classified research in the Moscow Institute of Chlorine Technology over 15 years ago. The precise reason for refusal of a visa has never been disclosed by the Soviet authorities. In this case it is relevant to draw attention to the fact that the reunification of families concept in the Helsinki Agreement included agreement on the following:

Special attention be given to requests of an urgent character—such as requests submitted by persons who are ill or old.

6.35 Information that in some other countries would qualify as commercial secrets of private firms, is classified in the Soviet Union as a State secret. Few intending emigrants are believed to possess "secrets" which would prejudice the security of the USSR. What is really secret is the procedure and the criteria used to decide whether an application for emigration should be approved or rejected. The situation is exacerbated because rejections are usually transmitted by telephone and subsequent appeals may not even be acknowledged. Frequently, applicants are given the vaguest reasons for their refusals. Among such vague formulations appear "State interest" or "emigration inadvisable for regime considerations". Allegedly, in some instances, applicants are simply refused without any explanation whatsoever.

#### Separation of Spouses

6.36 The attention of the Committee was drawn to the harsh Soviet practice, going back several decades, of delaying or refusing the uniting of Soviet citizens with their foreign spouses. Cases involving several years of forced separation are common. Recent cases have involved American, British and Canadian citizens who, after marrying Soviet citizens, have been forced to leave the Soviet Union or have not been permitted to return, or their wives have not been allowed to follow them overseas.<sup>1</sup> Whatever official excuses are offered (and often they are not even offered) the results are violations of very basic human rights. These cases are too frequent and too similar to be anything but a reflection of official policy.

#### Financial Burden for Emigrants

6.37 Emigration involves an enormous financial burden before the applicants leave the Soviet Union. During the months or even many years of waiting for a decision from the Soviet authorities regarding an exit permit, intending emigrants dismissed from work have to find money to live and to support their families. Support from relatives abroad has been made more difficult by the introduction in 1976 of steep taxes on gift remittances from overseas as well as a sharp rise in duties on gift parcels. During this lengthy period of unemployment, intending emigrants have to make sure that they can still meet the other financial charges involved with emigration.

6.38 In the event that permission to emigrate has been granted, the charge for an exit visa has been 270 roubles for emigrants who receive visas other than to Israel; this is in addition to the 30 roubles for the original application fee.<sup>2</sup> This is far from being at a "moderate level" as pledged in the Final Act of the Helsinki Agreement. As well as the abovementioned charges, applicants for reunification with their families in Israel (which is the usual procedure for Jewish emigrants even if they proceed to a third country) have to renounce their Soviet citizenship, which incurs a fee of 500 roubles. Such renunciation of citizenship is mandatory only in the case of emigration to Israel, which in practice, if not in theory, appears to be a distinct discrimination against Jews. The total fee of 800 roubles per head (approximately \$1,184) is extremely onerous. For a family of four aged over 16 years, this can represent one to three years' earnings, depending on the applicant's occupation. (A highly qualified professional person in the Soviet Union earns about 160 roubles per month—approximately \$237.)

6.39 In addition to the abovementioned charges there may be taxes and duties on personal belongings which emigrants may wish to take with them and in some areas emigrants are charged up to 1,000 roubles for repairs to their Government owned flat. Subsequently, there are the travel costs as well as charges for the dispatch of heavy items. Most seriously, emigrants lose their life's savings as they can take out only the equivalent of about \$100 in foreign currency, and there is an automatic loss of any invalid and age pension.

1. A recent example is the case of Mrs Irina McClellan, the Soviet wife of a US university professor. Mrs McClellan was allegedly detained by Soviet police for three hours on 27 May 1978, after she hung a banner from her apartment window demanding permission to emigrate and join her husband.  
2. These charges apply to people over 16 years old. At the Belgrade Conference (CSCE) of 1978, the Soviet Union indicated that the total exit visa charge would be reduced from 300 to 200 roubles.



### The "Diploma Tax" and its Lessons

**6.40** In August 1972, a Soviet decree was promulgated levying a graded "diploma tax" on emigrants—in reimbursement, as was claimed, of the State's expenses for earlier tertiary education. In fact, the tax was much higher than the costs of education to the Soviet State. It is believed that there were several reasons for the tax; these included: a Soviet desire to deter emigration, particularly of highly qualified people; to raise "ransom" money from overseas; and, to deter Jews from applying for higher education. The amounts of tax varied between 5,000 and 30,000 roubles depending on qualifications and in which city this "ransom" was levied. In October 1972, the "diploma tax" was abolished (the trade negotiations with the US were taking place); then it was reintroduced in January 1973 (when trade negotiations failed); and it lapsed again in April 1973 (not long before a meeting between President Nixon and Mr Brezhnev).

**6.41** There is no doubt that the Soviets allowed the "diploma tax" to lapse because of Western pressure. However, it would be administratively simple to re-introduce this severe tax at any time, as the decree is still on "the books". The important lesson from the Soviet "diploma tax" was that the Soviets were forced to yield to Western pressure on a human rights matter, which in 1972 caused three-quarters of the US Senate to serve notice that the US Congress would not approve a proposed Soviet-US trade package unless the "diploma tax" was dropped.

### Foreign Pressure for Emigration

**6.42** Witnesses before the Sub-Committee who have had recent experience in the Soviet Union were unanimous that world public opinion and constant pressure on the Soviet Union were of paramount importance to achieve more humane policies in the field of emigration and other human rights. In the face of some hesitation in Western countries, this point is frequently emphasised by Soviet "dissidents". It is worthwhile to relate a statement by Andrei Sakharov in 1975 on emigration and Western pressure:<sup>1</sup>

The question of Jewish emigration from the USSR to Israel . . . is extremely important for each individual who leaves; it is often the most important event in his life. For the nation as a whole, emigration to Israel is one of the most important events in the thousands of years of tragic Jewish history. Each case of groundless refusal of permission to emigrate, of persecution, repression, provocation or trial, is a great misfortune in human terms. The attention of world public opinion to every such event is critical . . .

I would like to discuss at this time certain other questions of general concern. The right to choose freely one's country of residence proclaimed in Article 13 of the Universal Declaration of Human Rights is not expressly denied by the Soviet authorities. But in practice this right is subject to serious, unfounded and extra-legal restrictions which affect all who wish to leave, regardless of their nationality. These restrictions are a manifestation of the closed and anti-legal character of Soviet society and therefore constitute a direct threat to international trust and to peaceful relations among states.

It is vital that American Jews as well as government officials, cultural figures, businessmen and all who enjoy influence in society realize that the defence of Jewish emigration alone would constitute an impermissible narrowing of a more general problem.

I would like to talk in particular about the emigration from the USSR of persons of German nationality. The Germans have experienced the special hardships of deportation as well as persecution, discrimination, cultural deprivation and constant national humiliation.

1. Dr Sakharov's statement sent to the National Assembly of the National Conference on Soviet Jewry, Washington, D.C., May 1975. Translated in *Chronicle of Human Rights in the USSR*, No. 15, May-June 1975 (New York) p. 9.

About thirty German activists of the repatriation movement are confined in strict regime labour camps in Kazakhstan and other republics. Their families do not receive material help from abroad. Thousands of Germans who for years and even decades have been groundlessly denied permission to emigrate to the Federal Republic of Germany and who are often without the basic necessities of life have received no support from abroad at all. So far, the Germans living in the Federal Republic of Germany, the United States and in other countries with substantial German communities have not been sufficiently active on either the personal or the political plane. They have something to learn in this respect from the Jewish communities with their splendid traditions of mutual assistance.

Very many Armenians, Ukrainians, Lithuanians, Latvians, Estonians, Russians and persons of other nationality are meeting with similar difficulties.

Still another important category includes persons who have been persecuted by the authorities, most often for their politics or their religion (Seventh Day Adventists, Baptists), and who wish to emigrate or who are forced to emigrate. In the majority of such cases the authorities suggest that they apply for emigration to Israel. This tactic of the authorities can be explained by foreign and domestic propaganda considerations (of an anti-Zionist, anti-Semitic nature). The case of Marchenko, which has become widely known thanks to his principled stand of not yielding at all to the KGB even while preparing to leave, is a good example. Marchenko, the author of a book about Soviet labour camps, received an invitation from the United States, but the authorities suggested that he apply for emigration to Israel. Marchenko refused, and he has been sentenced to four years of exile. This tactic of the Soviet authorities—giving permission for emigration only to Israel—partly explains why a large percentage of persons who formally leave for Israel in practice go to other countries. This apparent diversion of immigrants to Israel should not trouble Jewish organizations as the persons involved never intended to go to Israel.

My last and very important point concerns the debate on the trade bill. The President of the United States, reflecting the view prevailing in certain political and business circles, stated that the amendment to the trade bill had turned out to be counter-productive in promoting freedom of emigration in alleged contrast to the methods of quiet diplomacy and had also damaged American economic interests. I believe that such a pragmatic and short-sighted position represents a capitulation to Soviet blackmail and is completely inadmissible with respect to a question of basic principle.

An analysis of the whole course of events shows that the real reason for the complex situation which has arisen was the lack of unity, of understanding, and of the necessary altruism in the West. It is deplorable that the initiative of the US Congress not only failed to receive support from other Western countries, their parliaments and public figures, but even worse, after the USSR repudiated the trade agreement, they all rushed in with immediate offers of credits. It is regrettable that the principles behind the amendment were never completely explained in the United States, and the amendment itself became a political football. I hope that the majority of American Congressmen will remain firm on this question of moral principle in spite of the strong pressures exerted on them by persons who do not understand the problem as a whole or who are guided by short-term, narrow and selfish interests. To make concessions in response to Soviet pressure would have tragic consequences not only for emigration but for all future relations between socialist and Western countries. International Jewish organizations which are influential in many countries can play a major role in creating the needed Western unity. I appeal to the participants in this Conference to develop an action program to forge such unity.

### Conclusion:

**6.43** By signing the Final Act of the Helsinki Agreement, the Soviet Government pledged to "facilitate freer movement" and agreed to specific provisions to facilitate the reunification of families. In the Final Act the Soviet Union also reaffirmed other international instruments which stipulated—whether as a guide or as a legally binding document—the general freedom to leave one's country. The Committee has shown in this chapter that the Soviet Union has breached these pledges both in letter and spirit,

as the USSR does not consider emigration to be a human right. In fact, the Soviet Government regards emigration as an unpatriotic act and has virtually restricted it to family reunion. Such reunions have also been beset with many serious impediments and the Soviet authorities have shown immense ingenuity in devising reasons for refusing individual applications. The alleged physical and psychological harassment experienced by some would-be emigrants from the Soviet Union is deplorable, and is not worthy of a major power which frequently poses as a champion of human rights.

6.44 In view of the past history of Soviet opposition to emigration, the decision to allow considerable (even if restricted) Jewish emigration from 1971 onwards was at least a welcome break-through. Unfortunately, the Soviet Government has not allowed emigration for most other Soviet "nationalities", except those who could be seen to have a homeland, such as the Soviet Germans and Poles. The aim of Soviet leaders in permitting Jewish emigration—with restrictions—as well as elements of some "dissident" groups is to court Western favour as well as to remove elements who are dissatisfied with life in the Soviet Union.

6.45 The Committee believes that the right to leave one's country is an individual human right. It should be accorded to every citizen of any country, subject only to the exceptions which would result from a correct interpretation of Article 12(3) of the International Covenant on Civil and Political Rights. When the USSR restricts emigration to only a pre-determined number of people every year—as a concession to the pressure of public opinion in the West—it does not comply with its international undertaking to respect freedom of emigration. The Soviet Union (or any other country) will leave itself open to criticism as long as a single applicant is unjustifiably denied his individual human right to leave his country. For the would-be emigrant is not concerned with numbers or quotas; he is interested in departure and his personal right is supposed to be protected by international law. The opportunity for emigration from the Soviet Union should not be affected by whether an applicant is Jewish or not; or whether the applicant might be Ukrainian, Armenian or Soviet German; or whether the applicant is dissatisfied with the Government or not.

## 7. HUMAN CONTACTS AND THE RIGHT TO COMMUNICATE FREELY

### Soviet Commitment

7.1 One indication of a government's respect for human rights is whether it tries to isolate its people from contacts with people and ideas from other countries, and whether it allows the publication of ideas which may be contrary to those of that government. The Committee therefore tried to establish whether in the USSR there was any form of interference with private communications, with travel, the right to publish, or access to foreign newspapers and other publications. The Committee also sought to find out whether, in regard to these matters, the Soviet Union had entered into the spirit of its commitments in the Final Act of the Helsinki Agreement and the International Covenant on Civil and Political Rights, and whether copies of such documents on human rights were readily accessible to Soviet citizens.

7.2 The Final Act's Preamble to its "Basket Three" makes it clear that the participating States have adopted its provisions:

Conscious that increased cultural and educational exchanges, broader dissemination of information, contacts between people, and the solution of humanitarian problems will contribute to the attainment of these aims.

In a subsequent clause, dealing with Human contacts in general, the Final Act states:

The participating States . . . .  
Make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organisations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connexion.  
(For fuller text see Annex C)

7.3 In a clause dealing with information, the Final Act of the Helsinki Agreement states that the participating States:

Recognising the importance of the dissemination of information from the other participating States and of a better acquaintance with such information,  
Emphasising therefore the essential and influential role of the press, radio, television, cinema and news agencies and of the journalists working in these fields,  
Make it their aim to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their profession in another participating State.  
(This section of the Final Act then gives further details on how this will be implemented.)

7.4 The International Covenant on Civil and Political Rights' states in Article 19:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.  
(Any restrictions) . . . shall only be such as are provided by law and are necessary:
  - a. For respect of the rights or reputations of others;
  - b. For the protection of national security or of public order (ordre public), or of public health or morals.

1. Signed by the USSR on 18 March 1968 and ratified on 16 October 1973.

### Travel Within the USSR by Soviet Citizens

7.5 There has been a traditional limitation on the freedom of travel inside the territories which now make up the Soviet Union. In the 1920s, during the early phase of the Russian revolution, restrictions on internal travel were lifted. An internal passport system was reintroduced in 1932, however, in order to check a mass movement of peasants from the famine-affected southern parts of Russia. This system remains in existence in contemporary USSR. There is a requirement for an individual to register his or her place of residence, and an internal passport suitably endorsed is required for a person to move from one area to another. Thus the freedom to move is heavily circumscribed for Soviet citizens.<sup>1</sup>

7.6 Soviet authorities have the power to restrict arbitrarily a citizen's intention to travel, as well as the power to prevent a more permanent change of residence. All those living and working in the rural areas, for example, can be effectively prevented from moving to provincial towns; in fact some people in rural areas are not even issued with the necessary internal passport. The Moscow Helsinki Watch Group has documented cases where workers on Soviet collective farms have been prevented from moving out of their respective Kolkhoz, even after an appeal to the USSR Procurator's Office. Nor can Soviet citizens move easily to resorts in the warmer southern regions or to large cities like Moscow and Leningrad. Ethnic groups which have been forcibly resettled also face enormous difficulties in obtaining permission to move back to their pre-war homelands. The Committee has drawn attention in paragraphs 1.30-1.34 to the fact that this has severely affected the Crimean Tatars, the Volga Germans and the Meskhetians (Georgian Turks). Furthermore, travel restrictions can be used against known dissidents who may wish to attend meetings or seminars in another city.

### Travel by Foreigners

7.7 According to Soviet official figures some four million visitors come to the Soviet Union annually. A large proportion of these visitors come from other Communist countries and from Finland. Movement of foreigners is controlled and substantial areas of the Soviet Union are out of bounds to tourists. There are only limited automobile routes which foreigners can use, and of the more than 2,000 cities and towns only about 135 are accessible to foreigners. Foreigners are granted visas for particular locations and they must submit detailed itineraries well ahead of time. Tourists are required to use specified hotels, motels and camping sites; stress is placed on guided tours.

7.8 Restrictions on foreign travel within the Soviet Union are not only a hindrance to professional travel, business contacts, and tourists. The Sub-Committee was informed that the restrictions caused hardship to Australians wishing to visit relatives. This applied in particular to parts of the Ukraine including Sub-Carpathia. The regulations for visitors may preclude an overnight stay or may necessitate visitors meeting their relatives in a city away from their kinsfolk's home environment. In many cases visitors from Australia are disappointed that they cannot obtain permission to visit the place of their birth.

7.9 For the sake of obtaining much needed foreign exchange, foreigners are encouraged to visit the Soviet Union; but a number of citizens of Western countries have been refused visas to visit the USSR. These have included three trial attorneys

1. See paragraphs 2.49-2.53 for some other significant implications of the Soviet internal passport system.

from the UK, France and the US, who were seeking to visit the prominent Soviet dissidents Dr Orlov, Alexander Ginzburg and Anatoly Shcharansky in May 1977, to discuss their legal defence; three rabbis, who were part of an American delegation of Christian and Jewish leaders in October 1976; and some American scholars who have sought to do research in the USSR or to meet Soviet colleagues. Israeli citizens, even those who wish to visit their close relatives such as their spouse, children or parents, have also been refused tourist visas. The Committee, of course, realises that it is not only the USSR which refuses visas to foreigners. For example in February 1979, the General Secretary of the Communist Party of Canada was refused a US visa and many Australians have had similar difficulties with a variety of countries, as have many foreigners, in obtaining Australian visas.

7.10 In a report which appeared in the Melbourne newspaper *The Age* on 8 August 1978, Mr John Halpenny, a member of the Communist Party of Australia, is quoted as saying just after his return from the USSR that he had personal documents confiscated as he left Moscow airport. These papers, brought into the Soviet Union by Mr Halpenny, consisted of publications originating in Britain and Australia which purported to give accounts of the trials of Soviet dissidents. Mr Halpenny said that he was interrogated three times over a period of about two hours, during which time he and his wife were detained prior to their departure from the Soviet Union.

### Visits of Parliamentary Delegations

7.11 Although Parliamentarians from many countries have visited the Soviet Union, among those to whom visas have been refused have been a group of Norwegian Parliamentarians in March 1976, and a study mission of the US Congressional Commission on Security and Co-operation in Europe, in November 1976. Ironically the Congressional Commission's task required it to report on actions by signatory states reflecting compliance with or violation of the Helsinki Agreement. Prior to a visit by an Australian Parliamentary delegation to the Soviet Union, in July 1978, "the Department of Foreign Affairs was aware that the attitude of Soviet authorities was that it would be inadvisable to include in the delegation any member who had been associated with the Sub-Committee".<sup>1</sup> The Speaker of the House of Representatives was referring to the Sub-Committee on Human Rights in the Soviet Union, which at the time was undertaking the inquiry that was to culminate in this report of the Joint Committee on Foreign Affairs and Defence.

### Travel Outside the USSR

7.12 Opportunities for foreign travel including tourism by Soviet citizens are restricted. Officially, a distinction is drawn between travel to "socialist countries" and travel to other countries. It is easier to travel to Warsaw Pact countries than to the West. Moreover, the ease of travel is related to the closeness of a country's ideological and security ties to the Soviet Union. Recent Soviet statistics purporting to show an impressive growth in "tourism" are misleading. First, they make no distinction between people travelling abroad for official reasons and those going as tourists. Secondly, approximately 60% of about 1.7 million visits abroad by Soviet citizens each year are to the Warsaw Pact countries and a large proportion of the remainder is to Third World countries.

1. The Speaker, House of Representatives *Hansard*, 21 November 1978, pp.3081-3088. The Right Hon. Sir Billy Snedden said that the Soviet attitude did not influence the composition of the Parliamentary delegation.

7.13 Exit visas for individual or professional purposes that are frowned on by the Soviet authorities are almost always unobtainable. Andrei Sakharov, winner of the 1976 Nobel Peace Prize, was refused permission to travel from Moscow to Stockholm to receive his award. Alexander Solzhenitsyn and Boris Pasternak likewise were refused permission to go to Stockholm to accept their prizes. Soviet Jews are said to find it particularly difficult to obtain postings or travel visas abroad, but it should be borne in mind that foreign travel is difficult for all Soviet citizens. Furthermore, the Sub-Committee received testimony that there are many people of all Soviet "nationalities" who for many years have had their applications to visit relatives abroad refused. The Soviet Union allowed only 1,632 of its citizens to visit relatives in the US during 1977, compared with 1,654 in 1976.<sup>1</sup>

7.14 Further barriers to travel abroad, especially to the West, are the long and complex procedures for obtaining a Soviet passport; the considerable expense of a passport (300 roubles for travel to the West compared with 30 roubles for travel to "fraternal socialist countries"); the small currency allowance of 90 roubles; and the unstated but generally binding condition that a close family member remain in the Soviet Union as a guarantee of the traveller's return. Official travel to the West is highly prized because it enables the purchase of many consumer goods which are virtually unobtainable in the Soviet Union; yet there has been no substantial increase in the number of Soviet citizens travelling abroad in the years since Mr Brezhnev signed the Helsinki Agreement.

#### Other Contacts

7.15 Since the Helsinki Agreement the Soviet Union has expanded some other contacts with the West. In fields such as sport and science, and in those aspects of culture where there is little if any political content, Soviet officials have generally shown a more co-operative attitude towards facilitating such exchanges. Indeed, the Soviet Union's exchanges with Australia in the fields of science and culture have expanded considerably in recent years. In 1977, 913 Soviet citizens visited the US in organised tourist groups. Approximately 100,000 US citizens visit the USSR annually, of whom the large majority are tourists.<sup>2</sup>

#### Telephone Contacts

7.16 Article 56 of the Soviet Constitution which states:

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

However, Directive No. 593, issued by the USSR Council of Ministers on 7 September 1972 (supplementing Article 74 of the USSR Regulations on Communications), states:

The use of telephonic communications . . . for aims contrary to the interest of the State and to public order is forbidden.

The Committee has the names and former telephone numbers of 38 Soviet citizens (as at May 1977) who had their telephones cut off *after* the signing of the Final Act of the Helsinki Agreement. The Committee is in possession of a further 35 names and former telephone numbers of people who had been cut off *before* the signing of the Final Act. These telephones had not been reconnected as at May 1977.

1. *Fourth Semi-Annual Report by the President to the Commission on Security and Co-operation in Europe*, 1 December 1977 to 1 June 1978 (US, 1978) p. 63.

2. *Op. cit.* p. 69.

#### Postal Communications

7.17 A court case in the Federal Republic of Germany which took place in 1975 may give some indication of Soviet attitudes towards the inviolability of mail. This arose out of a claim by Mr Itzhak Katz of the "Action Committee for Jews in the Soviet Union", for compensation for over 10,000 registered letters sent to Jews in the USSR by his Association, between September 1971 and 1973. Because these letters never reached their destination, Mr Katz sued the German Post Office which, under the Universal Postal Convention, was in turn entitled to claim reimbursement from the Soviet Post Office. The contents of the 10,000 letters were: a copy of the Universal Declaration of Human Rights, the Charter of the United Nations, the International Convention on the Elimination of All Forms of Racial Discrimination, and a textbook for learning the Hebrew language. It emerged from this court case that the Soviet postal administration declared to the German Post Office that the activities of the plaintiff were, in their view, "provocative", and for this reason they refused to investigate the fate of the letters. In awarding Mr Katz compensation in this test case, the County Court of Frankfurt, in its judgement of 27 November 1975 (No. 2/4-0-607/74), commented that the three UN documents forwarded in the letters were documents of international law to which the Soviet Union subscribed. They could not therefore be branded as "provocative", and thereby justify their non-delivery or confiscation. In regard to the fourth item, the Hebrew text-book, the Court found that it was of a completely apolitical nature. The judgement was confirmed by the State High Court in Frankfurt in 1976.

7.18 The Sub-Committee received testimony regarding the wholesale non-delivery to the Embassies of signatory nations of the Helsinki Final Act, of registered letters containing details of the extent of Soviet non-compliance with the Final Act. Numerous letters sent by Amnesty International to Soviet citizens, in or out of prison, have not been delivered. Sometimes the confiscation of mail can have an important influence on the lives of the addressees, as for example when these letters contain invitations to emigrate. Quite apart from the lost opportunity to leave the Soviet Union, the addressees can find themselves subject to harassment as a result of the authorities becoming aware of personal information mentioned in intercepted letters.

7.19 Confiscation of books sent by post to the Soviet Union is by no means confined to publications with some form of political content. Among the many categories of books that are confiscated are copies of The Bible and all other religious publications. Even Christmas cards are unlikely to be delivered, particularly if they have a religious motive (see paragraphs 7.24-7.29 for restriction on foreign publications).

#### Gift Parcels

7.20 A steep rise in the rate of duty on gift parcels, as well as limitations on the size of parcels, was introduced by the Soviet Union on 15 June 1976. This was another attempt by the authorities to cut down on contacts between Soviet citizens and the outside world. While a broad category of persons was bound to suffer from the measure, the hardest hit were again those who were experiencing financial straits as a result of a dispute with the Government, often resulting from a desire to emigrate. Some senders of parcels to prominent "Refuseniks" have received letters from the Soviet postal authorities to say that the parcels would not be delivered.

#### Cash Remittances

7.21 A new 30% levy was introduced from 1 January 1976, bringing the total deduction on cash remittances from overseas to 65%. It is significant that this measure, like the increased duty on gift parcels, was introduced a few months after the signing of

the Helsinki Agreement. As the USSR Ministry of Finance was given wide powers of exemption, it was generally believed that the additional levy aimed principally at cutting funds sent from abroad to succour individuals who have incurred the authorities' displeasure. Many of these people have lost their jobs and consequently have no means of support within the Soviet Union. The measure has thus become a new form of harassment of such individuals, the majority of whom are Jewish applicants for emigration.

#### Censorship

7.22 All forms of publishing in the Soviet Union apart from underground literature or "samizdat" is strictly under Government control, and this is supplemented by representatives of Glavlit—the State Censorship Agency—who work in newspaper offices throughout the USSR. Censorship in the Soviet Union covers many forbidden topics, and these can be quite unrelated to security matters. For example, the Soviet reader cannot expect to read about domestic political disputes such as disagreements among Soviet leaders; nor can he read about the political platform of eurocommunist parties in so far as they vary from Soviet policy. The withholding of information can lead to rumours; one witness related that while in the Soviet Union he was told that the prolonged meat shortage was due to Soviet beef exports to Scotland.

7.23 Topics unlikely to appear in the Soviet media include information on: any successes achieved in economic or social policy by countries not belonging to the "socialist" bloc; the consequences of natural disasters or industrial accidents in the Soviet Union; the relative purchasing power of the rouble compared with foreign currencies, or of Soviet and foreign wage earners; and advance itineraries of Soviet leaders. Unfashionable historical figures such as Stalin can be completely obliterated by the censors. The severe internal censorship relies on the support of strict Soviet controls on publications coming into the Soviet Union.

#### Availability of Foreign Publications

7.24 The availability of foreign newspapers and periodicals in the USSR is extremely limited despite Soviet undertakings in the Helsinki Agreement (see above paragraph 7.3). Each copy of a foreign publication is undoubtedly read by a large number of people, but generally these newspapers are sold only at hotels used by foreigners or other select locations frequented by Westerners. It is difficult for the ordinary Soviet citizen to get into the main Intourist hotels let alone be seen purchasing a Western newspaper.

7.25 The fact that Western newspapers are only sold in token numbers in the USSR is illustrated by the fact that the *New York Times* and the *Washington Post* have circulations in the USSR of only 34 and 15 copies respectively, despite a Soviet announcement in January 1976 that, in the spirit of Helsinki, it would purchase additional copies of both newspapers. The *International Herald Tribune* has reported that its 1975 sales to the Warsaw Pact countries of 1,757 copies fell to 1,645 in 1976. Other publications, such as *Newsweek*, *Business Week*, *Time* and *US News and World Report*, have increased their circulation in the USSR by a small amount, but this has not necessarily meant greater public consumption. For example, *US News and World Report's* 150 copy increase has been mainly due to a rise in subscriptions by foreign missions and official institutions. The British and US Embassies in Moscow are permitted to distribute a Russian-language periodical, but only in small numbers. The virtual unavailability of Western newspapers within the USSR is in contrast to Yugoslavia, where these papers are readily available.

7.26 Among Western newspapers, only Communist papers such as *L'Humanité*, *L'Unita*, *Volksstimme* and the *Morning Star* are publicly available for sale. The latter is the only newspaper in English readily available in the USSR. When some of these papers are critical of the Soviet system they are not for sale and are then only available in libraries where anybody wishing to read them has their name recorded. One witness told the Sub-Committee of how the KGB had seized a copy of the *Readers Digest* from his wife because it was "subversive".

7.27 Soviet citizens cannot order Western books by mail, ostensibly because of foreign exchange problems. Attempts to import politically sensitive material overtly or covertly are treated harshly, and personal copies of Western books are frequently confiscated from tourists entering the USSR.

7.28 Some books published in the West are now appearing in Moscow bookshops, but they are either in the "politically safe" category, such as books for children or on art, or they are books which portray the seamier side of life in the West. Translations of novels by authors such as Charles Dickens, Mark Twain and Jack London are published in the Soviet Union; also translated is Alan Marshall's *J Can Jump Puddles*.

7.29 In contrast to the tight control of Western publications into the Soviet Union, the USSR has easy access to bookshops in Western countries, several of which deal almost exclusively in Communist bloc publications. The Soviet Union publishes an extensive number of books in English and other Western languages, which are sold outside the USSR at subsidised prices. There is also a large range of pamphlets that are supplied free of charge. Nevertheless, the Soviet Government alleges that Eastern European societies are more open to the influence of Western culture than the West is to Communist literature, arguing that the Eastern bloc has translated more Western books and screened more Western films. This argument ignores the fact that Westerners have a free choice in selecting their reading material or films, and that Western Governments cannot compel their public to read more publications from Communist countries in order to meet Soviet demands for reciprocity.

#### Availability of Human Rights Documents

7.30 The Sub-Committee received first hand evidence from witnesses who had great difficulty in obtaining, in the USSR, copies of the Universal Declaration of Human Rights and the Final Act of the Helsinki Agreement. Although Russians are almost outnumbered in the Soviet Union, the Universal Declaration has not been published in the other Soviet languages. Copies of the Universal Declaration, in Russian, have been confiscated during house searches.

7.31 The Helsinki Final Act was published in *Pravda* soon after the Agreement was signed, but since then copies of the Act have been difficult to obtain. A survey by one embassy in the USSR revealed that the Helsinki Final Act was available in most Moscow libraries, but the copies were placed in such a way that readers would have to make a special request to see them. This is likely to be a forbidding experience, because as soon as a Soviet citizen asks for such a document he is liable to face a few pointed inquiries as to why he wishes to see it. The fact that documents on human rights matters are not readily accessible to Soviet citizens has not prevented the Soviet Union from criticising Western countries for allegedly not making the Helsinki Final Act available to their populations, or for violating the human rights provisions of the Final Act.

## Broadcasting

7.32 In accordance with the Helsinki Final Act's commitment "to facilitate the freer and wider dissemination of information of all kinds", the Voice of America and the BBC are no longer jammed by the Soviet Union. However, the USSR has continued to jam Radio Free Europe and Radio Liberty. The Israel Broadcasting Service is also jammed.

## Treatment of Foreign Journalists

7.33 There have been frequent reports of harassment of Western journalists in the USSR. In camera evidence was given to the Sub-Committee by a journalist who has worked in the USSR. He provided the Sub-Committee with detailed information concerning some of these events. To give an indication of the treatment of foreign journalists within the USSR, the Committee will quote from a letter written in July 1975 to the Soviet Foreign Minister, Mr Gromyko, by the managing director of Reuters News Agency, Mr Gerald Long:

I write to place on record my belief that foreign correspondents working in Moscow are regularly subjected to harassment by Soviet authorities. I ask you to intervene to stop this harassment. My examination of the available records forces me to the belief that harassment occurs when correspondents report what the Soviet authorities would prefer not to have reported, or when their work is otherwise displeasing . . . the harassment is often of an unpleasant, hectoring nature and would be unworthy of any community having strangers in its midst.

Correspondents have been physically attacked by police and civilians while carrying out their normal reporting activities. Others have been detained by police for covering demonstrations or meeting contacts. The Soviet press has carried out campaigns, sometimes lasting long periods, against individual correspondents. Soviet officials have made accusations of a personal or moral nature against foreign journalists in Moscow. Expulsion has been used frequently. Our records show that since 1964, 15 correspondents have been expelled from the Soviet Union.

Pressure has been brought to bear in other ways. On one occasion, Reuters chief correspondent was summoned without explanation to a KGB building. There he was questioned at length about casual conversations he had had on social occasions with a Soviet citizen who had been critical of the authorities. An Associated Press correspondent was similarly questioned the next day. No accusations were made and the questioning can only have been intended to cause unease among foreign correspondents in Moscow.

It might be asked why I write this letter at the present time. A more pertinent question might be why . . . I did not write it before. The answer is . . . not flattering to the Soviet authorities; namely, that correspondents and the organisations for which they work have such a long experience of harassment that they have come to accept it as an inevitable part of a correspondent's life in Moscow . . . I do not know at what level of responsibility the harassment is ordered; I am reluctant to believe it happens at a high level . . . I ask you to review the situation in the light of today's circumstances.

I have two reasons for writing at the present time. The first is that the European Security Conference is considering ways of improving working conditions for correspondents. The removal of harassment would be a singular improvement . . .

My second reason lies in recent Soviet action against journalists working for Reuters. A visa was recently refused to Mr Roy Gutman<sup>1</sup>, whom Reuters wished to post to Moscow. No reason was given, though it was stated the reason was known. It was not known to me. The circumstances of the refusal caused me to believe that the Soviet authorities monitor the work of correspondents in centres of particular interest to them and sometimes refuse visas because they do not like that work.

<sup>1</sup> Mr Gutman, an American citizen, had been Reuters correspondent in Yugoslavia, and his despatches had included particularly well-informed coverage of the 1974-75 arrest and trial of anti-Tito, pro-Moscow Yugoslavs accused of plotting against Belgrade.

I do not assume that the Soviet authorities would wish to be harsh and unfair, nor that they would regard journalists generally as unfriendly. It is, of course, the right of every sovereign state to refuse visas without stating cause, and most countries use that right at some time. The Soviet practice in this matter has led to the belief that the Soviet authorities wish to impose a certain level of conformist behaviour on correspondents posted to Moscow, and that visa refusals are used as a means of coercion.

International reporting is a tolerated activity . . . the tolerance shown to correspondents is seen as a measure of the generosity, as well as the self-confidence of governments. Most correspondents are men and women of goodwill, and their only wish is to experience and record significant events. They should not be treated contemptuously, as they sometimes are in the Soviet Press.

I must also mention another distasteful matter in which I and many other people were profoundly shocked and revolted by an action of the Soviet authorities. In June 1974 a Soviet official told Reuters Chief Correspondent in Moscow that the Soviet authorities objected to what they considered slanderous stories written by two other Reuter correspondents in Moscow. The official also said that a Soviet citizen had written to say that the two correspondents in question had had homosexual relations with him. The relevance and import of this latter statement were not clear. It was utterly refuted by the two men concerned.

The intention of the statement, however, appears clear: to slander and to wound. One of the correspondents had already left Moscow at the end of his normal assignment and the other was to have left a fortnight later. Not knowing what the intention of the Soviet authorities might be, but feeling a sense of menace I instructed that the second correspondent should leave Moscow at once. The statement appears completely gratuitous, referring as it did to two men whose work in Moscow was virtually at an end, unless one supposes, as I do suppose, that the intention was precisely to produce a sense of menace, not only towards the two men named, but others also. ( . . . )

Harassment of foreign journalists has continued since 1975 when the Soviet Union signed the Helsinki Agreement, which contained special provisions regarding the essential role of the press (paragraph 7.3 refers).

## Lack of Academic Freedom

7.34 The Sub-Committee has received evidence to the effect that there are serious limitations on the freedom of academic inquiry in the USSR. This is particularly the case in studies in the humanities. Students working for higher degrees, a large proportion of whom are members of the Communist Party, are expected to conform to a particular political viewpoint in their thesis. They are also expected to confine themselves to approved sources, which has a debilitating effect on original research.

7.35 A Soviet post-graduate history student, writing a thesis dealing with a period preceding the modern Soviet State, was asked to change the thesis because his interpretation was politically unacceptable. Had he persisted with his line of reasoning he would have had to abandon his course at one of the Soviet Union's leading universities. Those academics in the Soviet Union who are suspected of not fully approving of the Soviet system also find it very difficult to be selected for an overseas visit or for participation in an exchange scheme.

## Conclusion

7.36 The Soviet Government imposes considerable restraint on many contacts that Soviet citizens have with each other and with foreigners. This includes restrictions on travel both within and outside the USSR, control of all printing, censorship of all publications, control of the media and frequent interception of mail. The denial of freedom of expression is not confined to the written word.

7.37 The Soviet Government is skilled at isolating its citizens from meaningful contacts with foreigners, even if human contacts are sometimes possible in a tightly controlled form. Access to Western publications including newspapers is restricted. Even those involved with research in any of the social sciences can be restricted as to the sources they are permitted to use, and their thesis would have to conform with Marxist-Leninist tenets. The authorities also try hard to impede the work of foreign journalists, so that the outside world does not become so aware of human rights infringements within the Soviet Union.

7.38 Many of the Soviet restrictions on human contacts that are mentioned in this chapter are contrary to the spirit of the Helsinki Agreement; it is even difficult for Soviet citizens to obtain access to copies of the Agreement's Final Act and other international documents dealing with human rights. A further infringement of human rights in the USSR is the fact that many rural workers are impeded from leaving their collective farms to seek work in the cities.

7.39 A large proportion of the above mentioned infringements of human rights are a product of the control that has traditionally characterised Russian society. The Soviet Government uses these measures because it does not tolerate any dissent or political opposition.

## 8. THE RIGHT TO PROTEST AND THE DISSIDENT MOVEMENT

### Soviet Commitment

8.1 Among the many human rights provisions in the Final Act of the Helsinki Agreement, the Soviet Union also agreed to the following pledge contained in Principle VII:

*They (the participating States) confirm the right of the individual to know and act upon his rights and duties in this field (of human rights and fundamental freedoms).*

Yet as this report has shown, not only can secret regulations exist in the Soviet Union under which an individual may be disadvantaged or charged, but the criminal codes of the fifteen Soviet republics allow the authorities considerable latitude to quash the exercise of individual rights. The reader may recall (from paragraphs 2.3 and 2.10) that under the 1977 Constitution (Article 39) the exercise of political and civil rights and freedoms remain subject to the qualification that they may not be exercised to the detriment of society or the Soviet State. In practice, this provision frees the Communist Party of the Soviet Union (CPSU) from any constitutional restraint, and charges such as anti-Soviet agitation and propaganda may be laid against any individual or group whom the Party considers as opponents of its position.

8.2 Soviet qualifications on the exercise of human rights deny the Soviet claims that its Constitution is the most democratic in the world. Since the signing of the Helsinki Final Act (in 1975) there has been no sign that the Soviet authorities intend implementing key human rights provisions contained in the Agreement. In the preceding chapters of this report, the Committee has given an account of known Soviet breaches of human rights in several important areas, including minority rights, religious freedom, and emigration. This chapter will continue to show that since Helsinki—especially during the last two years—the Soviet authorities have frequently repressed Soviet citizens who have attempted to assert their rights, and who have cited the Helsinki Final Act or the Soviet Constitution as a justification for their actions.

### Diversity of Dissent in the Soviet Union

8.3 The nature of dissent in the Soviet Union is extremely complex and diverse, but in general terms there are three broad categories—political, national and religious dissent—and this report will deal with these in turn. In many cases there is of course an overlap between two or all three of these forms of dissent. It is important to make allowances for “passive” as well as “active” dissent, because in the USSR, which has no tradition of open political debate, many persons with strongly dissentient opinions are likely to remain silent. As it is usually used to imply an active role, the term “dissident” can be misleading when trying to gauge the extent of opposition to the Soviet Government. Furthermore, many “dissidents” do not like this label because they say that they are not doing anything that is contrary to the Soviet Constitution. Frequently their opposition is not to Marxist-Leninist principles but rather to the lack of democracy within the Communist Party of the Soviet Union and consequently within Soviet society as a whole.

### Political Dissent

8.4 Political dissent in the post-Stalin period emerged openly in the late 1960s. During Mr Khrushchev's ascendancy, a certain amount of liberalisation had been

permitted in intellectual fields. In addition, according to reports quoted by Amnesty International, Mr Khrushchev had liberated possibly as many as two million prisoners from Stalin's prisons and camps, and had gone on to effect reforms in legislation, including the improvement of the legal procedures mentioned in paragraphs 2.14-2.17. By these actions Mr Khrushchev aroused unfulfilled expectations among those sections of the Soviet intelligentsia which desired greater freedom. Those who seek a freer Soviet society have not been encouraged by the events which have followed Mr Khrushchev's removal from power.

**8.5** In 1965, arrests, particularly in Moscow and in the Ukraine, provided a catalyst for the emergence of a loosely integrated movement of dissent, coinciding as the arrests did with a tightening of censorship and other signs of the possible revival of Stalinism. The trials of Andrei Siniavsky and Yuli Daniel in February 1966 were criticised on the grounds that they contravened constitutional guarantees of rights and the principle of public disclosure of trials. Inspired by this episode, and the further arrests of intellectuals like Yuri Galanskov, Alexander Ginzburg and Vladimir Bukovsky, the movement reached one of its high points in 1968.

**8.6** In 1968, *A Chronicle of Current Events*, which was to serve as a channel for the main groups constituting the democratic movement, began to circulate. It was from this period that samizdat expanded to the point where, by the early 1970s, over seven hundred samizdat documents, books and articles had reached the West. Nevertheless, it is likely that the Soviet invasion of Czechoslovakia in 1968 dissuaded many potential dissidents from publicly supporting the democratic movement, because they believed that internal pressure for reform could not bring about change in the Soviet Union.

**8.7** The democratic movement has not been integrated except through personal contacts and a sense of common purpose. It has been held together by shared humanitarianism, insistence on legality, and moral opposition to the oppression imposed by the Soviet Government. Thus it regards itself as a human rights movement rather than a well-organised political movement. Within the movement there is a diversity of political philosophies and ideologies as well as causes. Among those seeking more democracy are liberals, democratic-socialists, Marxists and even dissident Marxist-Leninists. Probably the most prominent figure in this wide spectrum is the Nobel Prize winning physicist, Andrei Sakharov. As "father" of the Soviet Union's hydrogen bomb he has so far had sufficient prestige to give him immunity from arrest.

**8.8** The actions taken by the Soviet Government against dissent at various times in the late 1960s and 1970s have naturally tended to demoralise the dissidents, whose ranks have been thinned by selective expulsions and emigration, as well as by arrests. Nevertheless, despite more frequent arrests, commitment to psychiatric hospitals, dismissals from jobs, and increased intimidation, small groups have always continued to dedicate themselves to: gathering information on violations of human rights, protesting against such violations, sending information to the editors of *A Chronicle of Current Events* and to foreign correspondents, tourists, and diplomats, and presenting Soviet authorities with carefully drafted proposals for law reform. It should here be noted that there does appear to be at least some opportunity available to Soviet dissidents to make statements which are circulated outside the Soviet Union, to an extent which would have been impossible at earlier periods in Soviet history.

1. Amnesty International *Prisoners of Conscience in the USSR* (London, 1975) p. 51.

**8.9** The signing of the Final Act of the Helsinki Agreement in 1975 gave a new impetus to the dissident movement. A loose coalition emerged in Moscow and other cities composed of human rights activists, Jews pressing for emigration, nationalists, and to a lesser extent religious believers. In response to the Soviet leadership's public commitment to the humanitarian provisions of the Helsinki Agreement, a number of "watch groups" were formed in 1976-77 in Moscow, Kiev, Vilnius, Yerevan and Tbilisi to report through samizdat on Soviet compliance with the Final Act. Dr Yuri Orlov, chairman of the Moscow "watch group", undertook to forge links with the differing strands of the dissident movement.

**8.10** In 1976, Dr Valentin Turchin, a prominent member of Moscow Amnesty International, estimated that there were about 2,000 people who were actively involved in the dissident movement; he said if activists in the various religious groups were included the number would be nearer 10,000, most of whom are unknown outside the Soviet Union. Among groups which were active in this period was a commission to study allegations of psychiatric abuse (see also paragraph 9.37).

**8.11** By mid-1978 the trials of leading Moscow dissidents, Dr Yuri Orlov, Anatoly Shcharansky and Alexander Ginzburg had taken place amidst world-wide protests. Similar trials were conducted in the Ukraine, Georgia, Armenia and Lithuania of the leaders of the local Helsinki watch groups, all of whom received sentences of imprisonment. In the Ukraine, a Ukrainian lawyer and veteran activist, Lev Lukyanenko, as a "second offender" received the maximum sentence of 15 years under a charge of anti-Soviet agitation and propaganda (corresponding to Article 70 of the RSFSR Criminal Code). In Georgia, leading human rights activists and nationalists, Dr Zviad Gamsakhurdia and Merab Kostava, received lesser five year sentences after confessing to their alleged "crimes" of anti-Soviet agitation and propaganda. The unreserved part of Gamsakhurdia's sentence was later commuted to two years exile after a "television repentance" which has been the subject of some controversy. In Lithuania leading activist and Roman Catholic, Viktoras Petkus, was tried and given a 15 year sentence resulting from his involvement with human rights and religion. By July 1978, of 38 founding members of the Helsinki monitoring groups, 17 were in prison and seven had either emigrated or been exiled.

**8.12** Apart from the repressive measures directed at breaking up the Helsinki "watch groups" there has been persecution of members of other groups, such as the Moscow chapter of Amnesty International and the commission to study psychiatric abuses. Although it is hard to assess accurately the extent of dissent in the Soviet Union, it is likely that in 1978 the active part of the democratic movement was in disarray, even if only temporarily.

#### Minority National Dissent

**8.13** Dissent by major national groups (and several minor ones as well) usually takes the form of passive resistance to "creeping Russification" by the defence or promotion of cultural, ethnic, social and linguistic heritages. The resentment against the Soviet practice of determining all important policies from Moscow has already been noted by the Committee in the discussion of the Soviet Government's non-Russian "nationality" problem in Chapter I. From this the reader will be aware that national feeling is particularly marked in parts of the Ukraine. The Sub-Committee was informed that possibly half of the USSR's political prisoners are Ukrainians. Citizens from the Baltic States are also over-represented among Soviet prisoners. There is widespread dissatisfaction in the Baltic States where, to a large extent, the Churches provide a rallying point.



**8.14** In Georgia and Armenia, the preservation of their distinctive languages and cultures is keenly guarded. In April 1978, in Georgia, there were even large public protests—normally impossible in the Soviet Union—against a proposal to downgrade the status of the Georgian language in the new constitution of the Georgian SSR. *National dissent (as distinct from religious dissent) is less noticeable in Byelorussia, and in a large part of the Soviet Central Asian republics where the advent of Soviet rule has brought significant material benefits.*

**8.15** In the 1960s dissatisfaction among Soviet groups who were dispersed from their Soviet homelands by Stalin, manifested itself in organised national movements among the Soviet Germans, Crimean Tatars and the Meskhetians (Georgian Turks). The Committee has previously noted the problems of these Soviet nationalities (paragraphs 1.30-1.34).

**8.16** Since 1967, the re-awakening of national consciousness among many Soviet Jews, in a continuing climate of anti-Semitism, has stimulated the Jewish emigration movement. This in turn has led to further dissatisfaction among those Jews who have been refused exit visas under the various pretexts mentioned in Chapter 6. The nucleus of the Jewish national/emigration movement has been over 2,000 "Refuseniks" who have been refused permission to emigrate. On the repressive measures used by the Government against these Jews, see paragraphs 6.26 and 6.28.

#### Russian Nationalist Dissent

**8.17** Dissenting Russian Nationalists are far from making up a homogeneous movement. Their general stance is an expression of Russian national feeling, as opposed to official Soviet patriotism with its Marxist-Leninist, internationalist ideological connotations. The ideological basis of some of these "Russites" is democratic, but it is more commonly authoritarian in the traditional sense, often combined with a deep attachment to Orthodox Christianity. It has been claimed that elements of this movement are held in sympathy by some people in the Soviet political establishment, and that a return to purely Russian and religious values would hold some attraction for a proportion of younger Russians.

#### Religious Dissent

**8.18** Dissent on religious grounds increased in the early 1960s during Mr Khrushchev's anti-religious campaign, and it remains widespread due to the continuing Soviet discrimination against religious believers, as described in Chapter 3. Active dissent takes various forms, such as unauthorised worship by unregistered denominations, clandestine publishing, education and social assistance, resistance to the closing of churches and monasteries, and attempts to open new ones. Religious dissidents have mostly espoused the cause of greater religious freedom rather than greater political freedom. However, persecution of religious leaders has resulted in links with the mainstream dissidents, who have often taken up the cause of the religious protesters. In several cases there has also been an interaction between religion and minority nationalism, as in the Western Ukraine, and in Lithuania, where the Catholic Church appears to enjoy the support of the majority of Lithuanians.

**8.19** Dissent by religious people is often manifested peacefully by ignoring Marxist-Leninist ideology in regard to religion. The number of Church weddings and baptisms are increasing, and the press frequently carries articles complaining about the lack of communist ideological fervour among young people, as did *Pravda* in 1974

(and similarly on 30 March 1979) when the newspaper complained of a notable increase in religious interest among young men and women, and of widespread ideological apathy. The Committee has already indicated (in paragraphs 3.20-3.23) the large number of adherents belonging to various faiths in the Soviet Union. The Russian Orthodox Church alone claims a membership which is double that of the CPSU. Religious dissent is particularly strong among several denominations who have encountered difficulties with "registration" because they are especially out of favour with the authorities. What the West overlooks even more often is the loyalty to Islam of the USSR's rapidly increasing Muslim population.

#### Soviet Repression of Dissent

**8.20** The Soviet leadership rejects the legitimacy of dissent and has branded the dissidents as "criminals", "renegades" or "traitors". The qualifications in the 1977 Soviet Constitution, such as in Article 39, confirm that public expression of opinion must conform with official ideology. Thus, the production and circulation by dissidents of samizdat works (notably *A Chronicle of Current Events*) brings them into confrontation with the Soviet authorities.<sup>1</sup> The dissidents themselves regard the production of samizdat as completely legal, since their declared aim has been to compile an accurate record of events in order that the Soviet people would be objectively informed about the human rights situation in their country. However, the actions of the Government in initiating a renewed suppression of dissent in 1977-78, and the propaganda which accompanied it, clearly demonstrated that the leadership would continue to deal severely with those seeking to assert their constitutional rights or the human rights provisions of the Helsinki Agreement.

**8.21** Readers will recall from paragraphs 2.19 and 2.20 that dissidents have usually been convicted under the Criminal Code on charges of anti-Soviet agitation and propaganda (Article 70 of the RSFSR Criminal Code) and the circulation of fabrications known to be false which defame the Soviet State and social system (Article 190 of the RSFSR Criminal Code), both of which are so vague as to preclude a successful defence.<sup>2</sup> On the other hand, the Jewish activist Anatoly Shcharansky was charged with treason (Article 64 in the RSFSR Criminal Code). Articles 64 and 70 come under the section of the Criminal Code dealing with "especially dangerous state crimes" and heavy sentences are usual, both to punish and to deter. It appears that the authorities are trying hard to prevent the human rights movement from spreading from the main cities, and that dissent in the Ukraine and the Baltic States is treated more harshly than in Moscow, where the foreign press is concentrated.

**8.22** Another Soviet method of repression is to commit dissidents to mental institutions for psychiatric treatment. This obviates the need for a trial, which would be embarrassing for the Soviet authorities in the case of a prominent person such as Major-General Grigorenko, who was interned in mental institutions in 1964-65 and 1970-75 without being allowed to participate in a public trial. The practice of sending some people to psychiatric institutions for reasons unconnected with their mental health is discussed further in the next chapter.

**8.23** Those dissidents who have any kind of links with the West are denounced in the state controlled press as mercenary agents of foreign espionage, or of emigre organisations which are attempting to slander and subvert the Soviet State.<sup>3</sup> Contacts

1. Between 1972 and 1974 the KGB succeeded in suppressing the *Chronicle*, the appearance of which was ascribed to the machinations of Western intelligence organisations.

2. See Annex D for articles of Soviet Criminal law under which "dissidents" are punished

3. An example is in a denunciatory article by Mr Mikhailov, entitled "Slandereis and Provocateurs", published in *Izvestia*, 3 August 1978. A translation of the article is held by the Committee.

between Soviet citizens and foreigners, especially foreign correspondents and diplomats resident in Moscow, are thus severely discouraged—which is in itself a breach of the spirit, if not the letter, of the Helsinki Agreement. Soviet press statements denouncing the dissidents fail to mention the fact that, in the majority of cases where dissidents have been put on trial, the only evidence reportedly brought in support of the charges is that the individual concerned produced, or was in possession of, writings which expressed an opinion different from—not necessarily even hostile to—the official ideological line. Or, as in the case of Dr Orlov, the accused has merely reported on the actions of the Soviet authorities to see whether they conformed with the human rights provisions of a treaty signed by the USSR as recently as 1975. This attitude is indicative of the Soviet concept of civil rights.

**8.24** Even a simple statement issued without official approval can result in reprisals in the USSR. This occurred in the case of a highly respected Soviet physicist and holder of the Order of Lenin, Professor Sergei Polikanov, who criticised the action of the authorities in preventing him from joining for a year a joint scientific research programme in Switzerland. He declared publicly that this action was counter to the spirit of the Helsinki Agreement on scientific exchanges between East and West, and as a consequence of his criticism he was dismissed from his job. It was only after the case had received considerable foreign publicity that Professor Polikanov received permission to leave the USSR for Denmark.

**8.25** The freedom of a citizen to “act upon his rights” must include not only recourse to legal remedy against wrongful acts by the authorities, which is in itself so difficult in the Soviet Union; it must also include the right to draw attention to the denial of his rights. The right of assembly for the purpose of peaceful protests does not exist in the Soviet Union. Article 50 of the 1977 Soviet Constitution does guarantee “freedom of assembly, meetings, street processions and demonstrations”—but with the qualification that these activities are carried out “in order to strengthen and develop the socialist system”. In practice, an assembly or meeting can be held only if it is organised by the State; there is no law specifying how citizens can organise an assembly, meeting or demonstration, or what procedure there is for getting permission from the authorities to hold such an assembly or meeting. Holding an assembly or a meeting without official supervision is likely to bring punishment.

**8.26** Consequently, there have been numerous cases where groups attempting to assemble for a peaceful protest in a public place (such as the Red Square in Moscow) have been dispersed by the Soviet police, and in some cases later charged with a serious offence. A well reported demonstration by human rights activists occurred on 25 August 1968, when seven leading dissidents protested in Red Square against the Soviet occupation of Czechoslovakia. According to a samizdat account by one of the participants, poet Natalya Gorbanevskaya, almost as soon as the demonstrators unfurled their banners (which carried slogans such as “Hands Off Czechoslovakia”) plain clothes KGB men rushed up, tore the banners from their hands and severely beat two participants (Victor Fainberg and Pavel Litvinov). The demonstrators were removed in cars, and all, except the author of the account, were detained and subsequently put on trial for their parts in the demonstration. Since that time there have been a number of occasions when Soviet citizens, attempting to deliver written protests to the authorities, have been interrogated by the KGB, or placed under arrest.

**8.27** Disadvantaged groups within the Soviet Union, also, have frequently had their protests frustrated. For example, when in December 1973 thirteen representatives of the Crimean Tatars came to Moscow to present appeals to the authorities, their action

reportedly resulted in the police arresting eight of the representatives. According to *A Chronicle of Current Events*, between 1956 and 1973 over twenty major confrontations took place involving the use of police, troops, smoke bombs and truncheons against the Crimean Tatars to break up their meetings, assemblies and national holidays. One such incident occurred on 21 April 1968, when police with water hoses dispersed a Crimean Tatar crowd which had reportedly assembled to celebrate the anniversary of Lenin's death<sup>1</sup>.

**8.28** The authorities have also acted harshly against Soviet citizens of Jewish and German extraction when they have attempted peaceful public protests. For example, when on 24 December 1975 some thirty Jewish activists went to the Presidium of the Supreme Soviet for a silent demonstration, eight of them were reportedly placed under house-arrest and another four had their houses searched. During October 1976, at least thirty Jewish activists were arrested to prevent any demonstrations by them during the forthcoming session of the Supreme Soviet (to which they wished to deliver a letter of protest).

**8.29** Soviet authorities regularly breach the constitutional rights of citizens who are suspected of disapproving of the Government. As already noted, such breaches of people's rights have included illegal house searches, interception of correspondence and telephone conversations, disruption of non-political meetings and seminars, and the violation of dissidents' legal rights following their arrest and detention. Dissidents continue to be subject to illegal discrimination by the authorities, even after the completion of a prison sentence for an alleged political “crime”—in particular, they are prevented from being re-employed in their former professions. In the light of such frequent violations of human rights, it is only very occasionally that dissidents have succeeded in obtaining limited compensation for illegal actions against them. For example, Anatoly Shcharansky successfully insisted that he receive monetary compensation for two weeks' wages lost during his illegal detention for his attempted participation in the proposed Jewish science seminar referred to in paragraph 4.14.

**8.30** Various economic sanctions are frequently used by the authorities as a means of punishing those who openly criticise the system, or who refuse to conform to the ruling ideology, as with some religious believers. These measures are very similar to some of those used against intending emigrants (paragraph 6.26 refers), such as dismissal from employment or tertiary institutions; also, dissidents' telephones have frequently been disconnected. Once dismissed from his job, a dissident then runs the risk of being charged with “parasitism”. Similarly, dissidents in receipt of invalid or old age pensions have been deprived of their income, and in the case of former military officers the authorities have stripped them of their rank as well. One of the best known victims of this form of repression is Major-General Pyotr Grigorenko (see paragraph 2.34).

#### Worker Dissent and the Right to Strike

**8.31** In the Soviet Union the Government recognises neither the right to strike nor the right to form an independent (non-CPSU dominated) trade union, as shown by the fate of Vladimir Klebanov and his associates who, in early 1978, announced the formation of a “free” trade union. In a document released to the International Labour Organisation (ILO) in March 1978, Klebanov and 42 others, all ordinary workers, stated that they had formed an independent trade union of 200 members; all

1. *A Chronicle of Current Events*, Numbers 28-31, published in translation by Amnesty International Publications, (London, 1975) pp. 153-159.

of them had been dismissed from their jobs for revealing abuses of authority at work, such as the cover up of industrial accidents, bribe taking, the setting of unrealistic work norms or theft of valuable materials. Most of the foundation members of the group, including Klebanov, were arrested and detained in psychiatric institutions. According to Soviet theory, Soviet workers cannot properly strike because they are themselves the owners of the enterprises in which they work, and would therefore be striking against themselves.

**8.32** Two examples taken from the testimony before the Sub-Committee will illustrate how harshly a dissatisfied worker can be treated in the Soviet Union. The first concerned Peter Pintans, who had experience with Australian unions before he returned to Latvia. He criticised the role of unions in the Soviet Union which, he stated, was merely to make the worker work harder instead of trying to improve working conditions. Pintans said that all communists should be expelled from unions because they were the employers not the workers, and he wrote a letter of complaint to the Twenty-Second Congress of the Communist Party. The Soviet authorities barred Pintan's return to Australia, and he was arrested in 1962. Two years later the unrelenting Pintans was sent to Leningrad's "special psychiatric hospital" and his friends can obtain no recent information about him.

**8.33** The other case concerned a worker named Robert Poriētis, who had unsuccessfully appealed against what he believed to be his unjust dismissal. He further appealed to a higher court and even wrote to the Presidium of the Supreme Soviet concerning his case. Not only did he not obtain any satisfaction, but he was arrested and charged with "parasitism" because he was unemployed. For this alleged "parasitism" he was sentenced to work in a remote region, and was subsequently given a three year prison sentence when he refused to stay in the place designated by the authorities. Eventually, Poriētis succeeded in having his original conviction for "parasitism" quashed, but was warned by the authorities to desist when he attempted to apply for compensation for the time he spent in prison. There have been other cases where workers, who have complained about their working conditions or about the actions of management, have been arrested and taken to psychiatric hospitals. In this way, ordinary workers trying to assert their legal rights are forced into a position of dissent.

#### The Future of Dissent in the Soviet Union

**8.34** Since the mid-1970s, intensified repression has somewhat dispersed dissident organisations. Many activists are now serving long prison sentences or have been exiled to remote areas of the USSR. Compared with the situation several years ago most of the prominent figures known to the West, such as Alexander Solzhenitsyn, Andrei Amalrik, Vladimir Bukovsky and Pyotr Grigorenko, have been forced into exile abroad. Yet the Committee has noted that the movement has undergone crises of this nature before, and its eventual resurgence seems inevitable. It should be noted, too, that samizdat continues to circulate; despite the efforts of the regime to suppress them, major documentary publications like *A Chronicle of Current Events* and the *Chronicle of the Lithuanian Catholic Church* have not been eliminated.

**8.35** There are many artists, intellectuals and others who are classified as dissidents but whose only act of dissent has been to seek wider artistic, cultural and intellectual freedoms. They could probably count on a wide measure of passive support, as could such dissidents as Roy Medvedev, the Marxist historian whose aim is to produce reform from within. On the other hand, there is no evidence that there would be substantial active support among the general populace for calls for the West to impose

pressure on the USSR to produce internal reforms, as Andrei Sakharov and Alexander Solzhenitsyn have advocated. However, there are probably a considerable number of people who, while not trying to change the Soviet system, are nonetheless embarrassed and dismayed by their Government's sledgehammer tactics on human rights issues, and even more so by the unconvincing justifications offered.

**8.36** A more recent dissident movement, of a kind which could have considerable long term potential implications for the Soviet Union, is the free trade union movement formed by Vladimir Klebanov (paragraph 8.31 refers). The abuses that the free trade union movement complained of are more likely to touch a common chord among the working class than the issues raised by the human rights movement. It has been reported that the remnants of Klebanov's group have joined members of the human rights movement to form a Committee for the Free Trade Union of Workers of the USSR.

**8.37** Although there is evidence of widespread dissatisfaction with many aspects of Soviet life, the general populace is experiencing its highest standard of living ever. The impact of the active political dissidents on the internal policies of the Government is likely to have been small. The active political dissidents constitute only a small percentage of the population. At best the Government causes them to be seen as misguided, and at worst as "dupes of foreign intelligence agencies" or as traitors. Discontent among national and certain religious groups is more widespread and, with one or two notable exceptions, more diffuse. The authorities have not been totally insensitive to national sentiment, as indicated by the resolution of the 1978 Georgian language dispute. Nevertheless, the national sentiments of several minorities are likely to pose continuing problems for the Government.

#### Conclusion

**8.38** This chapter has outlined how the Soviet authorities severely repress any attempts at individual or organised protest by Soviet citizens who demand the fulfilment of the human rights which, in theory, the Soviet State espouses so enthusiastically. Most of the so-called "dissidents" have frequently attempted to appeal or protest openly to the authorities on human rights questions and, in accordance with Soviet law, bring the matter to the attention of the proper authorities, including the Procurator-General of the USSR. Not only do such appeals usually fail to achieve any satisfactory response from the authorities, but the act of making the appeal frequently results in reprisals. Even ordinary workers who complain about their working conditions may suffer retribution. Reprisals have also been severe against those people who have merely monitored Soviet compliance with the human rights provisions of the Helsinki Agreement.

**8.39** The use of quasi-legal methods of suppression of dissent—such as bringing charges of "parasitism" against dissidents or intending emigrants who have been dismissed from their jobs—illustrates the change of climate in the Soviet Union compared with Stalinist times, when there was almost a total absence of legality. Nevertheless the present Government has made repeated attempts, culminating in the 1978 dissident trials, to suppress all activities by individuals and groups acting outside Party control. This reaction to dissent must be seen as the direct consequence of the Soviet concept of the supremacy of society and the State over the individual and his rights—a concept that was re-formulated by President Brezhnev when he introduced the new draft Soviet Constitution in May 1977 (see quotation in paragraph 2.10).

8.40 The democratic movement in the Soviet Union has received some severe setbacks in recent years. Many leading activists are now imprisoned for long terms, exiled to remote parts of the Soviet Union or expelled abroad. Past trends and statements by those remaining in the democratic movement indicate that protests will go on; at most there will be a lull while a new community of dissent evolves. Ethnic minority dissent and religious dissent are more widespread in the USSR than political dissent. Due to the severe repercussions, dissent in the USSR is likely to continue to be of a largely passive nature rather than a significant force for change in the short term. For this reason many Soviet dissidents, as well as intending emigrants, have argued for external pressures on the Soviet Government.

## 9. THE TREATMENT OF SOVIET PRISONERS AND THE USE OF PSYCHIATRIC HOSPITALS

### The Impact of Legislation

9.1 As indicated in the previous chapters, many Soviet citizens have been convicted for behaviour alleged to be harmful to the Soviet State, even though these activities have frequently amounted to no more than a free expression of opinion or recounting of human rights infringements. It is therefore important to give some indication in this report of how the convicted fare in the Soviet prison system, or in the psychiatric institutions to which many sane "dissenters" are committed. In this regard the Committee was fortunate to receive the personal testimony of and documents from several witnesses who had experienced the Soviet prison system.

9.2 Early Soviet prison codes distinguished between members of the "working class", whose crimes ostensibly did not threaten the security of the State, and members of the "enemy classes", whose crimes were political. Under Stalin the distinction became increasingly blurred, to include among the "enemies of the people" anybody who opposed Stalin, with scant regard for class origin. The present Soviet corrective labour legislation, by providing for more vigorous measures against persons convicted of "especially dangerous crimes against the State",<sup>1</sup> still implicitly singles out political prisoners for distinctive treatment. Nevertheless, officially it is denied that the practice of imprisoning people for their political and religious beliefs still continues.

9.3 In a submission to the Sub-Committee, Amnesty International (Australian Section) stated that in Amnesty experience there has never been an acquittal of a political defendant in the USSR. No Soviet court trying a person for his political activity has rejected the prosecution's case on grounds of procedural violations committed during the investigation period, or on grounds of insufficient evidence. Only rarely do courts pass a suspended sentence in a political case, as with Maria Slepak who, with her husband, had displayed a placard from her window. Her sentence was pronounced at a time when there was already a world outcry against the severe punishments awarded to Soviet dissidents during mid-1978. Appeals against verdicts in political cases are not known to be successful either. Indications that such cases, once begun, always end in a conviction suggest that criteria other than criminal culpability are decisive. In the sections that follow it will be shown that the legal rights of these people continue to be blatantly disregarded once they enter the Soviet prison system, and that psychiatry is deliberately misused to inflict punishment on many of those regarded as enemies of Soviet society.

### Number and Category of Prisoners

9.4 Soviet sources claim that "there are now fewer citizens in the USSR convicted for anti-State activities than at any time in all the time that has passed since the victory of October".<sup>2</sup> Certainly this would be true when compared with the period of Stalin. It has been estimated that at the time of his death in 1953 the Soviet prison population

1. Articles 64 to 73 in the Criminal Code of the RSFSR come under "especially dangerous crimes against the State". This includes "Anti-Soviet Agitation and Propaganda" (Article 70).

2. M. Mikhailov, "Slandereis and Provocateurs", *Izvestia*, 3 August 1978.

was three million, including a large proportion of political prisoners. About two-thirds of the prisoners were released by 1957. About 1% of the estimated one million prisoners then remaining are believed to have been political prisoners. While many of these have been released since 1957, many others have taken their place in the Soviet penal system for the type of activity mentioned in previous chapters. Amnesty International believes that there are at least 10,000 political and religious prisoners in the Soviet Union; of these at least 2,000 are thought to be imprisoned for their religious beliefs (see paragraph 3.32). This would mean that the total number of persons imprisoned in the Soviet Union for political or religious reasons would remain at about 1% out of a probable total of at least one million prisoners. Some estimates for the total prison population are much higher.

9.5 The above figures on prisoners can only be regarded as rough estimates because Soviet authorities do not publish figures on the number of prisoners, and because they do not even concede that there are political or religious prisoners. In fact in recent years, the USSR has concealed the number of political prisoners by imprisoning a proportion of dissidents among common criminals, often by prosecuting them on criminal charges such as "parasitism". Whatever the exact figure for political prisoners, it is large enough to act as a considerable deterrent to those contemplating active dissent.

9.6 Article 21 of the RSFSR Criminal Code outlines the range of punishments which may be applied for criminal offences. The most severe are deprivation of freedom, internal exile, and banishment from the place of residence. In addition, under Article 23, the death penalty may be applied "as an exceptional measure of punishment" to persons convicted of serious crimes against the State, including "treason", and for some crimes of violence. Until the practice stopped, apparently as a result of protests in the West, some people had also been shot for economic crimes (paragraph 5.9 refers).

9.7 Most persons convicted of political or religious "crimes" are sentenced to "deprivation of liberty"—that is they are sentenced to a term in prison or in a corrective labour colony, or a combination of the two. By law, prisons are intended to exercise a greater punitive role than labour colonies. Sentences of "deprivation of liberty" can range up to fifteen years, and two to five years of internal "exile" may be added to such sentences. A person serving such a sentence of exile is usually required to live in a remote location determined by the authorities. Such persons may move freely within the determined area, but are closely supervised by the authorities. Occasionally, persons convicted of political "crimes" are only sentenced to internal exile instead of imprisonment—this has applied to some first offenders, young defendants and female defendants. The Soviet practice of interning some dissidents in psychiatric institutions is discussed later in this chapter, commencing paragraph 9.33.

#### Location of Prisoners

9.8 The fact that in the Soviet Union official penal statistics are classified as state secrets makes it difficult to know exactly how many penal institutions exist and where they are. Amnesty International has the names, and in most cases the precise addresses, of more than 330 prisons and labour colonies known to accommodate or to have accommodated political prisoners in recent years. Maps provided to the Subcommittee indicate that these institutions are scattered widely throughout the USSR.

The main concentration of political prisoners who have committed "especially dangerous crimes against the State" or who are "second offenders" (including those accused of "anti-Soviet slander" and religious "offences"—see Annex D) are in the complexes of colonies in the Mordovian ASSR—some 450 kilometres south-east of Moscow—and in the Perm region of the Urals. According to a samizdat source in 1974, there were then "around a thousand" political and religious prisoners in these two areas alone.

9.9 The Fundamentals of Corrective Labour Legislation of the USSR (Article 6) provide that convicted persons shall "as a rule" serve their sentence in the republic in which they were convicted or resided prior to arrest. Exceptions to this rule are previous offenders, aliens and persons convicted of "especially dangerous crimes against the State"; such persons may be sent to serve their sentence in corrective labour institutions set aside for these categories of offenders. This tends to discriminate against political prisoners, and the practice of placing prisoners in institutions located in remote parts of the RSFSR, including Mordovia and Perm, makes it extremely difficult for their families to take advantage of the already highly restricted visiting privileges granted to Soviet prisoners. There have been cases of families being unable to meet the cost of these rare opportunities for visits. Imprisonment outside a prisoner's native republic has other disadvantages, especially the need to toil in unaccustomed climatic conditions. Furthermore, they may encounter problems with their mail or if they attempt to converse in their national language, because in many camps prisoners are expected to write their letters and speak in Russian.

#### Conditions In Soviet Penal Institutions

9.10 Article 1 of the fundamentals of Corrective Labour Legislation contains the following statement of principle:

The execution of a sentence shall not aim at inflicting physical suffering or degrading human dignity.

However, dissidents who have served sentences in corrective institutions in the Soviet Union have testified and described very clearly in their writings how, in their experience, the opposite has been the case, particularly where political prisoners are involved. Their harsh treatment is not only meant to severely punish these prisoners (and less directly their families), but it obviously acts as a strong deterrent to others who may contemplate active dissent.

9.11 Sentences passed in court stipulate not only the type of institution (prison or labour colony) to which a prisoner is to be sent, but also the type of "regime" under which the prisoner is to be detained. Most of the known political and religious prisoners in Soviet labour colonies and prisons have been sentenced to the most severe regimes. The four grades of labour colony regime regulating the conditions of imprisonment are "ordinary", "intensified", "strict" and "special". The regimes differ from one another in the amount of toil and punishment inflicted upon the prisoner. Each regime entails a progressive reduction in prisoners' rights such as visits, rights to receive correspondence and to make supplementary food purchases. Prisoners held under "special regime" are kept in cells. In an atmosphere of almost perpetual hunger, a very significant difference between the four regimes is the amount of rations allowed.

9.12 The testimony of prisoners suggests that prison regimes are even harder than those in the labour colonies. There are two types of regime in prison: "ordinary" and "strict". Inmates of prisons receive less food than do inmates of colonies, and their

1. Amnesty International Report, *Prisoners of Conscience in the USSR*, (UK, 1975) pp. 51-53.

rights are subject to further severe restrictions. They are generally confined to shared cells; but political prisoners have frequently been placed in solitary confinement by the prison administration for alleged minor infringements of prison regulations.

**9.13** The RSFSR Corrective Labour Code (Article 56) requires only that prisoners be given such amount of food as will allow the human organism to function. As former inmates of Soviet prisons and labour colonies have testified, even the "ordinary" regime diet in the colonies and prisons is barely adequate to sustain life, let alone maintain the body for hard labour in an extreme climate. The reduction of the already inadequate food ration is used as a means of punishing "recalcitrant" prisoners in labour colonies who fail to perform the prescribed levels of production. This causes further deterioration in health, making it even more difficult for prisoners to meet these prescribed levels of production.

**9.14** For minor violations of regulations prisoners can also be deprived of their limited rights to receive a food parcel or to spend small sums on supplementary food. Those prisoners who are "second offenders" are placed in especially severe "rehabilitation" camps where food parcels are allowed only after one half of the sentence has been served, and then only with the special permission of the administration. One witness, with recent experience as a political prisoner in a Soviet labour colony, told the Sub-Committee of how he was deprived of his right to make supplementary food purchases in the camp store simply because he had hung up his towel "incorrectly"; he said such needling is directed selectively at certain prisoners. Furthermore, prisoners are frequently placed in punishment cells where food rations are further reduced, as stipulated in Article 56 of the RSFSR Corrective Labour Code.

**9.15** The appeals of inmates and testimony of former inmates of Soviet camps and prisons stress that not only is the diet nutritionally inadequate, especially in view of the work requirements, but the food provided is often so rotten that it is inedible. Not surprisingly, food poisoning is reported to be common in Soviet camps and prisons. Vladimir Bukovsky, a former inmate of Vladimir prison, stated in *The Orlov Defence*<sup>1</sup>, a document tendered to the Sub-Committee:

... The shortage of food, the poor quality of the food and the appalling living conditions mean that almost everyone who has endured imprisonment suffers from stomach ulcers, or diseases of the liver and kidneys or enteritis or heart and vascular diseases.

When I was first arrested I was very healthy, but after I had been in prison I too suffered with stomach ulcers and cholecystitis. This did not make any difference to the way that I was treated. I was still put in the punishment cell on a reduced diet.

**9.16** Andrei Amalrik gives a description of the conditions in his strict regime camp at Kolyma, in north-eastern Siberia. He was a prisoner there from 1971 to 1973, followed by exile in the Magadan region until 1975:<sup>2</sup>

... The strict regime camp I was in is 300 kilometres north of Magadan. There the winter lasts eight months and the climate is very harsh. The temperature varies between 20 and 60 degrees celsius below zero.

The camp is surrounded by several rows of wire. Inside the wire are two wooden fences. Dogs patrol the space between the fences.

The camp is divided into a living area and a work area. In the living area are 4 barracks accommodating 800 prisoners.

1. *The Orlov Defence* (conducted in London in May 1978 by John Macdonald, Q.C.) p. B4 (copies of statements prepared for the defence in London, tendered in evidence to the Sub-Committee).

2. *The Orlov Defence* (London, 1978) pp. B7-B9 (tendered during evidence).

All the prisoners have to wear uniforms made of thin grey cloth and very thin boots. Everyone has their name and number sewn on their clothes. You march everywhere in columns.

Prisoners are fed three times a day. Breakfast is a sort of thin porridge, dinner is soup. Those who have fulfilled their work norm get extra porridge. The soup is very poor and has very few vitamins. That is why most of the prisoners are ill. Every minute of the day is planned and prisoners get less than an hour to themselves.

Prisoners work in the furniture factory where the dust from the presses and pain (sic) department are not controlled and fill your lungs, or in the mechanical department, or outside cutting wood, or in the construction brigades.

It is difficult to work outside when the temperature is less than minus 20 degrees centigrade. When it is minus 50 or 60 degrees the conditions are almost unimaginable. When it is as cold as that there is a sort of dry fog, which means that if you extend your arm, you cannot see your hand. Yet every day you have to go out and work. There was only one day when I was in camp when people did not have to go out and work. It is so cold that many have inflammation of the ear which can lead to loss of hearing. You are not allowed to wear extra clothing. You are not allowed to wear a fur cap. I made a band to go over my ears out of some socks, but the guards believed that I must be wearing this so I could listen to the BBC, which of course was nonsense.

I was put in a punishment cell on two occasions. Once in prison and once in camp. I was in a cell by myself. The cell measures one and a half metres in width and two and a half metres in length.

When I was put in the punishment cell my usual clothes were taken away and I was made to wear specially thin clothes. It was impossible to sleep. You had to keep moving about all night in order to keep warm.

I was lucky, I only spent 5 days in the punishment cells. The usual period was 15 days. Frequently people spent 15 days in the punishment cells, were let out for one day and then put back for a further 15 days. Repeated solitary confinement means the slow destruction of the human body. Your personality is slowly destroyed.

**9.17** The following is a description by Vladimir Bukovsky of his harsh experiences in Vladimir Prison, 175 kilometres east of Moscow:<sup>1</sup>

I spent a long time in Vladimir Prison. The normal cells there have iron screens on the window so that no ray of light can penetrate into the room. The cells are of different size. Some have three men, some five, some ten in the same cell, locked up all through the day except for half an hour for exercise.

Exercise takes place in a small courtyard, like a room without a roof. Only people who are in the same cell are allowed to exercise together.

The walls of the cells are made of rough concrete, so they cannot be written on. They are damp. There is a heating system but part of the punishment is to keep it deliberately low even in winter time. The guards shove food through a trap door.

Sometimes the cells have no lavatories at all, only a bucket. Sometimes there is just a hole in the floor without any isolation from the sewage system. That means that all the stench from the sewage system comes back inside the cells, which have no proper ventilation system.

In punishment cells the conditions are worse. You are kept in solitary confinement in a room which is about two and a half square metres. The only light is from a small bulb in a deep niche in the ceiling.

At night time you sleep on wooden boards raised a few inches off the ground without any mattress or blankets or pillow. You are not allowed to have any warm clothing in punishment cells, any warm clothing you have is taken away from you. It is so cold that you cannot sleep at all. You have to keep jumping up and run round your cell to keep warm.

**9.18** The Soviet penal system, with its large number of inmates, is required to make a significant contribution to the national economy. It is administered by the Ministry of Internal Affairs (MVD) and there is also a strong representation of the KGB.

1. *The Orlov Defence* (London, 1978) pp. B1-B2 (tendered during evidence).

Former inmates of Soviet penal institutions consistently stated that the forced labour they are required to undertake is mostly arduous, unhealthy and dangerous. Generally speaking, the stricter the regime to which a prisoner has been sentenced, the heavier, more unpleasant and more dangerous the work load.

**9.19** A prisoner on a "strict" regime—the majority of known political prisoners are in this category—must do heavy manual labour such as laying sewers, road-building, lumbering, or work in factories where there is dangerous pollution or conditions are noisy, causing nervous and physical strain. The even severer "special" regime—also common for political prisoners—usually entails manual labour of an extremely strenuous nature such as stone-quarrying, reclaiming marshland, digging sand and large-scale construction. Evgeny Vaghin, who spent eight years in the Soviet penal system, told the Sub-Committee that not only was the work in his "strict" regime camp difficult and monotonous, but any machinery with which the prisoners in his camp worked was of such poor quality that accidents were frequent. The levels of production that the prisoners were obliged to meet were continually increased.

**9.20** Even invalids can be required to do heavy manual labour. Evgeny Vaghin described to the Sub-Committee the plight of a fellow political dissident, Igor Ogurtsov, who is currently serving eight years (of a total twenty year sentence) in a "strict" regime camp, after already having served seven years in Vladimir Prison:<sup>1</sup>

Having lost his teeth and hair, suffering from a chronic shortage of vitamins and from high blood pressure (in prison he was classified as a second degree invalid), Ogurtsov was assigned the exceptionally heavy and harmful work of a stoker in the strict regime camp. It is not easy to shovel coal into the furnace of a steam boiler for eight hours at a stretch, and moreover on beggarly camp rations. It is shift work and frequently he has to work at night; but there is no chance of sleep or rest in the general barracks in the daytime.

**9.21** Under Soviet corrective labour laws prisoners are to be paid for their labour at the rates established for all Soviet workers. Most of these earnings are deducted automatically for the prisoners' upkeep—the prisoner is guaranteed only 10% of his earnings. When not under any restrictions, prisoners are allowed to spend in coupons (they are not permitted to be in possession of cash) a set amount from their earnings on food, basic necessities and on books retailed by the Government.

**9.22** A serious complaint made by political prisoners concerns the effect of camp conditions on the professional future of prisoners, particularly intellectuals. Academics, mostly no longer young, are subjected to hard physical labour in the camps which leaves them neither the strength nor the time for intellectual work. This also impairs their health to the point where they may become permanently unfit to continue in their professions—even if the regime were to allow a return to their former status.<sup>2</sup>

**9.23** The combination of low-grade, badly cooked food with arduous labour in a harsh climate causes some prisoners to emerge as chronic invalids. It has been stated that most inmates suffer from stomach ulcers or other gastric complaints after two or three years. Yet, colony and prison medical facilities are inadequate to cope with the health and accident problems of prisoners. The main task of the limited medical staff is to keep people at work. There are reports of serious shortages of essential drugs,

1. *Evidence*, 27 October 1978, p. 930.

2. See appeal by astro-physicist K. A. Lyubarsky in *A Chronicle of Current Events*, No. 33, 1974 (in translation by Amnesty International Publications, UK, 1976) pp. 110-111.

and in some cases the nearest hospital is so far away from the labour colonies that seriously ill prisoners have apprehensions about ever reaching the hospital alive.

**9.24** A frequent complaint by prisoners is that the medical units are staffed by unqualified or at best newly qualified staff. Sometimes medical assistants are recruited from among the prisoners themselves and hastily trained in the essentials of first aid and minor surgery. Some prisoners are known to have refused treatment, even essential surgery, at the hands of prison or colony doctors because of a lack of confidence in their ability. Apparently one such prisoner was the dissident Yuri Galanskov, who in 1972, after his ulcer burst, chose to be operated on by a fellow prisoner who had medical training but no surgical experience. After the operation the authorities refused to allow this medically trained prisoner to see Yuri Galanskov and refused to transfer the ailing dissident to a civil hospital. Yuri Galanskov subsequently died at the age of 33.

**9.25** Soviet authorities know that the absence of independent reporting in the USSR creates difficulties for the human rights movement. Attempts by former and present political and religious prisoners to expose serious breaches of human rights within the Soviet penal system have therefore led to harsh reprisals by the penal authorities against prisoners, as alleged in a report completed in the first half of 1976 by the Helsinki watch group in Moscow. This report, brought back from Moscow in 1976 by Senator Missen and tabled during his evidence to the Sub-Committee, mentions curtailment of prisoners' family visiting rights, interference with prisoners' correspondence, increased body searches and confiscation of documents, and the more severe punishment of solitary confinement. The following is a translated extract of the report:<sup>1</sup>

Already very rare visits of the family members to the political prisoners have been greatly diminished. The technique of frightening the visitors has increased. At the time of the visit, any attempt by the political prisoner to relate something about the conditions of his life, or even his illnesses, is interrupted. The political prisoner of Vladimir prison, Yakov Suslensky, whose health has been undermined by the continuous detention to the extent that in June 1976, during the visit of his wife, he could not come out by himself—he was supported by the arms—when he made an attempt to tell his wife about his illness, the controller who was present during the visit, prohibited him to do so, or else he would stop the visit.

An effort has been made to deprive the rights of the political prisoners to write. Letters from them and to them are not passed on, for different reasons: there may be, as it were 'inadmissible expressions' or 'hidden meaning'. Often the letters disappear on the way to the addressee. The censorship of the correspondence has increased. Already the abovementioned political prisoner of the Vladimir prison, Yakov Suslensky, received back his letter to his wife, so that he would excise from the text his complaint regarding the state of his health. Some political prisoners, as a token of protest, have refused to write letters (Kronlid Lyubarsky, Vladimir Prison).

In the last year, the searches of political prisoners, and in Vladimir prison, have become more frequent and devastating. In the Camp No. 1 (Mordov), the examination of personal effects has increased to twice a week (previously from time to time). Hand-written notes, poems, sketches, extracts from the court proceedings and copies of official applications, are taken away, so that they are not 'published in the West'. The head of the prison, Krivov, said to the political prisoner, Paruyun Ayrikyan, who was deprived of his copy of the letter to the Presidium of the High Court of the USSR, that if such letter should appear in print in the West, then Ayrikyan would be facing a new trial. For information passed on to freedom, political prisoners of Vladimir prison Georg Davydov and Vitold Abankin have received solitary confinement.

1. *Evidence*, 10 May 1978, p. 366.

For information passed on to freedom, Semyon Gluzman was threatened with a new sentence (Perm Camp No. 35). Official warnings by KGB were given to Vasilii Stus, Vyacheslav Chernovol, and Boris Penson (Mordov Camp).

Once again we invite your attention to the fact that the foreclosure of humanitarian streams of information is a crude breach of the spirit and letter of the Final Act.

9.26 According to other information received by the Sub-Committee, this type of harassment of prisoners and their families is continuing. Curtailment of the very limited family visiting rights causes particular anguish. One witness was only able to see his wife on six occasions during his eight years of imprisonment.<sup>1</sup> In his evidence, Evgeny Vaghin stated that he was deprived once of the right to see his wife, and several times of the right to make purchases at the camp store, because he refused to attend political indoctrination classes. The apparent necessity to attend political education classes is a frequent cause for complaint by inmates and former inmates of the Soviet prison system.

9.27 Evgeny Vaghin told the Sub-Committee that in the labour colonies there are "intensive isolation cells" where a prisoner can be held for from three to six months. If the labour camp administration considers that a prisoner is still recalcitrant after a period of solitary confinement he will frequently be transferred to the harsher conditions of a prison—often to the well known Vladimir Prison—for alleged "malicious violation of the demands of discipline". Between May 1975 and October 1976, 45 political prisoners were transferred from corrective labour colonies to Vladimir Prison as a disciplinary measure. The decision to transfer a prisoner from a labour colony to a prison cannot be taken under Soviet penal law without a court order. However, there have been allegations that sometimes such transfers have taken place purely by administrative decision without recourse to the courts. Even when a prisoner is formally tried by a court before being transferred from a labour colony to a prison on a disciplinary charge, it is, according to the testimony of Evgeny Vaghin, a "farce of a trial" held within the confines of the camp.

9.28 It has been alleged that the arbitrary imposition of punishments by colony and prison administrations have, on many occasions, caused prisoners to appeal to the Procurator-General. However, it has been the experience of political and religious prisoners that the procuracy generally fails to respond positively to prisoners' appeals and complaints.<sup>2</sup> This is despite the fact that attempts were made in the USSR after 1953 to restore the rule of law in Soviet penal institutions. It is apparent that the considerable legal status of the Soviet procuracy is overshadowed by the widely accepted fact that no action can be taken in regard to political prisoners without the approval of the KGB. Furthermore, prisoners may be made to suffer unofficial retribution merely for appealing through the proper channels.

9.29 In 1962, Article 77(1) was added to the RSFSR Criminal Code, under which the death penalty could be passed by a court "for actions disrupting the work of corrective labour institutions". Although it is alleged that some colony administrations at least occasionally threaten prisoners with Article 77(1), no cases have been recorded of such executions in recent samizdat documents emanating from Soviet penal institutions. This is in contrast with the 1960s, when there were reports of numerous executions taking place in the camps for disciplinary violations by prisoners. Viktors

1. For further information on prison conditions (including visiting rights) see for example *Evidence*, 27 October 1978, pp. 966-974.

2. See also Amnesty International Report, *Prisoners of Conscience in the USSR*, (UK, 1975) pp. 92-93.

Kalnins stated in his evidence that, when a prisoner, he witnessed instances where prisoners were shot, allegedly for attempting to escape, when they could have been apprehended instead. Kalnins maintained that this was done under a secret order that prisoners were to be allowed to attempt escape and then be killed while doing so. He went on to say that there were occasions when the guards refused to shoot and consequently were punished themselves. Official Soviet news media mentioned 25 death sentences passed during 1978; most were for violent crimes. Andrei Sakharov in a statement (in absentia) to Amnesty's International Conference on the Abolition of the Death Penalty in Stockholm in December 1977 estimated that each year several hundred people are sentenced to death in the USSR.<sup>1</sup>

9.30 The Sub-Committee was told that physical torture of political prisoners in the Soviet Union has become an exception. On the other hand, allegations of beatings of prisoners held in Vladimir Prison have been made in *A Chronicle of Current Events*. One issue of this *Chronicle* claimed that on 14 April 1977, the Governor of Vladimir Prison (Lieutenant-Colonel Ugodin) and two other senior officers beat a prisoner (a certain Omar Askhanov) after he and other prisoners had demanded "inspection of beatings"; that is, that the traces should be recorded in a medical document. The same issue of the *Chronicle* alleged that such cases of violence committed against political prisoners had "multiplied", and that sometimes prisoners who have "misbehaved" are put in a cell with specially selected common criminals who rob, beat or rape a prisoner they have been sent.<sup>2</sup> As far as is known, physical torture is also no longer in common use as a means of extracting confessions during pre-trial interrogations of political and religious prisoners. Nevertheless, the investigation period is still an ordeal, as indicated in *The Orlov Defence*,<sup>3</sup> which contains the following statement by Vladimir Bukovsky on the investigation period in a Moscow prison:

In Lefortovo prison they have cells for two people. The second person in the cell with you is an informer. That is worse than being in solitary confinement . . .

You are completely isolated. You know nothing about the future. You are interrogated every day. There is nobody to talk to except the informer in your cell.

The authorities try to frighten you. They threaten that if you are stubborn your wife and children will be punished. They say that if you will not confess and repent you will get a longer term and a stricter regime. It is very hard for a man who a few days or weeks or months ago was free.

9.31 An ordeal suffered by religious prisoners is that labour colony and prison administrations deliberately try to deny them the opportunity to pray. Prisoners have alleged that they were punished just for attempting to say their prayers privately. Bibles, religious literature and even hand written prayers are confiscated from prisoners (for further details see *Evidence*, 27 October 1978, pp. 979-981). Imprisonment can also be an especially humiliating ordeal for female political prisoners as shown by the following extracts from the submission to the Sub-Committee by Mrs Nadia Svitlychna who was incarcerated for four years for her samizdat activities:

I wish to make some remarks concerning the circumstances of my detention prior to my departure for the labour camp. Conditions in women's prisons make no concession to women's physiological requirements. Even the prison warders are almost exclusively men. When, after my arrest, I was subjected to a personal search, a woman had to be summoned from the kitchen for the purpose. The personal search is a degrading process involving stripping to the skin and the inspection of every seam of clothing.

1. *Amnesty International Report 1978* (London, 1979) p. 244.

2. *A Chronicle of Current Events*, No. 46, 1977 (in translation by Amnesty International Publications, UK, 1978) p. 60.

3. *The Orlov Defence* (London, 1978) p. B6 (tendered during evidence).



There were two of us in the cell. As a rule, one's neighbour in the cell has the function of assisting the interrogator; my cell-mate did her best to weaken my resolve and stimulate my desire for freedom at any cost.

Various methods were tried to this effect. For instance, the interrogator would be very polite, asking if I were not cold, giving me news of my son, and urging me to write a penitential deposition on which basis charges would be dropped. The head of the interrogation section Parkhomenko, on the other hand, would threaten me with evil consequences, especially for my son.

The constant presence of male warders has a particularly degrading effect. There is no privacy from them even while changing garments. The observation window in the cell door is continually open. There is an oppressive silence in the prison, which begins to affect one's psyche. The electric light is never extinguished. At night, however, it is forbidden to cover one's eyes or to pull the blanket over one's head. It is also forbidden to sleep with one's hands under the bed-clothes. If one breaks these regulations even in one's sleep, the supervisor hammers on the door and compels one to lie according to rule.

One is escorted to the W.C. twice a day, at 7:00 a.m. and at 7:30 p.m. The male warder issues one with two sheets of toilet paper at the door of the cubicle. The observation window remains open. One is taken to the bathroom once every ten days.

( . . . )  
I was continually threatened with deprivation of the rights of motherhood during my interrogation and trial, and even after my release. In 1977 the KGB warned me in writing concerning the "improper" upbringing of my son (paragraph 3.12 refers).

9.32 The Committee has already made it clear that a political or religious prisoner's ordeal is never really over, even after his release. He is likely to be subjected to further harassment by the authorities. In many cases former prisoners may be required to take up residence in a stipulated place, outside of which their movements are restricted. Not only are former prisoners likely to be prevented from being re-employed in their former profession, but they are likely to be forced to accept a lowly paid and unskilled job. They are placed under surveillance and their room or home is liable to be searched at any time.

#### The Abuse of Psychiatric Practices

9.33 Under Stalin some Soviet psychiatrists were willing to declare mentally healthy people insane if they had been accused of political crimes. However, the psychiatrists involved in such cases were usually acting from high motives in declaring the accused mentally incompetent to save them from possibly being sent to their deaths in one of Stalin's labour camps. There seems to be no evidence that such people were mistreated during their subsequent detention in a psychiatric institution; they were apparently not subjected to medical treatment and the hospital staff often behaved kindly to them.

9.34 The possibility that Soviet authorities were systematically abusing psychiatry through the compulsory "treatment" of healthy individuals to "cure" them of their political or religious convictions first came to the attention of the West in the early 1960s. This occurred largely as a result of the case of the Soviet writer Valery Tarsis who, in 1962, was arrested and involuntarily confined to a psychiatric hospital. In March 1963, after his case had been publicised in the West, Tarsis was released.

9.35 New cases of psychiatric internment for political beliefs came to the attention of the West in the late 1960s and in 1970, notably those of Major-General Pyotr Grigorenko and Zhores Medvedev. Also, in 1970, the young Soviet dissident Vladimir Bukovsky related his experiences of Soviet mental hospitals in a covert television interview which was filmed in Moscow and broadcasted in the West. His account was based on his own detention in psychiatric institutions for two periods in

the 1960s, following charges of anti-Soviet agitation. Then, in 1971, Bukovsky managed to send to the West apparently genuine copies of the psychiatric reports of several dissidents interned in Soviet mental hospitals. These documents enabled Western psychiatrists to see for themselves just how broad and how vague were the diagnostic criteria used in these cases. The question of Soviet misuse of psychiatry was also examined in detail by Dr Sydney Bloch and Mr Peter Reddaway in their book *Russia's Political Hospitals*, published in 1977. Their conclusions confirming the deliberate abuse of psychiatry in the Soviet Union for political reasons were fully endorsed in the evidence to the Sub-Committee by the well known Ukrainian dissident and mathematician, Leonid Plyushch—formerly an inmate of the Dnepropetrovsk Special Psychiatric Hospital.

9.36 Apart from first-hand accounts of dissidents who have experienced compulsory confinement in Soviet psychiatric hospitals, two former Soviet psychiatrists, Dr Marina Voikhanskaya and Dr Semyon Gluzman, have confirmed that there is widespread abuse of psychiatry for political purposes in the Soviet Union. Both state that they were alerted to the problem in the course of their work, through encounters with sane people who were being forcibly treated for supposed mental illness. Both suffered harassment at the hands of the authorities when they began to protest that mentally healthy people were being treated as insane in Soviet hospitals. Dr Voikhanskaya was permitted to depart for the West in 1975, but the Soviet authorities repeatedly refused to allow her small son to join her until 1979.<sup>1</sup> Dr Gluzman received a ten year sentence in 1972 for his attempts to expose psychiatric abuses, and since then has been in a strict regime corrective labour colony.

9.37 Another Soviet psychiatrist, Dr Anatoly Barabarov, was arrested in 1976 and himself confined to a maximum security psychiatric hospital, allegedly for his sympathetic attitudes to inmates of the special psychiatric hospital where he was formerly employed. Later, in 1978, a former medical orderly, Alexander Podrabinek, who had formed a Working Commission to Investigate the Misuse of Psychiatry, and who compiled a documentary account of alleged abuses entitled *Punitive Medicine*, was sentenced to five years' exile for his activities. The working group formed by Podrabinek relied partly on the help of sympathetic Soviet doctors working within the system.

9.38 A number of former dissidents who have undergone "treatment" in Soviet psychiatric institutions, including Leonid Plyushch, Pyotr Grigorenko and Vladimir Bukovsky, were subsequently released and permitted to leave the USSR—generally only after their cases had received a great deal of support in the West. It is, of course, difficult to make retrospective judgements about a person's mental state. Nevertheless, the consensus among Western psychiatrists who had an opportunity to examine Leonid Plyushch and Vladimir Bukovsky immediately after their release was that there were no psychiatric indications for either hospitalisation or involuntary treatment, and that these "dissidents" were not likely at any stage in the past to have suffered from serious mental instability, especially from abnormalities like schizophrenia, which has been a favoured "diagnosis" for the victims of Soviet psychiatric abuse.<sup>2</sup> Similarly, Pyotr Grigorenko—who was stripped of his Soviet citizenship while visiting the US—has shown no signs of mental instability requiring involuntary psychiatric treatment.

1. See also *Evidence*, 14 April 1978, pp. 261; 296-297.  
2. See Dr Gerry Low Beer's statement in paragraph 9.50.

9.39 In response to Western criticism of Soviet psychiatric abuse, including criticism at meetings of the World Psychiatric Association, representatives of the Soviet psychiatric profession have rejected outright any suggestion that there is anything amiss with Soviet procedures for psychiatric commitment. Instead, they have steadfastly continued to maintain that dissidents in psychiatric hospitals are there because they are ill and in need of treatment.

#### Selection of Dissidents for "Psychiatric Treatment"

9.40 The basis on which dissidents are selected for psychiatric confinement rather than ordinary prison is uncertain. In only a small minority of cases has there been a past psychiatric history. Most likely the wish to avoid the publicity of a political trial has been the foremost reason for such confinement, the authorities preferring to discredit the person's thoughts and actions rather than risk the possibility of dispute about them. Prison hospitals are feared by dissidents more than prison camps, because of the indeterminate length of detention as well as the brutal conditions (see paragraphs 9.48-9.51).

9.41 "Psychiatric" internment may be used against differing forms of dissent. The following are some further examples submitted to the Sub-Committee:

- a. *Political activity (the largest group)*: Boris Vinokurov, a senior Soviet ministry official, was hospitalised shortly after he announced, at a Party meeting in 1975, his resignation from the Communist Party and his intention to form a new party. It was reported at the next Party meeting that he, his wife and daughter were all mentally ill. A recent example of psychiatric internment is Vladimir Rozhdestov, who allegedly tried to establish a dissident group and was sent to prison hospital in Central Asia as a result.
- b. *Nationalist Activity*: Dr Mykola Plakhotnyuk was diagnosed as suffering from "schizophrenia with persecution mania" after his arrest for distributing the illegal *Ukrainian Herald*. Ukrainian dissidents seem to be particularly favoured for psychiatric confinement.
- c. *Demand to Emigrate*: Nikolai Kryuchkov was interned after applying in 1974 to emigrate to the US. His medical report allegedly included the entry "Reason for hospitalisation—wish to emigrate from the USSR".
- d. *Religious Activity*: Alexander Argentov, an Orthodox Christian, was hospitalised in 1976 in Moscow for membership of an unofficial seminar on religious philosophy. It seems that he was told by Dr A. Mazikov that religion was the sole reason for his committal.
- e. *Insubordination*: Dr L. A. Petrova, a Moscow factory doctor, was hospitalised in 1972 after refusing a superior medical officer's request to provide false medical certificates for certain of his friends. She was reportedly released after five months following a petition by workers at her factory. She was restored to her post but with a diagnosis of schizophrenia. There have been several cases where Soviet workers were confined to psychiatric institutions for lodging formal complaints to their superiors (paragraph 8.31 refers).

9.42 Dr S. Bloch and Peter Reddaway, the Western authorities on this subject, have estimated that at any time some 300 dissidents are being held in prison psychiatric hospitals, and more in ordinary psychiatric hospitals. Their book, *Russia's Political Hospitals*, provides dossiers on 211 such inmates or former inmates. Only ten of these are known to have had a history of mental illness, while several others are known to have become mentally ill after years of "psychiatric" confinement.

#### Soviet Procedures for Psychiatric Treatment

9.43 All Soviet psychiatrists are employed by the State. Requests for psychiatric intervention by State organisations, including the Secret Police, are unlikely to be questioned in the first instance. When it becomes apparent that the issue is a political one, the ordinary psychiatrist may find himself in a moral dilemma. However, the pressures to fit in with the system are enormous.

9.44 It has become increasingly clear that a psychiatrist's refusal to comply involves considerable self-sacrifice, and the Committee has already given several examples of this. Since the World Psychiatric Association meeting (in Honolulu) in 1977, at which Soviet misuse of psychiatry was condemned, seven Soviet psychiatrists are reported to have been persecuted for defending dissidents' rights.

9.45 Although some Soviet psychiatrists have been reported to have direct links with the KGB, the evidence suggests that only a minority of psychiatrists are active perpetrators of psychiatric abuse. Central to this is one section of the otherwise highly respected Serbsky Institute for Forensic Psychiatry in Moscow. It is not uncommon for a dissident deemed sane in the provinces to be found insane immediately afterwards at the Serbsky Institute, as was the case with Major-General Grigorenko. Soviet law is frequently breached by the authorities in forensic psychiatric matters. For example, the right of family members to testify in court may be withdrawn, as is generally the case with the right to an independent psychiatric opinion.

9.46 That Soviet prison psychiatric hospitals are grim and backward places, where brutal conditions prevail, is supported by Leonid Plyushch's evidence to the Sub-Committee. Inmates are required to submit to the discipline of medically untrained "sanitary orderlies" who are themselves recruited from convicted criminals in the penal system. Often the psychiatric institutions are in remote parts of the USSR, and in any case little contact with relatives is permitted. The doctors in these hospitals are employed by the Ministry of Internal Affairs, not the Ministry of Health, and there is a strong KGB influence.

9.47 Dissidents report that some doctors act in genuine good faith, in that they believe that any citizen who publicly opposes the Soviet system must be "crazy" because of the severe retribution involved. There are also a number of reports that psychiatrists in both ordinary and prison psychiatric hospitals have tried to persuade dissidents to recant their views for their own good—including promises of transfer or release. Leonid Plyushch confirmed this in his evidence.

#### Treatment of Dissidents and the Use of Drugs

9.48 Leonid Plyushch, who was committed from July 1973 to January 1976 in Dnepropetrovsk Special Psychiatric Hospital because of his human rights activities, said this in his sworn testimony on 14 April 1978 (p. 278):

Mr Plyushch—Haloperidol was given to me and I know from Russian literature that someone in my condition should not have been given such high doses. Even according to Snezhnevsky's own textbook the amount exceeded what I should have had.

Mr Jacobi—What was the effect of these drugs?

Mr Plyushch—The physical effects, when anti-dotes were not administered, were twisting of my body, face and arms. This was to show my wife how I was being treated. The day my wife was to come they gave me an excessive dose of Haloperidol without the antidote so that my wife could see what was happening to me.

Chairman (Senator Wheeldon)—You are suggesting that was done to intimidate your wife?

Mr Plyushch—This was to frighten my wife into talking me into either admitting or giving up the struggle because she was being shown what the outcome of it would be. There was gradual intellectual degradation from the time when I was able to read philosophical and mathematical literature until I could not read at all because of my sight.

Chairman—Are you saying your sight and reading was affected by the application of these drugs?

Mr Plyushch—Yes, and also I could not understand some things.

Chairman—Was your understanding affected as well?

Mr Plyushch—Yes, the understanding was affected and I had to read things a number of times before understanding them.

Mr Jacobi—How often were you given the drugs?

Mr Plyushch—I was given them three times a day.

Mr Jacobi—For how long were you given them?

Mr Plyushch—Over the two and a half years the number of times I had a break was one week or two weeks and that was only because of other treatment. For instance they would make a break when they changed to insulin therapy.

Mr Jacobi—In your submission you say you only had two courses on insulin therapy. Did you have more than that?

Mr Plyushch—Yes, I had two courses. The first was a series of insulin shocks but I did not reach a shock condition. The second course was only small quantities of insulin.

Mr Jacobi—What are neuroleptics?

Mr Plyushch—They are nerve stimulants.

Dr Klugman—The effect is opposite to that of tranquilisers and in excess it leads to convulsions.

( . . . )

Mr Jacobi—Are other people charged with these types of crimes who are in psychiatric institutions, irrespective of whether they are schizophrenics or not, given the same types of drugs to get the same results?

Mr Plyushch—At one time I was given more than anyone else. It was known that I was a friend of Sakharov and he was the most dangerous of the dissenters. One man was given an even stronger drug from America.

9.49 According to the submission of Dr W.F. Salter, former Medical Superintendent of Hillcrest (Mental) Hospital, South Australia, insulin has almost disappeared as a form of treatment in Western psychiatric institutions since the advent of tranquillising drugs. Dr Andrew Firestone (Consultant Psychiatrist to the Victorian Mental Health Authority), who had personally interviewed Leonid Plyushch, informed the Sub-Committee as did Dr Salter, that there were no indications that Plyushch had ever required psychiatric treatment. Both psychiatrists were impressed with the mental integrity of the Sub-Committee's witness.

9.50 Dr Gerry Low Beer, a member of the Royal College of Psychiatrists who met Leonid Plyushch on his release from the USSR, has stated:<sup>1</sup>

When he (Plyushch) was released I went to the Austrian frontier to meet him on the train. The Austrian Government wanted a psychiatrist to board the train and examine him there and then to see if he needed hospitalisation.

( . . . )

I made myself known to Plyushch and sat down. He was perplexed, completely exhausted but within those limits—alert. He understood everything not only literally, but in its implications. After a few minutes he collected himself and we walked out of the train to be faced by about 70 or 80 journalists with photographers and television cameras. That in itself was a test of mental health. This was a man who the previous day had been released from mental hospital and that same morning was released from hospital.

1. *The Orlov Defence* (London, 1978) pp. C5-C7 (tendered during evidence).

Once in Vienna, he rested in bed . . . . He began to receive visitors. He was suffering from exhaustion and a certain number of side effects from the neuroleptics that he had received, but in no way could he be considered mentally ill . . . . He is an idealist, extremely warmhearted, which in itself would practically exclude schizophrenia, he has a very lively intellect and is an excellent raconteur. He remains completely sane.

*There was no justification whatsoever for the sort of treatment he was given. He should not have been given insulin or neuroleptics, and he should never have been confined in a special psychiatric hospital or subjected to any other psychiatric treatment against his will. The medical reports purporting to diagnose a schizophrenic illness are fraudulent and the authors of such reports, in particular Professor Snezhnevsky, are nothing more than henchmen of the KGB, more in the tradition of Mengele than of Hippocrates.*

( . . . )

(The Committee's emphasis)

Professor Snezhnevsky, referred to in the last paragraph, is a leading psychiatrist attached to the Serbsky Institute, Moscow. The "school" of psychiatry which developed the concept of "sluggish" schizophrenia—the "diagnosis" for many dissidents—is named after Professor Snezhnevsky.

9.51 To give some understanding of the conditions which had to be endured by Leonid Plyushch (and about 60 fellow political prisoners) the Committee will quote from Plyushch's own description which he tendered (as part of *The Orlov Defence*) during his testimony to the Sub-Committee:

In January 1972 I was arrested and accused of anti-Soviet propaganda. At first, while I was under investigation, I was in prison in Kiev. In May 1972 I was sent to the Serbsky Institute but in fact I spent six months in Moscow's Lefortovo prison. In January 1973 I was tried in absentia, behind closed doors, at which neither my relatives nor the medical expert representing them, were present. (This in itself was illegal.)

From July 1973 to January 1976, I was in the Dnepropetrovsk Special Psychiatric Hospital. It was hell. I subsequently found out that I was supposed to be suffering from sluggish schizophrenia from an early age.

On the first day there I was taken to the quarantine ward, where we were given underclothes that were torn. I was put as the third person on two bunks that had been pushed together. The next morning I woke up and saw two orderlies beating up my neighbour, simply because he wanted to go to the lavatory.

In the afternoon I was summoned for interrogation by Dr Kameneetskaya. While I was there a man came in and said that a patient had attacked some orderlies and had tried to hang himself in the lavatory. The Doctor ordered the patient to be tied up and given sulphazine. When I got back to the ward he still had a red scar round his neck. I was told that he had not attacked anyone, it was the orderlies who had been abusing him. All the orderlies are criminals serving out their sentences.

Much of my time I spent in Department 9, which is the worst Department in Dnepropetrovsk. I was put in the supervised ward with the serious violent cases.

Other political prisoners explained to me that you shouldn't complain. They said if you do you are given intensified treatment with neuroleptics and injections of sulphazine. They added that the orderlies also prevent you from going to the lavatory.

When we were allowed to go to the lavatory we went in groups and it was awful. People were fighting for a place and searching for cigarette stubs among the used lavatory paper. Some of the patients ate their excrement or masturbated. I don't want to blacken the picture, for this did not happen every day.

## Conclusion

9.52 This chapter indicates that conditions in the Soviet prison system are harsh, brutal, and degrading of human dignity. Although the Sub-Committee received no evidence that the Soviet authorities still resort to physical torture, there was overwhelming evidence that the administration of Soviet penal institutions violates both

1. *The Orlov Defence* (London, 1978) pp. C12-C13.

the letter and spirit of the United Nations Standard Minimum Rules for the Treatment of Prisoners. Most notably Soviet penal regulations and even more so their implementation fall far short of humane concepts: in the system of punishments, the right of prisoners to make complaints, to communicate with their families and friends, and perhaps most seriously, to receive adequate medical care and nourishment.

**9.53** It would seem that there are several thousand Soviet citizens who have had the courage to attempt to exercise their rights to freedom of belief or freedom of expression, nominally guaranteed them in the Soviet Constitution, and enshrined in the international conventions on human rights to which the USSR is a party. It was established in evidence, that these men and women are singled out for especially severe treatment within the Soviet penal system. Their human rights are abused during the investigations of their crimes as well as by the labour colony and penal administrations. Soviet dissidents cannot hope for any positive intervention on their behalf from the Soviet institutions, notably the procuracy, that are intended to provide prisoners with an avenue of appeal against the abuse of their legal rights.

**9.54** The Committee is very much aware that penal institutions in many Western countries, including Australia, are far short of perfect. Nevertheless it is possible to conduct a public inquiry in countries like Australia in order to rectify situations which, it would seem, compare favourably with those prevailing in the Soviet penal system. Although Soviet conditions are much improved since Stalin's time, there is a need for a thorough reform of the Soviet corrective labour system. In view of the all-pervasive influence of the KGB, there needs to be a strengthening of Soviet agencies responsible for enforcing the observance of legality within the system—as distinct from compliance with official ideology.

**9.55** It is not widely disputed—except by the Soviet Government—that the Soviet Union is systematically abusing psychiatry through the forced internment of mentally healthy people in order to “cure” them of their political or religious beliefs. This also enables the Soviet Union to avoid the presence of some important dissidents at trials. The estimated 300 “dissidents” held in prison psychiatric hospitals at any one time—and more in ordinary hospitals—suffer the most degrading conditions; these allegedly include the administration of *harmful drugs and discipline by mostly unsympathetic staff*, who are supplemented by orderlies recruited from among ordinary criminals in the Soviet penal system. There is a continuing need to expose the conditions endured by the people who are imprisoned in Soviet penal and psychiatric institutions because of their political or religious convictions.

**9.56** There is a need for the establishment of a permanent, independent, international organisation to inquire into the abuse of psychiatry for political purposes. Such an organisation should comprise distinguished psychiatrists, lawyers and human rights specialists. The organisation could operate under the auspices of an existing body such as the International Court of Justice or the World Health Organisation, or become an autonomous body under the aegis of the United Nations. The main function of such an organisation should be the receipt and subsequent investigation of complaints from individuals or associations alleging the enforced use of psychiatric facilities for political purposes. The main weapon of such an organisation would be an impartial but widely publicised report.

## 10. WESTERN INVOLVEMENT IN HUMAN RIGHTS IN THE SOVIET UNION

### Introduction

**10.1** In the preceding chapters the Committee has shown that the Soviet Union has failed to implement many of its formal commitments to human rights whether they be judged by the standards of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Final Act of the 1975 Helsinki Agreement or indeed, the Soviet Constitution. The Committee has also explained in the introduction to this report why priority was given to the examination of human rights in the Soviet Union—a country which tries to influence events throughout the world—rather than to a number of other countries whose regimes may be more repressive than that of the Soviet Union. It remains for the Committee to consider whether the democratic countries can take any action regarding the Soviet Union's denial of basic human rights to its citizens. Can Australians, for example, do anything to help Soviet citizens who are imprisoned or committed to psychiatric hospitals for many years merely because of their political or religious beliefs?

**10.2** For over ten years, a number of internationally organised campaigns have been launched in connection with human rights issues in the Soviet Union. Of these, the support for Jewish emigration from the Soviet Union has to date had the greatest success, as measured by the numbers of Soviet Jews who have been permitted to emigrate in recent years (see paragraph 6.11). In the same period, Western governments, members of the US Congress and the parliaments of several Western democracies, non-government organisations (such as Amnesty International) and prominent citizens have also attempted to bring pressure to bear on the Soviet Government, in order to secure improvements in other fields of human rights, including the right to emigrate. The relative success of some of these campaigns will be discussed later.

**10.3** This inquiry of the Joint Committee on Foreign Affairs and Defence is, so far as we know, the first official parliamentary inquiry into the general subject of human rights in the Soviet Union. There has been an unofficial all-party committee of members of the British Parliament carrying out unofficial investigations into the plight of Soviet Jewry. Congressional sub-committees in the United States have held hearings for a number of years on such subjects as religious persecution and anti-Semitism in the Soviet Union. Individual US Congressmen have raised, on numerous occasions, human rights violations in the Soviet Union, and in 1965, the US Senate adopted a resolution (by 68 votes to nil) condemning religious and cultural persecution of Soviet Jews. In 1978, the US Senate voted to condemn the sentencing of Yuri Orlov. A watch on human rights in the Soviet Union is being maintained by the US Commission on Security and Co-operation in Europe, whose membership includes members of the US Congress and eminent public officials, under the chairmanship of Democratic Representative Dante Fascell. This body has produced several half-yearly reports on the implementation of the provisions of the Helsinki Final Act. Smaller countries have also shown concern as instanced by a substantial debate in the Norwegian Parliament in 1972 on “Can anything be done on the part of Norway to end the persecution of Christians in the countries on the other side of the iron curtain?”

#### Significance of the Jackson-Vanik Amendment

10.4 The most striking attempt to date by any Parliament in the Western world to influence human rights in the Soviet Union was the Jackson-Vanik Amendment passed by the US Congress in 1974. As the Committee noted in paragraph 6.40, United States pressure on the Soviet Government in 1972-73 had already led to the dropping of the so-called "diploma tax" on Jewish emigrants leaving the USSR. Then, during negotiations in 1973-74 for a trade-pact between the United States and the USSR, which was to result in the granting of Most Favoured Nation status to the USSR and originally, the availability of large US credits, the US Congress threatened to tie ratification of the pact to relaxation of Soviet restrictions on emigration. In October 1974, Senator Henry Jackson announced that the White House and Congress had reached a compromise whereby Congress agreed to vote for the granting of Most Favoured Nation status to the USSR on the basis of a declaration from the US State Department, which announced that the Kremlin had promised to make noticeable changes in its emigration procedures (including those affecting Soviet Jews).

10.5 Apparently the Soviets gave an unpublicised assurance to Dr Kissinger that 45,000 Soviet Jews would be allowed to emigrate each year. Although this figure was lower than the minimum of 60,000 which Senator Jackson had bargained for, it was 10,000 higher than the peak year (1973) for Jewish emigration. Senator Jackson hailed the agreement as "an historic event in the field of human rights". However, on 18 December 1974, the official Soviet press agency, TASS, denied the existence of such an agreement and rejected any suggestion that the USSR would agree to liberalise its emigration procedures in return for financial and tariff concessions from the US. Shortly afterwards Dr Kissinger announced that the USSR had rejected the entire commercial treaty agreed to at the first Brezhnev-Nixon summit in 1972.

10.6 The apparent failure of Senator Jackson's initiative to tie the proposed US-USSR commercial treaty to freedom of emigration from the USSR was regarded by some as a clear indication that the Soviet leadership would not respond favourably to this sort of pressure. However, in assessing the impact of the Jackson-Vanik Amendment it is important to ask what really caused the apparent volte-face by the Soviet leadership, after its unofficial indication to comply on the issue of freer emigration had already been announced by the US State Department. One theory is that the Soviet leadership was bound to react after the sensational publication of the "deal"; a more widely held explanation is that the US Congress itself killed the agreement by later imposing a limit on the credits to go to the USSR via the Export-Import Bank. Under this Stevenson Amendment, the US Congress reduced the amount of credits to be given to the Soviet Union to only US\$300 million which was at most a fifth of the amount of credits Dr Kissinger had been promising the Soviet Union. In particular, the US Congress banned all loans to develop Siberian natural gas sources and restricted financial aid for research and exploration for fossil energy in the USSR to US\$40 million.

10.7 One former dissident—Professor Voronel—told the Sub-Committee that the amount of credits voted by the US Congress was considered so negligible by the USSR that the Soviet leadership felt it was not worth persevering with the agreement. However, this witness was of the opinion that following the Jackson-Vanik Amendment, the Soviet leaders for the first time regarded seriously Western demands for human rights concessions. Dr Andrei Sakharov whole-heartedly supported the principles behind the move by Congress to tie the question of emigration from the USSR to approval of a US-USSR trade agreement. He attributed the failure of the move to

the lack of unity of purpose on such human rights issues between Western nations: some of these offered credits to the USSR to replace those which did not eventuate from the US. (See last part of Dr Sakharov's statement quoted in paragraph 6.42.)

10.8 The Jackson-Vanik Amendment failed to achieve an increase in Soviet emigration after 1973—there was actually a fall-off in Soviet Jewish emigrants after that year for the reasons given in paragraph 6.13. Nevertheless the Jackson-Vanik Amendment showed that the Soviet Union was prepared to make concessions in regard to emigration when it saw benefit in so doing. All the indications are that the Soviet Union is still interested in US technology and credits.

#### Significance of the Helsinki Agreement

10.9 Active Western support for human rights in the Soviet Union was greatly strengthened by the signing of the Final Act of the Helsinki Agreement (see Annex C) in August 1975. Under this Agreement all parties pledged themselves to observe a number of mutually agreed provisions on human rights. Soviet non-compliance or limited compliance with these provisions have been examined in various parts of this report. Although democratic countries cannot ensure Soviet compliance with the human rights provisions of the Helsinki Agreement, these provisions do provide an additional set of standards towards which governments can be prodded both by individuals and by other governments. Indeed, one of the key aspects of the Agreement was that, for the first time, good relations between nations were linked explicitly with observance of internationally agreed upon principles on human rights.

10.10 Another significant aspect of the Helsinki Agreement was that it led to the formation of small "watch groups" to monitor the extent of Soviet compliance with the Agreement. These "watch groups" brought together various strands of the dissident movement; the Soviet Government's unease about an alliance between these groups drew sustained repression from the KGB (see paragraphs 8.9—8.12). The harsh actions of the Soviet authorities clearly demonstrated that they would not tolerate any attempt by Soviet citizens to assert their rights by reference to the Helsinki Agreement.

10.11 As a country outside the European-North American area, Australia was not a participant at the Helsinki Conference and subsequent meetings. The Australian Government has, however, stated its full support for the principles of the Final Act and the broader process of East-West relations of which the Conference has been a part, because these are important elements in strengthening the moves toward relaxation of tensions in Europe. In the context of the Final Act, the Committee sees a need for all sides to work towards the full implementation of all the provisions of the Act, including those concerned with fundamental civil liberties.

#### Detente and Human Rights

10.12 Despite detente and the Helsinki Agreement it does not appear that human rights have been significantly extended in the Soviet Union; indeed evidence suggests that in the period 1977-78 there has been a movement towards greater restrictions. The Committee believes that the impact of detente will remain limited so long as the Soviet leadership maintains an oppressive internal regime.

10.13 The debate on human rights widened after 1977 when President Carter came to office. It should be noted that the Carter Administration began its human rights campaign by directing it specifically against Soviet violations, but the US campaign has since been extended to a number of other areas. In a speech in Washington on 6

December 1978, commemorating the 30th anniversary of the United Nations Universal Declaration of Human Rights, President Carter issued a *defence of his emphasis* on human rights issues in foreign policy. The President contended that human rights constituted "the soul of American foreign policy", since human rights is "the soul of our sense of nationhood". It is the view of the Committee that such an attitude should also be reflected in Australia's foreign policy.

10.14 The arrests, detention and trials in 1977 and 1978 of nearly all leading members of the Helsinki monitoring groups and some prominent Soviet Jewish activists led some Western observers to conclude that Western support for human rights (and President Carter's emphasis in particular) has had only a negative effect on the Soviet Government's willingness to make internal adjustments and concessions on human rights. This view seemed to be reinforced by the fact that the Soviet delegation at the Belgrade Conference (which began in October 1977 in order to review progress of the implementation of the 1975 Helsinki Final Act) refused to include a review of human rights in the final document produced by the delegates. Instead, this aspect was left over until the next Conference, scheduled to meet in Madrid in 1980. One interpretation of the refusal of the Soviet delegation at Belgrade to incorporate the review in the final document is that in contrast to 1975, the West was not in a more powerful bargaining position than the Soviet Union; in 1975 the Soviet leadership was anxious to obtain recognition of the post-war borders in Eastern Europe (a salient point in the Helsinki Agreement), whereas in 1977-78 there was nothing of similar importance to the Soviet Union.

10.15 When within a few months of the conclusion of the Belgrade Conference (March 1978) the trials of Yuri Orlov, Alexander Ginzburg, Anatoly Scharansky, and other members of the Helsinki Monitoring groups resulted in harsh sentences—at the very time that new Strategic Arms Limitation Talks (SALT) between the USSR and the US were beginning—the US Government responded with outspoken criticism of the trials. This was followed by an announcement that the planned sale of a \$US6.8 million computer to TASS would be blocked and curbs placed on the future export to the USSR of oil-development equipment. The effectiveness of the above announcement may have been compromised by the fact that the public became aware that there were divisions of opinion within the Administration over the advisability of such measures. Subsequently in April 1979, President Carter rescinded his earlier decision and gave permission for the sale to the USSR of the computer for TASS. The success of threats to use selective embargoes against the USSR and to restrict other contacts with the Soviet Union depends not only on the importance which the USSR attaches to the matters in question but also on the seriousness with which such threats are made. Probably, more importantly at the times of the trials, the Soviet leaders were publicly assured by the US Secretary of State, Mr Cyrus Vance, that differences of opinion between the Soviet Union and the United States over human rights would not be allowed to interfere with the progress of SALT.

#### The Campaign against Soviet Abuse of Psychiatry

10.16 One of the most notable international efforts to counter human rights violations in the Soviet Union has been the campaign against Soviet abuse of psychiatry for political purposes. The Western press campaign accelerated in 1974 drawing attention to both ex-victims and to those known to be held in psychiatric hospitals at that time. The Committee will use the case of the mathematician Leonid Plyushch as an example, because this former Soviet dissident emphasised during his testimony that pressure from outside the Soviet Union was vital in securing his sudden release from Dnepropetrovsk Special Psychiatric Hospital.

10.17 During 1975 the campaign to secure the release of Leonid Plyushch intensified. An "International Committee of Mathematicians for the Release of Yuri Shikhanovich and Leonid Plyushch" (formed originally in France in 1974) grew rapidly, stimulating protests in many countries: 662 US mathematicians signed one petition, 234 Japanese mathematicians signed another, and 133 Indian mathematicians signed a third.<sup>1</sup> After Yuri Shikhanovich (a mathematician arrested in 1972 for his samizdat activity) was released in July 1974 in response to foreign pressures, the mathematicians concentrated their attention on obtaining the release of Leonid Plyushch. Their Committee designated 23 April 1975 as International Plyushch Day, and was supported by mathematicians internationally, including from Australia. The campaign for Leonid Plyushch was also boosted by an Amnesty International symposium in Geneva on the use of psychiatry for political purposes. The mathematicians' next initiative was to organise a public meeting on 23 October 1975 in support of Plyushch; this meeting attracted 5,000 people. The next day the French Communist Party joined the campaign by publishing an article in *L'Humanité* condemning Plyushch's internment in a psychiatric institution, and demanding his release. Evidently these combined forces proved too much for the Soviet authorities, as on 25 October 1975 Mrs Plyushch was informed that her request to emigrate with her husband had been granted. The latter was not released from custody, however, until the train taking him to freedom crossed the Soviet border. On 10 January 1976, Leonid Plyushch and his family arrived in Austria.

10.18 The release of Leonid Plyushch further galvanised the campaign in the West against Soviet misuse of psychiatry and to achieve the release of Vladimir Bukovsky and other dissenters. A book was published on Plyushch's case, and Plyushch himself testified before a US Congressional Sub-Committee in March 1976. The executive of the World Psychiatric Association, despite Soviet counter-propaganda, came under pressure from its member associations—among them the Australian and New Zealand College of Psychiatrists—to condemn at its World Congress in Honolulu in August 1977 the increasingly well-documented Soviet abuses. Some Western delegates to the Honolulu Congress felt that it was more important to maintain ties with Soviet psychiatrists than to condemn Soviet practices, thereby risking cutting off all contacts. Despite this, a resolution condemning Soviet abuse of psychiatry was passed by a narrow margin.

10.19 The history of international involvement in the campaign against Soviet abuse of psychiatry for political purposes leads to some conclusions regarding any form of Western pressure on the Soviet Union. In the first place, world pressure is unlikely to achieve any wholesale changes in the Soviet system, and the Soviet authorities are unlikely to make such sudden reforms to their methods of handling dissent as would make it appear that they are bowing to Western pressure. The commitment of lesser known people to psychiatric institutions for non-medical reasons apparently still goes on; and many of those already interned for long periods, but whose cases have not been well publicised in the West, have not been released. On the other hand, broadly based campaigns outside the Soviet Union for better known dissidents—such as Leonid Plyushch and Vladimir Bukovsky—have been successful. (See also the Committee's recommendation regarding the establishment of a permanent international organisation to receive and investigate complaints alleging the enforced use of psychiatric facilities for political purposes—paragraph 46 in the Conclusions and Recommendations.)

1. S. Bloch and P. Reddaway, *Russia's Political Hospitals* (London, 1977) pp. 322-323.

### **The Effectiveness of Foreign Peer Group Pressures**

**10.20** It would be far too optimistic to hope that the Soviet Government could be convinced to delete such articles as Articles 70, 190(1) and 227 (see Annex D) from the RSFSR Criminal Code—even though they are incompatible with the Soviet Constitution. There is more reason to be optimistic about the successful outcome of well-co-ordinated and publicised campaigns on behalf of people who are in Soviet prisons, labour colonies and psychiatric hospitals merely because of their political or religious dissent. This applies particularly if such campaigns make use of peer group pressures.

**10.21** The reaction of Soviet psychiatrists, such as Professor Shneznevsky (see paragraph 9.50), who found themselves under attack by their colleagues abroad is significant. Their response to criticism from foreign psychiatrists, and their attempts to “prove” that certain dissidents were genuinely in need of treatment, tends to suggest that Soviet psychiatrists value the good opinion of their Western colleagues, quite apart from internal pressures to defend the Soviet system. This tends to be true of Soviet academics generally; the prestige of Soviet scholarship and membership of world bodies is considered important. Sometimes Soviet academics suffer embarrassment in the company of their Western colleagues because of the heavy-handed methods of the KGB. This in turn causes the Soviet scholars to apply pressure on the Soviet authorities to relent in particular cases. The Committee has chosen to illustrate this by way of the case of the well known Soviet sinologist, Vitaly Rubin, because several Australian academics were actively involved in the successful international campaign for his release.

**10.22** Vitaly Rubin, an expert on mediaeval Chinese philosophy, had applied for an exit visa to Israel in 1972 but it was refused on the grounds that his knowledge of China could help Israel. He was immediately obliged to give up his position in the Institute of Oriental Studies of the USSR Academy of Sciences. Although a war veteran and in ill health, he was deprived of any means of subsistence, and was subjected to KGB harassment and intimidatory arrests (paragraph 6.28 refers). When word was first received of the Soviet refusal to allow Rubin to emigrate, scholars around the world, including Australia, who were working on China and other parts of Asia, rallied to his support. Later, an International Committee for Vitaly Rubin was established at Columbia University in New York, in order to co-ordinate world-wide efforts and to maintain contact with him; he had been threatened with imprisonment on the charge of “parasitism”.

**10.23** A world wide petition from interested academics urged the Soviet authorities to allow Vitaly Rubin to exercise his right to choose where he wished to live. This petition was signed by over 1,300 academics and represented scholars of Asian studies from virtually every major university where Asia is studied. There was no acknowledgement or reply from the Soviet authorities.

**10.24** In 1973, Vitaly Rubin received an invitation to participate in the 29th International Congress of Orientalists, meeting in Paris. This prestigious organisation of scholars meets every three or four years. Despite the best efforts of the Congress Secretariat, Rubin was refused permission to attend and his paper was read in absentia by Professor A. R. Davies of the University of Sydney. This denoted a violation of the principles of scholarly communication and the Sinological Section of the Congress convened a meeting to consider the dissident's plight. An Australian scholar, Miss Audrey Donnithorne of the Australian National University, acted as co-chairman of the meeting which entered a strong protest against Soviet treatment of Rubin. The Paris Congress was to prove a double embarrassment to the Soviet academics who

attended. On the one hand, they experienced a public censure for their treatment of a fellow sinologist. On the other hand, an attempt by the USSR to have the next Congress held in Moscow was declined by the Executive Committee and plenum of the Congress.

**10.25** Many universities and scholarly organisations refused to enter into exchanges with Soviet academics as long as Vitaly Rubin was denied his human rights. Thus, Columbia University President Ralph McGill declared in April 1975 that he would not receive or deal with Soviet visitors while Rubin's human rights were violated. In another example, scholars at the University of Quebec in Montreal rejected exchanges with the Soviet Union under the newly signed Canada-USSR Cultural Exchange Agreement, because of the Rubin affair. Indeed, the campaign reached a point where Soviet sinologists could not attend international gatherings without being reminded, and embarrassed, over the treatment of their dismissed colleague. Individual Soviet scholars tried to persuade their Western counterparts that Soviet academics were urging Rubin's release, but that the matter was being held up by the “bureaucrats”.

**10.26** The campaign of the academics on behalf of Vitaly Rubin was supported by parliamentarians from several countries and diplomatic channels were used to press the Soviets to relent. Wide attention was also given to the case in the world press, including in Australia. For example, *The Canberra Times* published several letters to the editor expressing concern and support for Rubin. Perhaps the single most important safeguard against a lengthy imprisonment of Rubin was the publicity given to his case in the free press of the world.

**10.27** In early 1976 Vitaly Rubin was invited to attend the 30th International Conference of Orientalists, now renamed the International Congress of Human Sciences in Asia and North Africa, meeting in Mexico City in August 1976. The International Committee for Rubin had contacted scholars throughout the world to make them aware of the situation, with the aim of mobilising widespread support for Rubin at the forthcoming Congress. The Mexican president of the Congress made a strong personal intercession with the Soviets beforehand, urging them to avoid a repetition of the previous embarrassment (in Paris) by allowing Rubin to attend. Shortly before the Congress took place, Rubin was suddenly given a visa to Israel and he was able to attend the Mexico Congress. The Committee has gone into some detail in Rubin's case because it is an example of successful academic peer group pressure and of the effectiveness of world-wide publicity.

**10.28** Soviet scientists and technologists also rely greatly on exchanges of information with the West. The actions of the US National Academy of Science (NAS) in threatening to cut off exchanges of scientific information with the USSR have sometimes been effective in helping a Soviet counterpart who is out of favour with his Government. In 1973, when Dr Andrei Sakharov came under particular pressure and was subject to much vilification because of his human rights activities, the NAS threatened that it might be “difficult to guarantee continuation” of academic exchange programmes which included Soviet scholars, unless the campaign against Dr Sakharov was lifted. Dr Sakharov was not arrested, as American scientists then feared he might be. Although he is still subject to harassment (such as periodic disconnection of his telephone), it has not been on the scale of the 1973 campaign against him.

**10.29** Similar measures used to alleviate the situation of Andrei Sakharov and Vitaly Rubin are also likely to be effective in easing the repression of lesser known Soviet academics, because of the Soviet academic community's sensitivity to possible

restrictions on their own travel and on their access to Western technology. While reciprocal pressures may not be a panacea for relieving Soviet repression in all cases, "reciprocity" seems to offer a good chance of success in selected areas. This could also apply, for example, when the Soviet authorities interfere with Western presence in the Soviet Union—journalists, diplomats and other people who wish to travel around the Soviet Union. It was suggested during evidence that Western countries should apply the same restrictions on Soviet citizens—usually officials—when they are abroad. Despite the superficial attraction of such a course, the Committee is of the view that the course of freedom in one country is not served by denying freedom in another.

**10.30** Several Soviet dissidents, now living in the West, have at various times appealed for trade union support. It is a matter for speculation whether or not widespread trade union pressure on behalf of the Soviet workers who have been imprisoned or committed to psychiatric institutions because of their membership of non-government controlled trade unions (paragraph 8.31 refers), would be as successful as the eventual outcome of the campaigns on behalf of Vitaly Rubín, Leonid Plyushch and other academics. The question could well be asked as to whether or not pressure from the Australian trade union movement would be successful in securing the release of one of its former members, Peter Pintans, who was committed to Leningrad Special Psychiatric Hospital in 1964 because of his dissatisfaction with the role of unions in the USSR (paragraph 8.32 refers).

#### The Prospects of International Involvement in Soviet Human Rights

**10.31** The Committee believes that detente and human rights should be separate issues. The Western nations need to develop a human rights strategy which does not change other aspects of their relationship with the Soviet Union such as disarmament. Quiet diplomacy, usually out of the public eye, may sometimes be useful in persuading the Soviet leadership to make particular concessions over individual cases. During the last decade, whether the issue was Soviet restrictions on emigration or the release of a particular individual from some form of imprisonment, Soviet concessions appear to have been influenced by considerable publicity in the West, even if behind-the-scenes diplomacy is also likely to have played a crucial role. For example, in 1970 it was undoubtedly the pressure of public opinion in the West that persuaded the Soviet Government to commute the death sentences imposed on Edward Kuznetsov and Mark Dymshits—two Soviet Jews who had stood trial in Leningrad for an unsummarized plot to hijack a Soviet aircraft. There were large rallies in many countries and widespread condemnation came from the major Western Communist Parties, as well as from other political leaders, leading churchmen and trade unionists. This was supported by appeals for clemency from several Western governments and Pope Paul VI. In April 1979, the USSR exchanged Kuznetsov and Dymshits, along with the dissident writer Alexander Ginzburg, the "unregistered" Baptist clergyman Georgi Vins and the Ukrainian historian and nationalist, Valentyn Moroz, for two Soviet spies who had been convicted in the US. The five prominent dissidents had all been given long sentences in the USSR and were apparently chosen to pacify a broad range of public opinion. The exchange occurred less than two months before the Vienna Summit on SALT II and at a time when the Soviet Government was seeking US technology and credits.

**10.32** Western governments are fairly reluctant to become involved in the human rights issues of other countries. Without publicity concerning alleged Soviet violations of human rights, and the effect that this publicity has on public opinion in the West, it is most unlikely that human rights issues would ever be raised at the diplomatic level.

Public pressure in democratic countries can only be applied when there is public knowledge of Soviet violations. Moreover, it is most unlikely that Soviet repression would cease, or that Soviet policies on human rights would become more liberal simply because the West remained silent on these issues. The members of the diverse but relatively small Soviet democratic movement, and the emigration movement of Soviet minorities such as the Jews and Germans, rely heavily on Western moral support.

**10.33** It has not been disputed that the partially successful Soviet Jewish emigration movement would not have been feasible without the outspoken intervention of the leaders of Western nations. The intervention of successive US administrations and of other Western governments, in taking the opportunity whenever they met with Soviet authorities to raise the matter, have been of vital importance, as have been comments by national leaders, parliamentarians, academics and others whenever they have met their Soviet counterparts. The Jewish emigration movement (as well as the emigration of other Soviet minorities) will need continuing Western support (see Table 6-1). The Soviet Government is currently prepared to allow increased Jewish emigration at the rate of about 4,000 per month; this has been partly attributed to Soviet expectations of receiving trade credits and technology from the US. One example of low key but effective diplomacy has been the Federal Republic of Germany's success in securing increased emigration and civil rights for the ethnic Germans scattered in many parts of the Soviet Union. West German economic inducements are believed to have been the vital factor.

**10.34** The best chance of success for the various groups working in the West in support of human rights in the Soviet Union (including Amnesty International) seems to centre on working through people who have peer group contacts with influential members of the Soviet elite. The Committee has emphasised by way of examples that Soviet scholars and scientists are sensitive to pressure from their Western colleagues, and this sensitivity may in turn be reflected in the reversal of repressive actions of the Soviet authorities in selected cases. This tendency is likely to continue. Such peer pressure is more effective if supported by quiet diplomacy and accurate coverage in the media. The Soviet Union is unlikely to withdraw from all exchanges with Western scientists and other academics just because it faces criticism on human rights issues.

**10.35** The Committee has already discussed the mixed success of the US Administration and Congress in using technology and credits as a bargaining tool in human rights negotiations. It is unrealistic to expect that smaller trading partners of the USSR, for example Australia, could persuade their private enterprises to respond to appeals to withdraw from trade for human rights reasons. (In 1976-77, Australian exports to the USSR were valued at \$347.7 million compared with imports from the USSR of only \$5.8 million. In 1977-78, exports dropped to \$246.7 and imports remained at \$5.8 million. In 1978-79, the value of Australian exports to the USSR was \$264.6 million and imports from the USSR amounted to \$7.6 million.) Countries against whom embargoes are applied usually manage to circumvent them by finding other willing suppliers in a competitive market or through transshipment of key items through third countries. The withholding of credits may be the most effective means of exerting economic leverage in order to obtain concessions on human rights matters.

**10.36** The effectiveness of international protests concerning Soviet human rights violations depends greatly on the interest that the Soviet Union has in a particular country. Australia has less opportunity to influence the Soviet Union than it has to



influence other countries. Any attempt to influence the Soviet or any other government on the question of human rights must use selective methods that reflect the nature of Australia's relationship with the nation concerned; for example, in the course of bilateral discussions or negotiations, the Australian Government should take the opportunity to state its point of view on Soviet breaches of human rights. Similarly this can be done by individual Australians during cultural, academic and scientific exchanges with the Soviet Union. Parliamentary delegations also provide a useful vehicle for putting forward Australia's point of view, but it would seem that the opportunity has not always been used in the past.

**10.37** A resolution in one or both Houses of the Australian Parliament condemning Soviet violations of human rights may act as another signal to the Soviet Government that its repression of national minorities and other violations of basic human rights do not go unnoticed in other countries. Such actions by Parliaments may contribute to furthering human rights, not only in the Soviet Union but also in other countries where such violations occur. The Committee draws attention to the resolution of the Australian Senate of 4 April 1979 deploring the execution of the former President and Prime Minister of Pakistan, Mr Bhutto.

**10.38** Relevant debates within the forums of the United Nations provide useful opportunities to raise human rights issues. Australia should not be afraid to use these opportunities for fear of incurring retaliatory criticism from the USSR. Since the Helsinki Agreement, many countries have scrutinised human rights issues in other countries more carefully than before. In the longer term this will tend to improve the human rights situation in all countries. Australia, until 1980, possesses a voice on the United Nations Commission on Human Rights which gives our Government a useful vehicle for influencing international opinion on human rights. Australia's international position in this regard would be greatly enhanced if the Australian Government was to ratify the International Covenant on Civil and Political Rights (Australia signed the Covenant in 1973). The Committee notes that a Human Rights Commission Bill has been recently introduced into the Australian Parliament. Australia has considered the establishment of a Human Rights Commission to be a necessary step before ratification of the Covenant. Australia can then feel freer to request the UN Secretary-General to utilise the UN information services to make available in all countries—and in the relevant languages including those of the main Soviet nationalities—copies of the International Covenant on Civil and Political Rights, as well as the Universal Declaration of Human Rights and similar conventions.

**10.39** The Soviet Union expects the US to be hostile on ideological grounds and Soviet leaders may therefore discount to a large extent the volume of protests coming from that nation, whereas they may be more sensitive to criticism from the other democracies. This applies in particular to criticism from the European democracies and from the euro-communist parties. Protests from countries like Australia may have made a stronger impact on Soviet sensibilities than expected because such protests are more than the Soviet authorities had foreseen. This appears to be borne out by the Soviet Union's publicly expressed criticism of this inquiry. The US Congress has been investigating aspects of human rights in the Soviet Union for some years, but it was made clear to members of the Sub-Committee that the Soviet Government is particularly sensitive to the fact that a Committee of the Australian Parliament should undertake such an inquiry.

**10.40** Evidence suggests that the Soviet Union seems to have been determined to repress any internal opposition that may have shown potential for manifesting itself

during the Moscow Olympic Games. The Committee is concerned that this may continue, and that at the time of the Moscow Olympics, the Soviet authorities will make sure that any known opponents of the Soviet authorities are either removed from Moscow or committed to some form of imprisonment or "psychiatric treatment", be it only temporarily. Other dissidents who manage to avoid such precautionary measures of the Soviet authorities may nevertheless expose themselves to subsequent retribution.

**10.41** The Committee believes it would be futile for any one organisation or country to attempt to influence a change in the venue for the Moscow Olympics, unless many countries were to make similar moves. More importantly, the 1980 Olympic Games will give the Soviet Government an opportunity to show a more lenient attitude in human rights matters and an opportunity to relax the severe restrictions on travel within the Soviet Union. It remains to be seen how the Soviet Union will make use of these opportunities.

**10.42** The Soviet Union may be seen in a more favourable light at the time of the Moscow Olympics if large numbers of its political and religious prisoners are released from prisons, labour colonies and psychiatric hospitals; or if those that are exiled in remote areas of the USSR are given an amnesty before the Moscow Olympics. The Soviet Government could also make a favourable gesture by allowing further substantial increases in emigration before the Moscow Olympics, including about 2,000 "Refuseniks" who have been waiting for many years to emigrate.

**10.43** If the sort of repression that is documented in this report becomes obvious to many thousands of tourists, or in the less likely event that it will actually be shown by the foreign media in direct telecasts, then the Soviet Union will suffer the consequences of its actions. The Moscow Olympic Games will give many people from all over the world the opportunity to make their own judgement about the Soviet system, even if it will be seen in an unreal, if spectacular, atmosphere. However the Committee, recollecting that the Berlin Olympic Games in 1936 were followed by Nazi acts of aggression and genocide, is not optimistic that the Moscow Olympic Games will in themselves bring about any substantial extension of human rights in the Soviet Union.

#### Conclusion

**10.44** The Committee believes that Australia and other countries have a responsibility to help the cause of democracy in the Soviet Union and in any other country where human rights are arbitrarily limited.

**10.45** Western moral support for Soviet citizens who suffer persecution because of their political or religious beliefs, or for those who are prevented from emigrating from the USSR, complicate US-Soviet relationships. This is unlikely to be the cause of a breakdown of Strategic Arms Limitation Talks, or to lead to a lessening of Soviet interest in trade credits and Western technology, unless the Soviet leadership is seen to be yielding to too much pressure. The Committee believes it would be quite untenable for democratic countries to remain silent in the face of Soviet human rights violations.

**10.46** The democratic countries have a common interest in encouraging any tendencies towards a change of attitude in the Soviet Union which might soften both Soviet international actions and its highly controlled and frequently oppressive internal order. Such changes can only be expected to occur gradually and over the longer term.

**10.47** The West cannot afford to leave unanswered Soviet pretensions to represent a superior, humane and democratic order; or fail to counter aggressive Soviet propaganda. Within this broad community of interests, Western countries have particular objectives to pursue, often calling for a particular tactic. The West German interest, for example, in securing, for a price, the emigration of large numbers of ethnic Germans from the Soviet Union, points to tactics of quiet diplomacy and this approach has been effective. Public opinion in the US, on the other hand, generates pressure to adopt a more open stand in support of human rights in the Soviet Union. The question of which approach is more likely to be effective will vary with different issues. The effect of any such pressure on the Soviet Union will be diminished insofar as similar denials of human rights in friendly countries are not likewise exposed by critics of the Soviet Union.

**10.48** The best chance of success for the various groups working in the West in support of human rights (particularly for people imprisoned in the USSR) seems to centre on working through people in democratic countries who have influential contacts with their peer groups in the USSR, to which a persecuted dissident may have also belonged. This report contains many examples of how this approach has been successful. Soviet scientists and scholars value exchanges with the West and are sensitive to pressure from their Western counterparts. In selected cases such peer group pressure should be supported by quiet diplomacy and accurate coverage in the media.

**10.49** From time to time, there have been encouraging changes in the USSR. There are indications that the Soviet Government may be persuaded to adhere more strictly to its commitment to the political and civil rights enshrined in the Soviet Constitution even if these rights are heavily qualified. The fact that emigration of Jews and Germans from the Soviet Union, although still greatly restricted, has significantly increased in recent times, shows that the Soviet Government is capable of making some concessions to appease international opinion, as long as the Soviet Government believes that its vital interests and security are not at stake.

## CONCLUSIONS AND RECOMMENDATIONS

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The Committee expresses the following conclusions and recommendations resulting from the inquiry:

1. The civil rights of Soviet citizens have improved considerably since the Stalin period ended in 1953; there was of course immense scope for improvement. Nevertheless, the Soviet Union has failed to enter into the spirit of the Universal Declaration of Human Rights, and has failed to implement many of its formal commitments in such documents as the International Covenant on Civil and Political Rights and the Final Act of the 1975 Helsinki Agreement. Within three years of Mr Brezhnev signing the Final Act of the Helsinki Agreement, the Soviet Union flouted the Agreement's human rights provisions to such an extent that it has even imprisoned or expelled most of the people who, with considerable courage, had openly monitored the extent of Soviet compliance with the Helsinki Agreement. (Paragraphs 2.7-2.34; 8.4-8.33)
2. The widely proclaimed 1977 Constitution is at best an expression of hopes and desires, not an instrument whereby basic rights may be protected. It is unlikely to improve the situation of those Soviet citizens who do not agree with some aspects of the Soviet political system. Indeed, within a few months of Mr Brezhnev's proclamation of his new Constitution, a number of Soviet citizens underwent political trials which were not open to the general public. In the conduct of these trials the Soviet Government ignored its commitments in the 1977 Constitution as well as natural justice. (Paragraphs 1.5; 2.1-2.12; 2.19-2.23)
3. The civil rights and freedoms of Soviet citizens are very much subordinate to the interests of the Soviet State; this is made clear in the Soviet Constitution. In any case, Soviet citizens have no practical way of enforcing constitutional provisions. There are no independent courts for the purpose of interpreting Soviet laws or for enforcing the Soviet Constitution. Soviet courts which sit in judgement on what may be termed political or religious cases seem to be subject to secret directives. (Paragraphs 2.10-2.27)
4. Some articles of the Soviet Criminal Code are incompatible with the Soviet Constitution. In "political" cases, or in cases where ethnic minority rights or religious rights are an issue, defendants can encounter impediments to even the most basic rights when they attempt to choose their own counsel, to call witnesses and to effectively cross-examine prosecution witnesses. The accused are held incommunicado for long periods. (Paragraphs 2.13-2.27)
5. In view of the reported irregularities at Soviet trials and Soviet sensitivity to Western public opinion, it is recommended that wherever possible the Australian Embassy in Moscow send observers to Soviet political trials. The Australian Embassy in Moscow should keep the Australian Government informed on Soviet human rights violations. This should include any information available on the treatment of Soviet citizens imprisoned for their political or religious beliefs, or because they have sought increased rights for a Soviet minority. (Paragraphs 2.22-2.23; Chapter 10)

6. Soviet citizens may not engage in independent political activity, nor form or belong to political parties other than the Communist Party of the Soviet Union (CPSU); nor do the Soviet people have an opportunity to effect a change in their government representation through the ballot box.  
(Paragraphs 2.35-2.36; 2.42)

7. This monopoly of power has been enshrined in the 1977 Constitution and the CPSU's influence is strongly felt at all levels of Soviet society. The Party's monopoly of political power derives considerable support from Soviet security agencies and from control of the Soviet media.  
(Paragraphs 2.5; 2.35-2.42; 7.22-7.23)

8. Although membership of the CPSU is being enlarged, membership of the Party is virtually a pre-requisite for admission to the highest levels of Soviet society. Not only does the CPSU administer the machinery of State but it has the paramount influence on the choice of all key appointments and on the choice of candidates seeking election at all levels.  
(Paragraphs 2.36-2.42)

9. The Soviet record regarding economic rights is better than its record on political and civil rights. Unemployment is illegal in the Soviet Union. However, a person who is denied work because of his attitude to some aspect of the Soviet system can be prosecuted either for being a "parasite", or under the catch-all offence of "anti-Soviet activity", which can be very widely interpreted. Any citizen attempting to assert the constitutional right to work finds this impossible because of the inadequate machinery to invoke the Soviet Constitution.  
(Paragraphs 2.43-2.46)

10. The Soviet Union has made substantial progress towards economic equality although wage differentials are still considerable. Provided there is no display of obvious dissent against the Soviet system, a citizen is assured of a pension, free education and health services. Housing at nominal rent and staple foods at subsidised prices are also available.  
(Paragraphs 2.47-2.48)

11. One of the most serious infringements of human rights in the Soviet Union can result from the requirement to show "nationality" on an internal passport and on other official forms. These documents are required to be shown to obtain higher education and employment; the requirement to show "nationality" can discriminate very severely against Soviet Jews, and also to a lesser extent against some other Soviet minorities such as the Crimean Tatars.  
(Paragraphs 2.49-2.59)

12. Soviet policy and law on religion, as well as unpublished directives, place limitations on religious freedom and discriminate against religious believers, including:

- a. acts of harassment against individual believers, leading in many cases to imprisonment;
- b. a high degree of control over, and direct State intervention in, the affairs of religious congregations and the appointment of clergy (this is not in accordance with the principle of separation of Church and State as proclaimed in the Soviet Constitution);
- c. severe limitations on religious instruction, particularly to the young;
- d. the enforced closure of houses of worship; also whole denominations have been forced underground or forced to merge with "approved" denominations; and

- e. widespread anti-religious propaganda in the State-controlled media and publications, without any right of reply.

(Paragraphs 3.9-3.19; 3.30-3.50; 3.52-3.57; 3.66-3.69; Annex E)

13. Although there is State interference in almost all religious activity in the Soviet Union, some of the most severe persecution has been suffered by those faiths that are concentrated in areas where there has been an interaction of religion and a "national" sentiment, such as in the Western Ukraine and in Lithuania. Also singled out for special discrimination are several evangelising faiths mentioned in the report.  
(Paragraphs 3.22; 3.27-3.34; 3.42; 8.18)

14. Despite the repression of religion in the USSR, and of the shortage of clergy and religious publications, there is a continuing interest in religion among a sizeable proportion of the population. Those faiths who have not been allowed by the authorities to have a central co-ordinating structure suffer special disadvantages.  
(Paragraphs 3.40-3.45)

15. The USSR is unique among the major powers in that the Soviet Union's dominant nationality is potentially outnumbered. It is possible in the near future that the Russians will be outnumbered by the total of the other nationalities that make up the Soviet population. National movements among several of these non-Russian minorities are probably the most important of the political forces facing the Soviet Government.  
(Paragraphs 1.11-1.42)

16. Since the death of Stalin the position of most Soviet minorities has improved. However, there is a growing protest among ethnic minorities against the suppression of their national and cultural rights resulting from a continuing Soviet policy of Russification, which also leads to the settlement of Russians in minority areas, and against the Soviet practice of determining all political and economic policies in Moscow despite the existence of a nominal federal structure. The Soviet leadership appears to be concerned that nationalist unrest might be exploited by its adversaries.  
(Paragraphs 1.3; 1.20-1.43; 8.13-8.16)

17. The national movements of non-Russian people are of uneven intensity and can be divided into three broad categories:

- a. national movements within some Western and Transcaucasian republics; many Latvians, Lithuanians and Estonians, for example, would seek total secession from the Soviet Union whereas citizens of other republics would probably ask for no more than equality with the Russians;
- b. national movements within the Soviet Central Asian republics and Azerbaijan, where the predominantly Muslim population is rapidly increasing, and where there appears to be a growth in the strength of those movements seeking more national and cultural autonomy; and
- c. national movements within those Soviet nationalities who do not have their own republics in the USSR, and therefore suffer special disabilities, such as the Jews, Crimean Tatars, Volga Germans and Meskhetians (Georgian Turks). Many of these people are demanding greater national rights, return to their respective former Soviet homelands from which they were deported (except for the Jews), or the right to emigrate.

(Paragraphs 1.20-1.40; Chapter 4; 8.13-8.16)

18. While it depends somewhat on the circumstances and the minority concerned, the Soviet authorities have been prepared to disregard the Soviet constitutional and international commitments to cultural freedom and equality. To serve a broader policy, the Soviet Government is sometimes prepared to give reign to the cultural aspirations of particular groups, such as the Armenians. On the other hand, there seems to be considerable cause for dissatisfaction among other minorities such as the Ukrainians, the Jews and the people of the Baltic States, and the Crimean Tatars who are prevented from returning to the Crimea.  
(Paragraphs 1.20-1.40; Chapter 4; 8.13-8.16)

19. Although there are exceptions, manifestations of national traditions shown by the non-Russian nationalities are regarded by the Soviet authorities as a threat. At best, active involvement in minority culture or causes is likely to result in the accusation of "bourgeois nationalism"; at worst it may eventually lead to imprisonment.  
(Paragraphs 1.43; 4.27-4.29; 8.27-8.28)

20. Soviet policies of Russification seem to be a clear threat to several minority cultures within the USSR. The threat is more acute in those cases where there has been large-scale immigration of ethnic Russians such as in Latvia, whose people and language have already been overwhelmed in the main cities.  
(Paragraphs 1.11-1.40; 4.19-4.29)

21. The predominant proportion of each of the main Soviet "nationalities" (with the exception of the Jews) are able to retain their titular language as their mother tongue. In sharp contrast to the situation of other Soviet minorities—even dispersed minorities—there is not a single school in the USSR which teaches in a Jewish language, and it is therefore not surprising that there has been a great decline in the use of Yiddish, which was once widely used by Soviet Jews.  
(Paragraphs 4.3-4.15; 4.32)

22. In the case of Soviet Jews, national and cultural institutions have been virtually non-existent since Stalin's purge of Jewish national culture in 1948. Any minor concessions since that time can only be described as token gestures which may be designed to obviate too much foreign criticism. The authorities' desire to suppress Jewish culture is confirmed by the fact that even private language instruction and seminars on Jewish culture are severely repressed, and books in Hebrew with no political content have been confiscated.  
(Paragraphs 4.4-4.16; 4.26; 4.32)

23. The official Soviet attitude that the growing number of "unofficial" Jewish cultural activities are "Zionist" seems to show Soviet misunderstanding of the aspirations of a large proportion of its three million Jews, who wish to be allowed to participate in Jewish cultural activities *within* the USSR.  
(Paragraphs 4.32; 5.28)

24. Frequently when Soviet Jews choose to assimilate they are frustrated by traditional anti-Semitism, which is often manipulated by the Soviet authorities. The Soviet Government could do much to ameliorate this situation by:

- a. not sponsoring or endorsing the anti-Semitic material that sometimes appears in the State controlled media and publications;
- b. not issuing secret directives imposing quotas on Jews in universities;
- c. lifting restrictions on Jews in certain government appointments and professions;

- d. lifting the requirement to show "nationality" on the internal passport carried by Soviet citizens; and
- e. using its legislative powers to prosecute blatant acts of anti-Semitism.  
(Paragraphs 2.50-2.60; 5.10-5.18; 5.25-5.37)

25. Soviet anti-Semitic publications are printed in a number of languages and have been made available in various parts of the world including Australia.  
(Paragraphs 3.68; 5.15-5.23)

26. The Committee *recommends* that the Australian Government request the Soviet Government not to circulate in Australia (and on Soviet cruise ships in Australian waters) Soviet books and pamphlets which contain the type of anti-Semitic material quoted in this report.  
(Paragraphs 5.19-5.23)

27. The USSR disregards its commitments to international declarations and covenants which declare that everyone has the right to leave his country. The Soviet Government regards emigration as an unpatriotic act and has virtually restricted it to the concept of family reunion, which is applied to those Soviet nationalities that can be seen to have a homeland abroad (such as the Jews and Germans).  
(Paragraphs 6.1-6.8)

28. Even the concept of family reunion is beset with serious impediments and the Soviet authorities have devised a variety of procedures for refusing or deterring individual applications to leave the USSR. The intimidation experienced by some would-be emigrants is not worthy of a major power which frequently poses as a champion of human rights.  
(Paragraphs 6.26-6.39)

29. At present rates of emigration, it may take over six years for Soviet approval of the outstanding applications to emigrate from those Soviet Jews who have already received nominations from relatives abroad. This long period of uncertainty is a most daunting prospect for would-be emigrants, considering the likelihood of dismissal from employment and other harassments that applicants are likely to suffer.  
(Paragraphs 6.11-6.20; 6.26-6.28)

30. When the USSR allows a pre-determined number of people to emigrate each year, it is a concession to Western public opinion, as well as a way to remove elements who are dissatisfied with life in the USSR. As long as the USSR seeks goodwill and economic concessions from the West, there seems to be scope for the West to achieve a more humane Soviet attitude to emigration.  
(Paragraph 6.42)

31. The Committee *recommends* that the Australian Government use judiciously applied pressure on the Soviet authorities, so that the USSR will allow those Soviet citizens to emigrate who wish to be reunited with their relatives in Australia.  
(Paragraph 6.34)

32. The Soviet Government imposes considerable restraint on the contacts that Soviet citizens have with each other and with foreigners. This includes restrictions on travel both within and outside the USSR, control of all printing, strict censorship of all publications, control of the media and frequent interception of mail. The denial of freedom of expression can even extend to academic research and is certainly not confined to the written word.  
(Paragraphs 7.5-7.7; 7.12-7.14; 7.17; 7.32; 7.34)

33. The Soviet Government finds it necessary to impede seriously the work of foreign journalists, so that the outside world does not become aware of Soviet human rights infringements. For similar reasons, a number of foreigners with a particular interest in human rights, including some Parliamentarians from Western countries, have met with impediments to their planned visits to the Soviet Union. (Paragraphs 2.22; 7.11; 7.33)

34. Access to foreign publications, including newspapers, is very restricted. It is also difficult for Soviet citizens to obtain access to copies of international conventions and agreements on human rights even though they have been ratified by the Soviet Union. (Paragraphs 7.24-7.31)

35. The Committee *recommends* that the Australian Government request the UN Secretary-General to utilise the UN information services in Moscow to make available to interested people in the Soviet Union copies of UN conventions on human rights, in the languages of the main Soviet nationalities. (Paragraphs 7.30-7.31; 10.38)

36. A serious infringement of human rights is that many Soviet rural workers are prevented from leaving their collective farms to seek work in the cities. (Paragraph 7.6)

37. A large proportion of Soviet infringements of human rights is a product of the control that has traditionally characterised Russian society. The Soviet Government uses these measures because it does not tolerate any individual or organised protest, or political opposition. (Paragraphs 2.35-2.36; 7.5-7.39; 8.20-8.33)

38. Most of the so-called "dissidents" have frequently attempted to appeal or protest openly to the proper Soviet authorities and, in accordance with Soviet law, to bring human rights infringements to their attention. Not only do such appeals usually fail to achieve any satisfactory response, but the act of making the appeal frequently results in reprisals. Even ordinary workers who complain about their working conditions may suffer retribution. (Paragraphs 2.7-2.11; 2.30-2.34; 8.20-8.33)

39. The present Soviet leadership has made repeated attempts, culminating in the 1978 dissident trials, to suppress all activities by individuals and groups acting outside Party control. This reaction to dissent stems from the Soviet concept of the supremacy of society and the state over the individual and his rights—a concept that was reformulated by President Brezhnev when he introduced the new draft Soviet Constitution in May 1977. (Paragraphs 2.8-2.10; 2.22; 8.4-8.12; 8.24-8.27)

40. The widespread use of quasi-legal methods of suppression of dissent—such as bringing charges of "parasitism" against dissidents or intending emigrants who have been dismissed from their jobs—illustrates the change in the Soviet Union compared with Stalin's time, when there was almost a total absence of legality. (Paragraphs 2.13-2.34; 2.45; 6.26; 8.20-8.33)

41. The democratic movement in the Soviet Union has received some severe setbacks in recent years. Many leading activists are now imprisoned for long terms, exiled to remote parts of the Soviet Union or expelled abroad. Past trends and statements by those still involved with political dissent indicate that protest will go on, although there could be a lull while a new community of dissent evolves. Discontent

among certain national and religious groups is more widespread, and several national minorities are likely to pose continuing problems for the Soviet Government. (Paragraphs 2.22; 8.4-8.40)

42. Due to the severe repercussions, dissent in the USSR is likely to continue to be of a largely passive nature rather than a significant force for change in the short term. For this reason many Soviet dissidents, as well as intending emigrants, have argued for external pressures on the Soviet Government. (Paragraphs 6.42; 8.34-8.40; 10.7)

43. It would seem that there are several thousand Soviet citizens who have had the courage to attempt to exercise their rights to freedom of belief or freedom of expression, nominally guaranteed them in the Soviet Constitution, and enshrined in the international conventions on human rights to which the USSR is a party. Such people do not constitute a present threat to the stability of the Soviet system. (Paragraphs 8.3-8.37)

44. These men and women are singled out for especially severe treatment within the Soviet legal and penal systems. Their human rights are abused during the investigations of their crimes as well as by the labour colony and prison administrations. Soviet dissidents cannot hope for any positive intervention on their behalf from those Soviet institutions that are intended to provide prisoners with an avenue of appeal. The democratic countries should not remain silent in the face of these human rights violations. (Paragraphs 2.7-2.9; 2.22-2.24; 2.30-2.34; 8.20-8.33; 9.1-9.32)

45. Conditions in the Soviet prison system are harsh, brutal, and degrading of human dignity. The administration of Soviet penal institutions violates both the letter and spirit of the "United Nations Standard Minimum Rules for the Treatment of Prisoners". In particular, Soviet penal regulations and even more so their implementation, fall far short of humane concepts: in the system of punishments, the right of prisoners to make complaints, to communicate with their families and friends, and most seriously, to receive adequate medical care and nourishment. (Paragraphs 9.9-9.32)

46. The Soviet Union is systematically abusing psychiatry through the forced internment of mentally healthy people in order to "cure" them of their political or religious beliefs. This also enables the Soviet Union to avoid the presence of some important dissidents at trials. The estimated 300 "dissidents" held in prison psychiatric hospitals at any one time—and more in ordinary psychiatric hospitals—suffer the most degrading conditions; harmful drugs are administered to some of these "dissidents". (Paragraphs 8.31-8.32; 9.33-9.51)

47. There is a continuing need to expose the unjust conditions endured by the people who are imprisoned in Soviet penal and psychiatric institutions merely because of their political or religious convictions. Wide publicity tends to act as a security against greater Soviet excesses against these people. (Paragraphs 9.10-9.41; 10.16-10.33)

48. It is *recommended* that the Australian Government give consideration to seeking the establishment of a permanent, independent, international organisation to inquire into the abuse of psychiatry for political purposes. Such an organisation should comprise distinguished psychiatrists, lawyers and human rights specialists. The organisation could operate under the auspices of an existing body such as the International Court of Justice or the World Health Organisation, or become an

autonomous body under the aegis of the United Nations. The main function of such an organisation should be: the receipt and subsequent investigation of complaints from individuals or associations alleging the enforced use of psychiatric facilities for political purposes. The main weapon of such an organisation would be an impartial but widely publicised report.  
(Paragraphs 9.33-9.51; 9.56; 10.19)

49. Although democratic countries cannot ensure Soviet compliance with the human rights provisions of the Final Act of the Helsinki Agreement, these provisions do provide a set of standards towards which relevant governments can be prodded both by individuals and by other governments. Indeed, one of the key aspects of the Agreement is that, for the first time, good relations between nations are linked explicitly with observance of internationally agreed upon principles on human rights.  
(Paragraphs 1.8-1.9; 10.9-10.11)

50. It is *recommended* that the Australian Government make every use of appropriate opportunities to:

- a. give full support for the principles contained in the Final Act of the Helsinki Agreement;
- b. join other democracies in protesting against the repression of Soviet citizens who are monitoring the extent of the USSR's compliance with the Helsinki Agreement; and
- c. seek the release from Soviet prisons and labour colonies of those Soviet citizens who have been imprisoned merely because of their Helsinki "watch group" activities.

(Paragraphs 2.22; 8.9-8.12; 10.9-10.11)

51. Much of the informed public opinion in the democratic countries tends to sympathise with those Soviet citizens who strive for greater civil liberties within the Soviet system and expects Western governments to protest against Soviet human rights violations. Human rights will therefore remain an integral part of Soviet relationships with the US and other democracies.  
(Paragraphs 10.1-10.39)

52. The democratic countries have a common interest in encouraging any tendencies towards a change of attitude in the Soviet Union which might soften both Soviet international actions and its frequently oppressive internal order. Such changes can only be expected to occur gradually and over the longer term. It would be unrealistic to expect fundamental changes to be made to the Soviet system in the foreseeable future. However, democratic countries cannot afford to tolerate or leave unrefuted Soviet pretensions to represent a superior, humane and democratic order; or to fail to counter aggressive Soviet propaganda.  
(Paragraphs 10.1-10.15; 10.31-10.39)

53. The best chance of success for the various groups working in the West in support of human rights (particularly for people imprisoned in the USSR) seems to centre on working through people in democratic countries who have influential contacts with their peer group in the USSR, of which a persecuted dissident may have also been a member. Soviet scientists and scholars value exchanges with the West and are sensitive to pressure from their Western counterparts. In selected cases such peer group pressure should be supported by quiet diplomacy and accurate coverage in the media.  
(Paragraphs 10.16-10.30; 10.34)

54. There have been some successful campaigns outside the Soviet Union to secure the release or emigration of imprisoned Soviet intellectuals, or on behalf of those threatened with imprisonment. One of the most notable international efforts to counter human rights violations in the Soviet Union has been the campaign against Soviet abuse of psychiatry for political purposes. The campaign has been very successful in some cases.  
(Paragraphs 10.16-10.30)

55. Several Soviet dissidents, now living in the West, have at various times appealed for trade union support. It is a matter for speculation whether or not widespread trade union pressure on behalf of the Soviet workers, who have been imprisoned or committed to psychiatric institutions because of their membership of non-government controlled trade unions, would be as successful as some world-wide campaigns on behalf of several Soviet intellectuals; nevertheless a concerted effort should be made in this regard.  
(Paragraphs 8.31-8.33; 10.30)

56. From time to time, there have been encouraging changes in the USSR, even if they are limited. There are some indications that the Soviet Government may be persuaded to adhere more strictly to its commitment to the political and civil rights enshrined in the Soviet Constitution, even if these rights are heavily qualified. The fact that emigration of Jews and Germans from the Soviet Union—although still greatly restricted—has significantly increased in the last decade, shows that the Soviet Government is capable of making some concessions to appease international opinion.  
(Paragraphs 2.13-2.29; 6.11-6.12; 10.31-10.33)

57. Australia should be conscious of its respect for human rights in its relationship with the Soviet Union.  
(Paragraphs 10.31-10.34)

58. It is *recommended* that in the course of bilateral discussions or negotiations with the USSR, the Australian Government take the opportunities that arise to state its disapproval of Soviet breaches of human rights. Similarly this can be done by individual Australians during cultural, academic and scientific exchanges with the Soviet Union.  
(Paragraphs 10.36; 10.39)

59. Australia's international position in regard to human rights will be enhanced when the Australian Government ratifies the International Covenant on Civil and Political Rights (Australia signed the Covenant in 1973). Australia may then feel freer than it did previously to draw attention to violations of human rights in other countries, as an integral part of our relationships with those countries.  
(Paragraph 10.38)

60. It is *recommended* that Australia's representatives at the United Nations and its agencies, particularly the United Nations Commission on Human Rights, be instructed to use these forums to raise human rights issues.  
(Paragraph 10.38)

61. The Committee is concerned that the Soviet Government may repress any internal opposition which may manifest itself during the Moscow Olympic Games, and that at the time of the Olympics the Soviet authorities will ensure that any known opponents of the Soviet authorities are either removed from Moscow or committed to some form of imprisonment or "psychiatric treatment", even if only temporarily.  
(Paragraph 10.40)

62. Rather than attempt to influence a change in the venue for the 1980 Olympics, the Committee *recommends* that the Australian Government (in conjunction with other governments) try to persuade the Soviet Government that the USSR would be seen in a more favourable light if large numbers of its political and religious prisoners were released from prisons, labour colonies and psychiatric hospitals *before* the Olympic Games. The USSR should also be encouraged to make a favourable gesture by allowing further substantial increases in emigration before the Olympic Games, including about 2,000 "Refuseniks" most of whom have been waiting for many years to emigrate.

(Paragraphs 10.41-10.43)

63. Continued Australian academic and cultural contacts, as well as scientific and other exchanges with the Soviet Union, have the advantage of allowing pressure to be applied on human rights matters through Soviet counterparts. The Committee *recommends* that the Australian Government and other Australian institutions not allow the Soviet Government to take these exchanges for granted. It must be made clear to representatives of the Soviet Union that these exchanges could be discontinued as a result of further Soviet human rights violations.

(Paragraphs 10.16-10.30; 10.36; 10.39)

64. The Soviet Union sometimes claims a lack of understanding in the West of the Soviet case on human rights. It is *recommended* that the Australian Government suggest to the Soviet Union that it may be possible to arrange a reciprocal exchange of views in the Soviet and Australian newspapers, and in other publications. Furthermore, it is *recommended* that Australia seek the right to distribute publications in the Soviet Union, in the same way as the USSR is allowed to do in Australia.

(Paragraphs 7.24-7.29; 10.39)

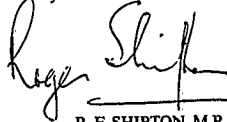
65. The Australian Parliament can contribute to the furthering of human rights not only in the Soviet Union but in all countries where serious violations of human rights occur. It is *recommended* that the Australian Parliament establish a Standing Committee on Human Rights to report on serious violations of human rights in any country, including Australia. The magnitude of such a task should not deter such a committee from examining, in turn, the situations in those countries where there have been the most serious violations of human rights.

(Paragraphs 10.2-10.4; 10.37)

#### ACKNOWLEDGEMENT

The Committee would like to thank all those who have contributed their time, knowledge and experience to this inquiry. Special appreciation is due to those who appeared in person before the Sub-Committee on Human Rights in the Soviet Union, to those individuals and organisations who made the effort to provide written information and to the interpreters who freely gave their services at public hearings (see Annex H—List of Persons and Organisations who Assisted the Work of the Committee). The Committee is very grateful to those individuals and organisations who gave generously to enable witnesses to travel to Australia.

By Order of the Committee



R. F. SHIPTON, M.P.

Chairman

20 September 1979

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#### RESERVATION ON PARAGRAPH 65 IN THE CONCLUSIONS AND RECOMMENDATIONS

We record our dissent with the final recommendation of the Report, that the Australian Parliament establish a Standing Committee on Human Rights.

While accepting that the denial of human rights in any country is to be deplored, inquiries by the parliament of one country into the affairs of any other country have implications which can be detrimental to external relations with countries which have different political systems, traditions, cultures and attitudes.

SENATOR J. P. SIM  
SENATOR H. W. YOUNG

#### RESERVATION ON PARAGRAPH 65 IN THE CONCLUSIONS AND RECOMMENDATIONS

I am unable to agree with the recommendation in paragraph 65 that the Australian Parliament establish a Standing Committee on Human Rights.

R. F. SHIPTON, M.P.

#### RESERVATION ON PARAGRAPH 65 IN THE CONCLUSIONS AND RECOMMENDATIONS

I do not agree with the recommendation contained in paragraph 65. In my opinion a Standing Committee on Human Rights in the Australian Parliament would not be able to achieve its objectives.

Although I concur with the obvious sentiment behind this recommendation, I consider that such a committee rarely would be able to gain access to all the information and witnesses who would be necessary if the Committee were to conduct its investigations in a professional and useful manner.

I also have reservations about any one nation attempting to set itself up as the world's watchdog on human rights, as the establishment in the Australian Parliament of a Standing Committee on Human Rights would undoubtedly be interpreted by some people.

In my opinion, Australia can best work towards the strengthening of human rights throughout the world by lending its full support to the appropriate international organisations.

J. R. SHORT, M.P.

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## RESERVATIONS ON THE REPORT

Not being members of the Sub-Committee which conducted the inquiry, sought and heard evidence, considered same and drafted the Report, it is neither practical nor possible to comment in these reservations on that evidence or on findings derived from it. We did however take part in the deliberations on the final Report. We do not dispute the findings nor challenge the accuracy of the Report's conclusions and recommendations that have been properly derived from the evidence presented to the Sub-Committee. These findings are, as we understand, in line with the evidence given and the conclusions are those conclusions which properly derive from the available evidence to the Committee. We accept on the available evidence that there are serious denials of human and civil rights in the USSR, particularly with reference to minorities.

Nevertheless we are of the opinion that the Parliament does not do itself justice nor are Australia's international relations advantaged by the conduct of inquiries by its Committees into matters where the inquiry and the Parliament lack access to and authority over the availability of evidence, the areas under consideration and is unable to bring about a conclusion based on total consideration of the subject matter. Nor does the inordinate length and repetitiveness of the Report disguise the insufficiency and imbalance in the evidential base. The same problem exists in relation to access to material, documentation etc. Because of this inability to test evidence and obtain a proper flow of information, any such inquiry cannot but reach conclusions which must lack authority and place the Parliament in a position of having brought forward a report based on a partial examination of the subject matter.

It is realised that the Soviet Union was asked to provide contrary evidence and refused to do so. This however, would be the expected and normal reaction of almost any major or minor power where another nation sought, through its Parliament, to conduct an inquiry which would be likely to result in that country's reputation being placed in jeopardy.

It should also be noted that the pattern of witnesses, which came before the inquiry, was partly due to the active participation of certain international groups, in conflict, with just cause, with the Soviet Union. Thus the pattern of witnesses did not derive from the ability of the Parliament to call its own witnesses. If in the future the Australian Parliament conducts an inquiry into civil rights or other aspects of the internal affairs of another country where ready access to information does not exist, the Parliament must, if such an inquiry and its ultimate report is to have standing, ensure that the cost of the provision of evidence where that evidence is felt necessary by the Committee can be and is met from the resources of the Parliament. It is only by this method that the integrity of a parliamentary committee can be protected and the choice of witnesses is with the Committee and is not determined in part on the basis of those with the resources to travel or send witnesses.

The Australian Parliament, through its Joint Committee on Foreign Affairs and Defence, by embarking on this inquiry, has set a precedent which may well occasion difficulty in the future. This decision of the Committee was originally taken in a previous parliament but subsequently reiterated in that the decision to complete the Report, was made on subsequent occasions.

It will be difficult to resist, given this precedent, requests for similar inquiries into other areas where civil liberties are denied. We would instance the fact that there are external forces outside a number of nations in Australia's immediate proximity and in areas of interest, which would claim significant and similar denials of civil liberties in respect to sections of their communities.

The source of these reservations derives from our disquiet over undertaking inquiries, for which the Parliament has neither the resources nor the authority to ensure a report based on adequate examination of all aspects of the matter under inquiry. Without the resources and authority to bring before it persons, documents etc. necessary for such an inquiry, it is difficult to reach conclusions satisfactory to the Parliament. The inability of the Committee of the Parliament to travel to and inspect areas under inquiry, to examine persons whose evidence would be essential to a balanced inquiry, can only detract from the Parliament itself and the ultimate findings of its Committee.

We would reiterate our view that based on the substantial evidence available the civil rights of certain groups, especially minorities, in the Soviet Union are seriously infringed and fall below that which should be expected in any civilised society. This view, however, does not in any way alter the fact that a report to and on behalf of the Parliament of Australia should be able to point to a total and comprehensive inquiry as evidence of the authority of its findings and recommendations.

The nature of this inquiry and the resources available to the Committee for such inquiries, make this impossible and thus reduces the authority of the report so presented.

J. L. ARMITAGE, M.P.  
N. BLEWETT, M.P.  
G. G. D. SCHOLES, M.P.

## ANNEXES

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# CONSTITUTION

## (FUNDAMENTAL LAW)

### OF THE UNION OF SOVIET SOCIALIST REPUBLICS

The Great October Socialist Revolution, made by the workers and peasants of Russia under the leadership of the Communist Party headed by Lenin, overthrew capitalist and landowner rule, broke the fetters of oppression, established the dictatorship of the proletariat, and created the Soviet state, a new type of state, the basic instrument for defending the gains of the revolution and for building socialism and communism. Humanity thereby began the epoch-making turn from capitalism to socialism.

After achieving victory in the Civil War and repulsing imperialist intervention, the Soviet government carried through far-reaching social and economic transformations, and put an end once and for all to exploitation of man by man, antagonisms between classes, and strife between nationalities. The unification of the Soviet Republics in the Union of Soviet Socialist Republics multiplied the forces and opportunities of the peoples of the country in the building of socialism. Social ownership of the means of production and genuine democracy for the working masses were established. For the first time in the history of mankind a socialist society was created.

The strength of socialism was vividly demonstrated by the immortal feat of the Soviet people and their Armed Forces in achieving their historic victory in the Great Patriotic War. This victory consolidated the influence and international standing of the Soviet Union and created new opportunities for growth of the forces of socialism, national liberation, democracy, and peace throughout the world.

Continuing their creative endeavours, the working people of the Soviet Union have ensured rapid, all-round development of the country and steady improvement of the socialist system. They have consolidated the alliance of the working class, collective-farm peasantry, and people's intelligentsia, and friendship of the nations and nationalities of the USSR. Socio-political and ideological unity of Soviet society, in which the working class is the leading force, has been achieved. The aims of the dictatorship of the proletariat having been fulfilled, the Soviet state has become a state of the whole people. The leading role of the Communist Party, the vanguard of all the people, has grown.

In the USSR a developed socialist society has been built. At this stage, when socialism is developing on its own foundations, the creative forces of the new system and the advantages of the socialist way of life are becoming increasingly evident, and the working people are more and more widely enjoying the fruits of their great revolutionary gains.

It is a society in which powerful productive forces and progressive science and culture have been created, in which the well-being of the people is constantly

rising, and more and more favourable conditions are being provided for the all-round development of the individual.

It is a society of mature socialist social relations, in which, on the basis of the drawing together of all classes and social strata and of the juridical and factual equality of all its nations and nationalities and their fraternal co-operation, a new historical community of people has been formed — the Soviet people.

It is a society of high organisational capacity, ideological commitment, and consciousness of the working people, who are patriots and internationalists.

It is a society in which the law of life is concern of all for the good of each and concern of each for the good of all.

It is a society of true democracy, the political system of which ensures effective management of all public affairs, ever more active participation of the working people in public life, and the combining of citizens' real rights and freedoms with their obligations and responsibility to society.

Developed socialist society is a natural, logical stage on the road to communism.

The supreme goal of the Soviet state is the building of a classless communist society in which there will be public, communist self-government. The main aims of the people's socialist state are to lay the material and technical foundation of communism, to perfect socialist social relations and transform them into communist relations, to mould the citizen of communist society, to raise the people's living and cultural standards, to safeguard the country's security, and to further the consolidation of peace and development of international co-operation.

The Soviet people, guided by the ideas of scientific communism and true to their revolutionary traditions, relying on the great social, economic, and political gains of socialism,

striving for the further development of socialist democracy,

taking into account the international position of the USSR as part of the world system of socialism, and conscious of their internationalist responsibility,

preserving continuity of the ideas and principles of the first Soviet Constitution of 1918, the 1924 Constitution of the USSR and the 1936 Constitution of the USSR,

hereby affirm the principles of the social structure and policy of the USSR, and define the rights, freedoms and obligations of citizens, and the principles of the organisation of the socialist state of the whole people, and its aims, and proclaim these in this Constitution.

Source: Copied from *New Times—A Soviet Weekly of World Affairs* (Moscow, October 1977) pp 13-27.

# I. PRINCIPLES OF THE SOCIAL STRUCTURE AND POLICY OF THE USSR

## Chapter 1.

### THE POLITICAL SYSTEM

Article 1. The Union of Soviet Socialist Republics is a socialist state of the whole people, expressing the will and interests of the workers, peasants, and intelligentsia, the working people of all the nations and nationalities of the country.

Article 2. 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.

All other state bodies are under the control of, and accountable to, the Soviets of People's Deputies.

Article 3. The Soviet state is organized and functions on the principle of democratic centralism, namely the electiveness of all bodies of state authority from the lowest to the highest, their accountability to the people, and the obligation of lower bodies to observe the decisions of higher ones. Democratic centralism combines central leadership with local initiative and creative activity and with the responsibility of each state body and official for the work entrusted to them.

Article 4. 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 organisations, public organisations and officials shall observe the Constitution of the USSR and Soviet laws.

Article 5. Major matters of state shall be submitted to nationwide discussion and put to a popular vote (referendum).

Article 6. The leading and guiding force of Soviet society and the nucleus of its political system, of all state organisations and public organisations, is the Communist Party of the Soviet Union. The CPSU exists for the people and serves the people.

The Communist Party, armed with Marxism-Leninism, 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, systematic and theoretically substantiated character to their struggle for the victory of communism.

All party organisations shall function within the framework of the Constitution of the USSR.

Article 7. Trade unions, the All-Union Leninist Young Communist League, co-operatives, and other public organisations, participate, in accordance with the aims laid down in their rules, in managing state and public affairs, and in deciding political, economic, and social and cultural matters.

Article 8. Work collectives take part in discussing and deciding state and public affairs, in planning production and social development, in training and placing personnel, and in discussing and deciding matters pertaining to the management of enterprises and institutions, the improvement of working and living conditions, and the use of funds allocated both for developing production and for social and cultural purposes and financial incentives.

Work collectives promote socialist emulation, the spread of progressive methods of work, and the strengthening of production discipline, educate their members in the spirit of communist morality, and strive to enhance their political consciousness and raise their cultural level and skills and qualifications.

Article 9. The principal direction in the development of the political system of Soviet society is the 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 organisations, 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.

## Chapter 2.

### THE ECONOMIC SYSTEM

Article 10. The foundation of the economic system of the USSR 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 organisations 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 11. State property, i.e. the common property of the Soviet people, is the principal form of socialist property.

The land, its minerals, waters, and forests are the exclusive property of the state. The state owns the basic means of production, in industry, construction, and agriculture; means of transport and communication; the banks; the property of state-run trade organisations and public utilities; and other state-run undertakings; most urban housing; and other property necessary for state purposes.

Article 12. The property of collective farms and other co-operative organisations, and of their joint undertakings, comprises the means of production and other assets which they require for the purposes laid down in their rules. The land held by collective farms is secured to them for their free use in perpetuity.

The state promotes development of collective farm-and-co-operative property and its approximation to state property.

Collective farms, like other land users, are obliged to

make effective and thrifty use of the land and to increase its fertility.

Article 13. Earned income forms the basis of the personal property of Soviet citizens. The personal property of citizens of the USSR may include articles of everyday use, personal consumption and convenience, the implements and other objects of a small-holding, a house, and earned savings. The personal property of citizens and the right to inherit it are protected by the state.

Citizens may be granted the use of plots of land, in the manner prescribed by law, for a subsidiary small-holding (including the keeping of livestock and poultry), for fruit and vegetable growing or for building an individual dwelling. Citizens are required to make rational use of the land allotted to them. The state, and collective farms provide assistance to citizens in working their small-holdings.

Properly owned or used by citizens shall not serve as a means of deriving unearned income or be employed to the detriment of the interests of society.

Article 14. The source of the growth of social wealth of the well-being of the people, and of each 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.

Article 15. The supreme goal of social production under socialism is the fullest possible satisfaction of the people's growing material, and cultural and intellectual requirements.

Relying on the creative initiative of the working people, socialist emulation, and scientific and technological progress, and by improving the forms and methods of economic management, the state ensures growth of the productivity of labour, raising of the efficiency of production and of the quality of work, and dynamic, planned, proportionate development of the economy.

Article 16. The economy of the USSR is an integral economic complex comprising all the elements of social production, distribution, and exchange on its territory.

The economy is managed on the basis of state plans for economic and social development, with due account of the sectoral and territorial principles, and by combining centralised direction with the managerial independence and initiative of individual and amalgamated enterprises and other organisations, for which active use is made of management accounting, profit, cost, and other economic levers and incentives.

Article 17. In the USSR, the law permits individual labour in handicrafts, farming, the provision of services for the public, and other forms of activity based exclusively on the personal work of individual citizens and members of their families. The state makes regulations for such work to ensure that it serves the interests of society.

Article 18. In the interests of the present and future generations, the necessary steps are taken in the

USSR to protect and make scientific, rational use of the land and its mineral and water resources, and the plant and animal kingdoms, to preserve the purity of air and water, ensure reproduction of natural wealth, and improve the human environment.

## Chapter 3.

### SOCIAL DEVELOPMENT AND CULTURE

Article 19. The social basis of the USSR is the unbreakable alliance of the workers, peasants, and intelligentsia.

The state helps enhance the social homogeneity of society, namely the elimination of class differences and of the essential distinctions between town and country and between mental and physical labour; and the all-round development and drawing together of all the nations and nationalities of the USSR.

Article 20. In accordance with the communist ideal — "The free development of each is the condition of the free development of all" — the state pursues the aim of giving citizens more and more real opportunities to apply their creative energies, abilities, and talents, and to develop their personalities in every way.

Article 21. The state concerns itself with improving working conditions, safety and labour protection and the scientific organisation of work, and with reducing and ultimately eliminating all arduous physical labour through comprehensive mechanisation and automation of production processes in all branches of the economy.

Article 22. A programme is being consistently implemented in the USSR to convert agricultural work into a variety of industrial work, to extend the network of educational, cultural and medical institutions, and of trade, public catering, service and public utility facilities in rural localities, and transform hamlets and villages into well-planned and well-appointed settlements.

Article 23. The state pursues a steady policy of raising people's pay levels and real incomes through increase in productivity.

In order to satisfy the needs of Soviet people more fully social consumption funds are created. The state, with the broad participation of public organisations and work collectives, ensures the growth and just distribution of these funds.

Article 24. In the USSR, state systems of health protection, social security, trade and public catering, communal services and amenities, and public utilities, operate and are being extended.

The state encourages co-operatives and other public organisations to provide all types of services for the population, it encourages the development of mass physical culture and sport.

Article 25. In the USSR there is a uniform system of public education, which is being constantly improved, that provides general education and vocational training for citizens, serves the communist education and intellectual and physical development of the youth, and trains them for work and social activity.

Article 26. In accordance with society's needs the state provides for planned development of science and

the training of scientific personnel and organize introduction of the results of research in the economy and other spheres of life.

Article 27. The state concerns itself with protecting, augmenting and making extensive use of society's cultural wealth for the moral and aesthetic education of the Soviet people, for raising their cultural level. In the USSR development of the professional, amateur and folk arts is encouraged in every way.

## Chapter 4.

### FOREIGN POLICY

Article 28. The USSR steadfastly pursues a Leninist policy of peace and stands for strengthening of the security of nations and broad international cooperation.

The foreign policy of the USSR is aimed at ensuring international conditions favourable for building communism in the USSR, safeguarding the state interests of the Soviet Union, consolidating the positions of world socialism, supporting the struggle of peoples for national liberation and social progress, preventing wars of aggression, achieving universal and complete disarmament, and consistently implementing the principle of the peaceful coexistence of states with different social systems.

In the USSR war propaganda is banned.

Article 29. The USSR's relations with other states are based on observance of the following principles: sovereign equality; mutual renunciation of the use or threat of force; inviolability of frontiers; territorial integrity of states; peaceful settlement of disputes; non-intervention in internal affairs; respect for human rights and fundamental freedoms; the equal rights of peoples and their right to decide their own destiny; co-operation among states; and fulfillment in good faith of obligations arising from the generally recognised principles and rules of international law, and from the international treaties signed by the USSR.

Article 30. The USSR, as part of the world system of socialism and of the socialist countries, promotes and strengthens friendship, co-operation, and comradely mutual assistance with other socialist countries on the basis of the principle of socialist internationalism, and takes an active part in socialist economic integration and the socialist international division of labour.

## Chapter 5.

### DEFENCE OF THE SOCIALIST MOTHERLAND

Article 31. Defence of the Socialist Motherland is one of the most important functions of the state, and is the concern of the whole people.

In order to defend the gains of socialism, the peaceful labour of the Soviet people, and the sovereignty and territorial integrity of the state, the USSR maintains Armed Forces and has instituted universal military service.

The duty of the Armed Forces of the USSR to the people is to provide reliable defence of the Socialist Motherland and to be in constant combat readiness, guaranteeing that any aggressor is instantly repulsed.

Article 32. The state ensures the security and defence capability of the country, and supplies the Armed Forces of the USSR with everything necessary for that purpose.

The duties of state bodies, public organisations, officials, and citizens in regard to safeguarding the country's security and strengthening its defence capacity are defined by the legislation of the USSR.

## II. THE STATE AND THE INDIVIDUAL

### Chapter 6.

#### CITIZENSHIP OF THE USSR, EQUALITY OF CITIZENS' RIGHTS

Article 33. Uniform federal citizenship is established for the USSR. Every citizen of a Union Republic is a citizen of the USSR.

The grounds and procedure for acquiring or forfeiting Soviet citizenship are defined by the Law on Citizenship of the USSR.

When abroad, citizens of the USSR enjoy the protection and assistance of the Soviet state.

Article 34. 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.

Article 35. Women and men have equal rights in the USSR.

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

Article 36. Citizens of the USSR 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 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.

Article 37. Citizens of other countries and stateless persons in the USSR are guaranteed the rights and freedoms provided 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.

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

Article 38. The USSR grants the right of asylum to foreigners persecuted for defending the interests of the working people and the cause of peace, or for participation in the revolutionary and national-liberation movement, or for creative and political, scientific or other revolutionary activity.

## Chapter 7.

### THE BASIC RIGHTS, FREEDOMS, AND DUTIES OF CITIZENS OF THE USSR

Article 39. Citizens of the USSR enjoy in full the social, economic, political and personal rights and freedoms proclaimed and guaranteed by the Constitution of the USSR and by Soviet laws. The socialist system ensures enlargement of the rights and freedom of citizens and continuous improvement of their living standards as social, economic, and cultural development programmes are fulfilled.

Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state, or infringe the rights of other citizens.

Article 40. 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, 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.

Article 41. Citizens of the USSR have the right to rest and leisure.

This right is ensured by the establishment of a working week not exceeding 41 hours, for workers and other employees, a shorter working day in a number of trades and industries, and shorter hours for night work; by the provision of paid annual holidays, weekly days of rest, extension of the network of cultural, educational and health-building institutions, and the development on a mass scale of sport, physical culture, and camping and tourism; by the provision of neighbourhood recreational facilities, and of other opportunities for rational use of free time.

The length of collective farmers' working and leisure time is established by their collective farms.

Article 42. Citizens of the USSR have the right to health protection.

This right is ensured by free, qualified medical care provided by state health institutions; by extension of

the network of therapeutic and health-building institutions; by the development and improvement of safety and hygiene in industry, by carrying out broad prophylactic measures, by measures to improve the environment; by special care for the health of the rising generation, including prohibition of child labour, excluding the work done by children as part of the school curriculum; and by developing research to prevent and reduce the incidence of disease and ensure citizens a long and active life.

Article 43. Citizens of the USSR have the right to maintenance in old age, in sickness, and in the event of complete or partial disability or loss of the breadwinner.

This right is guaranteed by social insurance of workers and other employees and collective farmers; by allowances for temporary disability; by the provision by the state or by collective farms of retirement pensions, disability pensions, and pensions for loss of the breadwinner; by providing employment for the partially disabled; by care for the elderly and the disabled; and by other forms of social security.

Article 44. Citizens of the USSR have the right to housing.

This right is ensured by the development and upkeep of state and socially-owned housing; by assistance for co-operative and individual house building; by fair distribution, under public control, of the housing that becomes available through fulfillment of the programme of building well-appointed dwellings, and by low rents and low charges for utility services. Citizens of the USSR shall take good care of the housing allocated to them.

Article 45. Citizens of the USSR have the right to education.

This right is ensured by free provision of all forms of education, by the institution of universal, compulsory secondary education, and broad development of vocational, specialised secondary, and higher education, in which instruction is oriented toward practical activity and production; by the development of extramural, correspondence and evening courses; by the provision of state scholarships and grants and privileges for students; by the free issue of school textbooks; by the opportunity to attend a school where teaching is in the native language; and by the provision of facilities for self-education.

Article 46. Citizens of the USSR have the right to enjoy cultural benefits.

This right is ensured by broad access to the cultural treasures of their own land and of the world that are preserved in state and other public collections; by the development and fair distribution of cultural and educational institutions throughout the country; by developing television and radio broadcasting and the publishing of books, newspapers and periodicals, and by extending the free library service; and by expanding cultural exchanges with other countries.

Article 47. Citizens of the USSR, in accordance with the aims of building communism, are guaranteed freedom of scientific, technical, and artistic work. This freedom is ensured by broadening scientific research, encouraging invention and innovation, and developing literature and the arts. The state provides the necessary material conditions for this and support for voluntary societies and unions of workers in the arts, organises introduction of inventions and innovations in production and other spheres of activity.

The rights of authors, inventors and innovators are protected by the state.

Article 48. 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 organisations, and local community groups, and in meetings at places of work or residence.

Article 49. Every citizen of the USSR has the right to submit proposals to state bodies and public organisations for improving their activity, and to criticise 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.

Article 50. 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.

Exercise of these political freedoms is ensured by putting public buildings, streets and squares at the disposal of the working people and their organisations, by broad dissemination of information, and by the opportunity to use the press, television, and radio.

Article 51. In accordance with the aims of building communism, citizens of the USSR have the right to associate in public organisations that promote their political activity and initiative and satisfaction of their various interests.

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

Article 52. 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 of hostility or hatred on religious grounds is prohibited.

In the USSR, the church is separated from the state, and the school from the church.

Article 53. 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 organising 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.

Article 54. 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.

Article 55. 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. The privacy of citizens, and of their correspondence, telephone conversations, and telegraphic communications is protected by law.

Article 57. Respect for the individual and protection of the rights and freedoms of citizens are the duty of all state bodies, public organisations, and officials.

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

Article 58. 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.

Actions by officials that contravene the law or exceed their powers, and infringe the rights of citizens, may be appealed against 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 organisations and public organisations, or by officials in the performance of their duties.

Article 59. Citizens' exercise of their rights and freedoms is inseparable from the performance of their duties and obligations.

Citizens of the USSR are obliged to observe the Constitution of the USSR and Soviet laws, comply with the standards of socialist conduct, and uphold the honour and dignity of Soviet citizenship.

Article 60. It is the duty of, and a matter of honour for, every able-bodied citizen of the USSR to work conscientiously in his chosen, socially useful occupation, and strictly to observe labour discipline. Evasion of socially useful work is incompatible with the principles of socialist society.

Article 61. Citizens of the USSR are obliged to preserve and protect socialist property. It is the duty of a citizen of the USSR to combat misappropriation and squandering of state and socially-owned property and to make thrifty use of the people's wealth.

Persons encroaching in any way on socialist property shall be punished according to the law.

Article 62. Citizens of the USSR are obliged to safeguard the interests of the Soviet state, and to enhance its power and prestige.

Defence of the Socialist Motherland is the sacred duty of every citizen of the USSR.

Betrayal of the Motherland is the gravest of crimes against the people.

Article 63. Military service in the ranks of the Armed Forces of the USSR is an honourable duty of Soviet citizens.

Article 64. It is the duty of every citizen of the USSR to respect the national dignity of other citizens, and to strengthen friendship of the nations and nationalities of the multinational Soviet state.

Article 65. A citizen of the USSR is obliged to respect the rights and lawful interests of other persons, to be uncompromising toward anti-social behaviour, and to help maintain public order.

Article 66. 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.

Article 67. Citizens of the USSR are obliged to protect nature and conserve its riches.

Article 68. Concern for the preservation of historical monuments and other cultural values is a duty and obligation of citizens of the USSR.

Article 69. It is the internationalist duty of citizens of the USSR to promote friendship and co-operation with peoples of other lands and help maintain and strengthen world peace.

### III. THE NATIONAL-STATE STRUCTURE OF THE USSR

#### Chapter 8.

#### THE USSR — A FEDERAL STATE

Article 70. 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 USSR embodies the state unity of the Soviet people and draws all its nations and nationalities together for the purpose of jointly building communism.

Article 71. The Union of Soviet Socialist Republics unites:

the Russian Soviet Federative Socialist Republic, the Ukrainian Soviet Socialist Republic, the Byelorussian Soviet Socialist Republic, the Uzbek Soviet Socialist Republic, the Kazakh Soviet Socialist Republic, the Georgian Soviet Socialist Republic, the Azerbaijan Soviet Socialist Republic, the Lithuanian Soviet Socialist Republic, the Moldavian Soviet Socialist Republic, the Latvian Soviet Socialist Republic, the Kirgiz Soviet Socialist Republic, the Tajik Soviet Socialist Republic, the Armenian Soviet Socialist Republic, the Turkmen Soviet Socialist Republic, the Estonian Soviet Socialist Republic.

Article 72. Each Union Republic shall retain the right freely to secede from the USSR.

Article 73. The jurisdiction of the Union of Soviet Socialist Republics, as represented by its highest bodies of state authority and administration, shall cover:

- 1) the admission of new republics to the USSR; endorsement of the formation of new autonomous republics and autonomous regions within Union Republics;
- 2) determination of the state boundaries of the USSR and approval of changes in the boundaries between Union Republics;
- 3) establishment of the general principles for the organisation and functioning of republican and local bodies of state authority and administration;

4) the enunciation of uniformity of legislative norms throughout the USSR and establishment of the fundamentals of the legislation of the Union of Soviet Socialist Republics and Union Republics;

5) pursuance of a uniform social and economic policy; direction of the country's economy; determination of the main lines of scientific and technological progress and the general measures for rational exploitation and conservation of natural resources; the drafting and approval of state plans for the economic and social development of the USSR, and endorsement of reports on their fulfilment;

6) the drafting and approval of the consolidated Budget of the USSR, and endorsement of the report on its execution; management of a single monetary and credit system; determination of the taxes and revenues forming the Budget of the USSR; and the formulation of prices and wages policy;

7) direction of the sectors of the economy, and of enterprises and amalgamations under Union jurisdiction, and general direction of industries under Union-Republican jurisdiction;

8) issues of war and peace, defence of the sovereignty of the USSR and safeguarding of its frontiers and territory, and organisation of defence; direction of the Armed Forces of the USSR;

9) state security;

10) representation of the USSR in international relations; the USSR's relations with other states and with international organisations; establishment of the general procedure for, and co-ordination of, the relations of Union Republics with other states and with international organisations; foreign trade and other forms of external economic activity on the basis of state monopoly;

11) control over observance of the Constitution of the USSR, and assurance of conformity of the Constitutions of Union Republics to the Constitution of the USSR;

12) and settlement of other matters of All-Union importance.

Article 74. The laws of the USSR shall have the same force in all Union Republics. In the event of a discrepancy between a Union Republic law and an All-Union law, the law of the USSR shall prevail.

Article 75. The territory of the Union of Soviet Socialist Republics is a single entity and comprises the territories of the Union Republics.

The sovereignty of the USSR extends throughout its territory.

#### Chapter 9.

#### THE UNION SOVIET SOCIALIST REPUBLIC

Article 76. A Union Republic is a sovereign Soviet socialist state that has united with other Soviet Republics in the Union of Soviet Socialist Republics.

Outside the spheres listed in Article 73 of the Constitution of the USSR, a Union Republic exercises independent authority on its territory.

A Union Republic shall have its own Constitution conforming to the Constitution of the USSR with the specific features of the Republic being taken into account.

Article 77. Union Republics take part in decision-making in the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the USSR, the Government of the USSR, and other bodies of the Union of Soviet Socialist Republics in matters that come within the jurisdiction of the Union of Soviet Socialist Republics.

A Union Republic shall ensure comprehensive economic and social development on its territory, facilitate exercise of the powers of the USSR on its territory, and implement the decisions of the highest bodies of state authority and administration of the USSR.

In matters that come within its jurisdiction, a Union Republic shall co-ordinate and control the activity of enterprises, institutions, and organizations subordinate to the Union.

Article 78. 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 Republics.

Article 79. A Union Republic shall determine its division into territories, regions, areas, and districts, and decide other matters relating to its administrative and territorial structure.

Article 80. A Union Republic has the right to enter into relations with other states, conclude treaties with them, exchange diplomatic and consular representatives, and take part in the work of international organizations.

Article 81. The sovereign rights of Union Republics shall be safeguarded by the USSR.

#### Chapter 10.

### THE AUTONOMOUS SOVIET SOCIALIST REPUBLIC

Article 82. An Autonomous Republic is a constituent part of a Union Republic.

In spheres not within the jurisdiction of the Union of Soviet Socialist Republics and the Union Republic, an Autonomous Republic shall deal independently with matters within its jurisdiction.

An Autonomous Republic shall have its own Constitution conforming to the Constitutions of the USSR and the Union Republic with the specific features of the Autonomous Republic being taken into account.

Article 83. An Autonomous Republic takes part in decision-making through the highest bodies of state authority and administration of the USSR and of the Union Republic respectively, in matters that come within the jurisdiction of the USSR and the Union Republic.

An Autonomous Republic shall ensure comprehensive economic and social development on its territory, facilitate exercise of the powers of the USSR and the Union Republic on its territory, and implement decisions of the highest bodies of state authority and administration of the USSR and the Union Republic.

In matters within its jurisdiction, an Autonomous

Republic shall co-ordinate and control the activity of enterprises, institutions, and organizations subordinate to the Union or the Union Republic.

Article 84. The territory of an Autonomous Republic may not be altered without its consent.

Article 85. The Russian Soviet Federative Socialist Republic includes the Bashkir, Buryat, Dagestan, Kabardin-Balkar, Kalmyk, Karelian, Romi, Mari, Mordovian, North Ossetian, Tatar, Tuva, Udmurt, Chechen-Ingush, Chuvash, and Yakut Autonomous Soviet Socialist Republics.

The Uzbek Soviet Socialist Republic includes the Kara-Kalpak Autonomous Soviet Socialist Republic.

The Georgian Soviet Socialist Republic includes the Abkhazian and Adzhar Autonomous Soviet Socialist Republics.

The Azerbaijan Soviet Socialist Republic includes the Nakhichevan Autonomous Soviet Socialist Republic.

#### Chapter 11.

### THE AUTONOMOUS REGION AND AUTONOMOUS AREA

Article 86. An Autonomous Region is a constituent part of a Union Republic or Territory. The Law on an Autonomous Region, upon submission by the Soviet of People's Deputies of the Autonomous Region concerned, shall be adopted by the Supreme Soviet of the Union Republic.

Article 87. The Russian Soviet Federative Socialist Republic includes the Adygei, Gorno-Altai, Jewish, Karachai-Circassian, and Khakass Autonomous Regions.

The Georgian Soviet Socialist Republic includes the South Ossetian Autonomous Region.

The Azerbaijan Soviet Socialist Republic includes the Nagorno-Karabakh Autonomous Region.

The Tajik Soviet Socialist Republic includes the Gorno-Badkhashan Autonomous Region.

Article 88. An Autonomous Area is a constituent part of a Territory or Region. The Law on an Autonomous Area shall be adopted by the Supreme Soviet of the Union Republic concerned.

## IV. SOVIETS OF PEOPLE'S DEPUTIES AND ELECTORAL PROCEDURE

#### Chapter 12.

### THE SYSTEM OF SOVIETS OF PEOPLE'S DEPUTIES AND THE PRINCIPLES OF THEIR WORK

Article 89. The Soviets of People's Deputies, i.e. the Supreme Soviet of the USSR, the Supreme Soviets of Union Republics, the Supreme Soviets of Autonomous Republics, the Soviets of People's Deputies of Territories and Regions, the Soviets of People's Deputies of Autonomous Regions and Autonomous Areas, and the Soviets of People's Deputies of districts, cities, city districts, settlements and villages shall constitute a single system of bodies of state authority.

Article 90. The term of the Supreme Soviet of the USSR, the Supreme Soviets of Union Republics, and the Supreme Soviets of Autonomous Republics shall be five years.

The term of local Soviets of People's Deputies shall be two and a half years.

Elections to Soviets of People's Deputies shall be called not later than two months before expiry of the term of the Soviet concerned.

Article 91. The most important matters within the jurisdiction of the respective Soviets of People's Deputies shall be considered and settled at their sessions.

Soviets of People's Deputies shall elect standing commissions and form executive-administrative, and other bodies accountable to them.

Article 92. Soviets of People's Deputies shall form people's control bodies combining state control with control by the working people at enterprises, collective farms, institutions, and organizations.

People's control bodies shall check on the fulfillment of state plans and assignments, combat breaches of state discipline, localistic tendencies, narrow departmental attitudes, mismanagement, extravagance and waste, red tape and bureaucracy, and help improve the working of the state machinery.

Article 93. Soviets of People's Deputies shall direct all sectors of state, economic and social and cultural development, either directly or through bodies instituted by them, take decisions and ensure their execution, and verify their implementation.

Article 94. Soviets of People's Deputies shall function publicly on the basis of collective, free, constructive discussion and decision-making, of systematic reporting back to them and the people by their executive-administrative and other bodies, and of involving citizens on a broad scale in their work.

Soviets of People's Deputies and the bodies set up by them shall systematically inform the public about their work and the decisions taken by them.

#### Chapter 13.

### THE ELECTORAL SYSTEM

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.

Article 100. The following shall have the right to nominate candidates: branches and organizations of the Communist Party of the Soviet Union, trade unions, and the All-Union Leninist Young Communist League; co-operatives and other public organizations; work

collectives, and meetings of servicemen in their military units.

Citizens of the USSR and public organizations are guaranteed the right to free and all-round discussion of the political and personal qualities and competence of candidates, and the right to campaign for them at meetings, in the press, and on television and radio.

The expenses involved in holding elections to Soviets of People's Deputies shall be met by the state.

Article 101. Deputies to Soviets of People's Deputies shall be elected by constituencies.

A citizen of the USSR may not, as a rule, be elected to more than two Soviets of People's Deputies.

Elections to the Soviets shall be conducted by electoral commissions consisting of representatives of public organizations and work collectives, and of meetings of servicemen in military units.

The procedure for holding elections to Soviets of People's Deputies shall be defined by the laws of the USSR, and of Union and Autonomous Republics.

Article 102. Electors give mandates to their Deputies.

The appropriate Soviets of People's Deputies shall examine electors' mandates, take them into account in drafting economic and social development plans, and in drawing up the budget, organize implementation of the mandates, and inform citizens about it.

#### Chapter 14.

### PEOPLE'S DEPUTIES

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 and 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 104. 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 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 ensured 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.

## V. HIGHER BODIES OF STATE AUTHORITY AND ADMINISTRATION OF THE USSR

### Chapter 15.

#### THE SUPREME SOVIET OF THE USSR

Article 108. The highest body of state authority of the USSR shall be the Supreme Soviet of the USSR.

The Supreme Soviet of the USSR is empowered to deal with all matters within the jurisdiction of the Union of Soviet Socialist Republics, as defined by this Constitution.

The adoption and amendment of the Constitution of the USSR; admission of new Republics to the USSR; endorsement of the formation of new Autonomous Republics and Autonomous Regions; approval of the state plans for economic and social development, of the Budget of the USSR, and of reports on their execution; and the institution of bodies of the USSR accountable to it, are the exclusive prerogative of the Supreme Soviet of the USSR.

Laws of the USSR shall be enacted by the Supreme Soviet of the USSR or by a nationwide vote (referendum) held by decision of the Supreme Soviet of the USSR.

Article 109. The Supreme Soviet of the USSR shall consist of two chambers: the Soviet of the Union and the Soviet of Nationalities.

The two chambers of the Supreme Soviet of the USSR shall have equal rights.

Article 110. The Soviet of the Union and the Soviet of Nationalities shall have equal numbers of Deputies. The Soviet of the Union shall be elected by constituencies with equal populations.

The Soviet of Nationalities shall be elected on the basis of the following representation: 32 Deputies from each Union Republic, 11 Deputies from each Autonomous Republic, five Deputies from each Autonomous Area, Region, and one Deputy from each Autonomous Area.

The Soviet of the Union and the Soviet of Nationalities, upon submission by the credentials commissions elected by them, shall decide on the validity of Deputies' credentials, and, in cases in which the election law has been violated, shall declare the election of the Deputies concerned null and void.

Article 111. Each chamber of the Supreme Soviet of

the USSR shall elect a Chairman and four Vice-Chairmen.

The Chairmen of the Soviet of the Union and of the Soviet of Nationalities shall preside over the sittings of the respective chambers and conduct their affairs.

Joint sittings of the chambers of the Supreme Soviet of the USSR shall be presided over alternately by the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities.

Article 112. Sessions of the Supreme Soviet of the USSR shall be convened twice a year.

Special sessions shall be convened by the Presidium of the Supreme Soviet of the USSR at its discretion or on the proposal of a Union Republic, or of not less than one-third of the Deputies of one of the chambers.

A session of the Supreme Soviet of the USSR shall consist of separate and joint sittings of the chambers, and of meetings of the standing commissions of the chambers or commissions of the Supreme Soviet of the USSR held between the sittings of the chambers. A session may be opened and closed at either separate or joint sittings of the chambers.

Article 113. The right to initiate legislation in the Supreme Soviet of the USSR is vested in the Soviet of the Union and the Soviet of Nationalities, the Presidium of the Supreme Soviet of the USSR, the Council of Ministers of the USSR, Union Republics through their higher bodies of state authority, commissions of the Supreme Soviet of the USSR and standing commissions of its chambers, Deputies of the Supreme Soviet of the USSR, the Supreme Court of the USSR, and the Procurator-General of the USSR.

The right to initiate legislation is also vested in public organizations through their All-Union bodies.

Article 114. Bills and other matters submitted to the Supreme Soviet of the USSR shall be debated by its chambers at separate or joint sittings. Where necessary, a bill or other matter may be referred to one or more commissions for preliminary or additional consideration.

A law of the USSR shall be deemed adopted when it has been passed in each chamber of the Supreme Soviet of the USSR by a majority of the total number of its Deputies. Decisions and other acts of the Supreme Soviet of the USSR are adopted by a majority of the total number of Deputies of the Supreme Soviet of the USSR.

Bills and other very important matters of state may be submitted for nationwide discussion by a decision of the Supreme Soviet of the USSR or its Presidium taken on their own initiative or on the proposal of a Union Republic.

Article 115. In the event of disagreement between the Soviet of the Union and the Soviet of Nationalities, the matter at issue shall be referred for settlement to a conciliation commission formed by the chambers on a parity basis, after which it shall be considered for a second time by the Soviet of the Union and the Soviet of Nationalities at a joint sitting. If agreement is again not reached, the matter shall be postponed for debate at the next session of the Supreme Soviet of the USSR or submitted by the Supreme Soviet to a nationwide vote (referendum).

Article 116. Laws of the USSR and decisions and other acts of the Supreme Soviet of the USSR shall be published in the languages of the Union Republics

over the signatures of the Chairman and Secretary of the Presidium of the Supreme Soviet of the USSR.

Article 117. A Deputy of the Supreme Soviet of the USSR has the right to address inquiries to the Council of Ministers of the USSR, and to Ministers and the heads of other bodies formed by the Supreme Soviet of the USSR. The Council of Ministers of the USSR, or the official to whom the inquiry is addressed, is obliged to give a verbal or written reply within three days at the given session of the Supreme Soviet of the USSR.

Article 118. A Deputy of the Supreme Soviet of the USSR may not be prosecuted or arrested, or incur a court-imposed penalty, without the sanction of the Supreme Soviet of the USSR, which shall be the Presidium of the Supreme Soviet of the USSR.

Article 119. The Supreme Soviet of the USSR, at a joint sitting of its chambers, shall elect a Presidium of the Supreme Soviet of the USSR, which shall be a standing body of the Supreme Soviet of the USSR, accountable to it for all its work and exercising the functions of the highest body of state authority of the USSR between sessions of the Supreme Soviet, within the limits prescribed by the Constitution.

Article 120. The Presidium of the Supreme Soviet of the USSR shall be elected from among the Deputies and shall consist of a Chairman, First Vice-Chairman, 15 Vice-Chairmen (one from each Union Republic), a Secretary, and 21 members.

Article 121. The Presidium of the Supreme Soviet of the USSR shall:

- 1) name the date of elections to the Supreme Soviet of the USSR;
- 2) convene sessions of the Supreme Soviet of the USSR;
- 3) co-ordinate the work of the standing commissions of the chambers of the Supreme Soviet of the USSR;
- 4) ensure observance of the Constitution of the USSR and conformity of the Constitutions and laws of Union Republics to the Constitution and laws of the USSR;
- 5) interpret the laws of the USSR;
- 6) ratify and denounce international treaties of the USSR;
- 7) revoke decisions and ordinances of the Council of Ministers of the USSR and of the Council of Ministers of Union Republics should they fail to conform to the law;
- 8) institute military and diplomatic ranks and other special titles; and confer the highest military and diplomatic ranks and other special titles;
- 9) institute orders and medals of the USSR, and honorific titles of the USSR; award orders and medals of the USSR; and confer honorific titles of the USSR;
- 10) grant citizenship of the USSR, and rule on matters of the renunciation or deprivation of citizenship of the USSR and of granting asylum;
- 11) issue All-Union acts of amnesty and exercise the right of pardon;
- 12) appoint and recall diplomatic representatives of the USSR to other countries and to international organizations;
- 13) receive the letters of credence and recall of the diplomatic representatives of foreign states accredited to it;
- 14) form the Council of Defence of the USSR and confirm its composition; appoint and dismiss the high command of the Armed Forces of the USSR;

15) proclaim martial law in particular localities or throughout the country in the interests of defence of the USSR;

16) order general or partial mobilisation;

17) between sessions of the Supreme Soviet of the USSR, proclaim a state of war in the event of an armed attack on the USSR, or when it is necessary to meet international treaty obligations relating to mutual defence against aggression;

18) and exercise other powers vested in it by the Constitution and laws of the USSR.

Article 122. The Presidium of the Supreme Soviet of the USSR, between sessions of the Supreme Soviet of the USSR and subject to submission for its confirmation at the next session, shall:

- 1) amend existing legislative acts of the USSR when necessary;
- 2) approve changes in the boundaries between Union Republics;
- 3) form and abolish Ministries and State Committees of the USSR on the recommendation of the Council of Ministers of the USSR;
- 4) relieve individual members of the Council of Ministers of the USSR of their responsibilities and appoint persons to the Council of Ministers on the recommendation of the Chairman of the Council of Ministers of the USSR.

Article 123. The Presidium of the Supreme Soviet of the USSR promulgates decrees and adopts decisions.

Article 124. On expiry of the term of the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the USSR shall retain its powers until the newly elected Supreme Soviet of the USSR has elected a new Presidium.

The newly elected Supreme Soviet of the USSR shall be convened by the outgoing Presidium of the Supreme Soviet of the USSR within two months of the elections.

Article 125. The Soviet of the Union and the Soviet of Nationalities shall elect standing commissions from among the Deputies to make a preliminary review of matters coming within the jurisdiction of the Supreme Soviet of the USSR, to promote execution of the laws of the USSR and other acts of the Supreme Soviet of the USSR and its Presidium, and to check on the work of state bodies and organizations. The chambers of the Supreme Soviet of the USSR may also set up joint commissions on a parity basis.

When it deems it necessary, the Supreme Soviet of the USSR sets up commissions of inquiry and audit, and commissions on any other matter.

All state and public bodies, organizations and officials are obliged to meet the requests of the commissions of the Supreme Soviet of the USSR and of its chambers, and submit the requisite materials and documents to them.

The commissions' recommendations shall be subject to consideration by state and public bodies, institutions and organizations. The commissions shall be informed, within the prescribed time-limit, of the results of such consideration or of the action taken.

Article 126. The Supreme Soviet of the USSR shall supervise the work of all state bodies accountable to it. The Supreme Soviet of the USSR shall form a Committee of People's Control of the USSR to head the system of people's control.



The organization and procedure of people's control bodies are defined by the Law on People's Control in the USSR.

Article 127. The procedure of the Supreme Soviet of the USSR and of its bodies shall be defined in the Rules and Regulations of the Supreme Soviet of the USSR and other laws of the USSR enacted on the basis of the Constitution of the USSR.

## Chapter 16.

### THE COUNCIL OF MINISTERS OF THE USSR

Article 128. The Council of Ministers of the USSR, in the Government of the USSR, is the highest executive-administrative body of state authority of the USSR.

Article 129. The Council of Ministers of the USSR shall be formed by the Supreme Soviet of the USSR at a joint sitting of the Supreme of the Union and the Soviet of Nationalities, and shall consist of the Chairman of the Council of Ministers of the USSR, First Vice-Chairmen and Vice-Chairmen, Ministers of the USSR, and Chairmen of State Committees of the USSR.

The Chairmen of the Councils of Ministers of Union Republics shall be ex officio members of the Council of Ministers of the USSR.

The Supreme Soviet of the USSR, on the recommendation of the Council of Ministers of the USSR, may include in the Government of the USSR the heads of other bodies and organizations of the USSR.

The Council of Ministers of the USSR shall tender its resignation to a newly-elected Supreme Soviet of the USSR at its first session.

Article 130. The Council of Ministers of the USSR shall be responsible and accountable to the Supreme Soviet of the USSR and, between sessions of the Supreme Soviet of the USSR, to the Presidium of the Supreme Soviet of the USSR.

The Council of Ministers of the USSR shall report regularly on its work to the Supreme Soviet of the USSR.

Article 131. The Council of Ministers of the USSR is empowered to deal with all matters of state administration within the jurisdiction of the Union of Soviet Socialist Republics insofar as, under the Constitution, they do not come within the competence of the Supreme Soviet of the USSR or the Presidium of the Supreme Soviet of the USSR.

Within its powers the Council of Ministers of the USSR shall:

- 1) ensure direction of economic, social, and cultural development; draft and implement measures to promote the well-being and cultural development of the people, to develop science and engineering, to ensure rational exploitation and conservation of natural resources, to consolidate the monetary and credit system, to pursue a uniform prices, wages, and social security policy, and to organize state insurance and a uniform system of accounting and statistics; and organize the management of industrial, construction,

and agricultural enterprises and amalgamations, transport and communications undertakings, banks, and other organizations and institutions of Union subordination;

- 2) draft current and long-term state plans for the economic and social development of the USSR and the Budget of the USSR, and submit them to the Supreme Soviet of the USSR; take measures to execute the state plans and Budget; and report to the Supreme Soviet of the USSR on the implementation of the plans and Budget;

- 3) implement measures to defend the interests of the state, protect socialist property and maintain public order, and guarantee and protect citizens' rights and freedoms;

- 4) take measures to ensure state security.

- 5) exercise general direction of the development of the Armed Forces of the USSR, and determine the annual contingent of citizens to be called up for active military service;

- 6) provide general direction in regard to relations with other states, foreign trade, and economic, scientific, technical, and cultural co-operation of the USSR with other countries; take measures to ensure fulfillment of the USSR's international treaties; and ratify and denounce intergovernmental international agreements;

- 7) and when necessary, form committees, central boards and other departments under the Council of Ministers of the USSR to deal with matters of economic, social and cultural development, and defence.

Article 132. A Presidium of the Council of Ministers of the USSR, consisting of the Chairman, the First Vice-Chairmen, and Vice-Chairmen of the Council of Ministers of the USSR, shall function as a standing body of the Council of Ministers of the USSR to deal with questions relating to guidance of the economy, and with other matters of state administration.

Article 133. The Council of Ministers of the USSR, on the basis of, and in pursuance of, the laws of the USSR and other decisions of the Supreme Soviet of the USSR and its Presidium, shall issue decisions and ordinances and verify their execution. The decisions and ordinances of the Council of Ministers of the USSR shall be binding throughout the USSR.

Article 134. The Council of Ministers of the USSR has the right, in matters within the jurisdiction of the Union of Soviet Socialist Republics, to suspend execution of decisions and ordinances of the Councils of Ministers of Union Republics, and to rescind acts of ministries and state committees of the USSR, and of other bodies subordinate to it.

Article 135. The Council of Ministers of the USSR shall co-ordinate and direct the work of All-Union and Union-Republic ministries, state committees of the USSR, and other bodies subordinate to it.

All-Union ministries and state committees of the USSR shall direct the work of the branches of administration entrusted to them, or exercise inter-branch administration, throughout the territory of the USSR directly or through bodies set up by them.

Union-Republic ministries and state committees of the USSR direct the work of the branches of administration entrusted to them, or exercise

inter-branch administration, as a rule, through the corresponding ministries and state committees, and other bodies of Union Republics, and directly administer individual enterprises and amalgamations of Union subordination. The procedure for transferring enterprises and amalgamations from Republic or local subordination to Union subordination shall be defined by the Presidium of the Supreme Soviet of the USSR.

Ministries and state committees of the USSR shall be responsible for the condition and development of the spheres of administration entrusted to them; within their competence, they issue orders and other acts on the basis of, and in execution of, the laws of the USSR and other decisions of the Supreme Soviet of the USSR and its Presidium, and of decisions and ordinances of the Council of Ministers of the USSR, and organize and verify their implementation.

Article 136. The competence of the Council of Ministers of the USSR and its Presidium, the procedure for their work, relationships between the Council of Ministers and other state bodies, and the list of All-Union and Union-Republic ministries and state committees of the USSR are defined, on the basis of the Constitution, in the Law on the Council of Ministers of the USSR.

## VI. BASIC PRINCIPLES OF THE STRUCTURE OF THE BODIES OF STATE AUTHORITY AND ADMINISTRATION IN UNION REPUBLICS

### Chapter 17.

#### HIGHER BODIES OF STATE AUTHORITY AND ADMINISTRATION OF A UNION REPUBLIC

Article 137. The highest body of state authority of a Union Republic shall be the Supreme Soviet of that Republic.

The Supreme Soviet of a Union Republic is empowered to deal with all matters within the jurisdiction of the Republic under the Constitutions of the USSR and the Republic.

Adoption and amendment of the Constitution of a Union Republic; endorsement of state plans for economic and social development, of the Republic's Budget, and of reports on their fulfillment; and the formation of bodies accountable to the Supreme Soviet of the Union Republic are the exclusive prerogative of that Supreme Soviet.

Laws of a Union Republic shall be enacted by the Supreme Soviet of the Union Republic or by a popular vote (referendum) held by decision of the Republic's Supreme Soviet.

Article 138. The Supreme Soviet of a Union Republic shall elect a Presidium, which is a standing body of that Supreme Soviet and accountable to it for all its

work. The composition and powers of the Presidium of the Supreme Soviet of a Union Republic shall be defined in the Constitution of the Union Republic.

Article 139. The Supreme Soviet of a Union Republic shall form a Council of Ministers of the Union Republic, i.e. the Government of that Republic, which shall be the highest executive and administrative body of state authority in the Republic.

The Council of Ministers of a Union Republic shall be responsible and accountable to the Supreme Soviet of that Republic or, between sessions of the Supreme Soviet, to its Presidium.

Article 140. The Council of Ministers of a Union Republic issues decisions and ordinances on the basis of, and in pursuance of, the legislative acts of the USSR and of the Union Republic, and of decisions and ordinances of the Council of Ministers of the USSR, and shall organize and verify their execution.

Article 141. The Council of Ministers of a Union Republic has the right to suspend the execution of decisions and ordinances of the Councils of Ministers of Autonomous Republics, to rescind the decisions and orders of the Executive Committees of Soviets of People's Deputies of Territories, Regions, and cities (i.e. cities under Republic jurisdiction) and of Autonomous Regions, and in Union Republics not divided into regions, of the Executive Committees of district and corresponding city Soviets of People's Deputies.

Article 142. The Council of Ministers of a Union Republic shall co-ordinate and direct the work of the Union-Republic and Republic ministries and of state committees of the Union Republic, and other bodies under its jurisdiction.

The Union-Republic ministries and state committees of a Union Republic shall direct the branches of administration entrusted to them, or exercise inter-branch control, and shall be subordinate to both the Council of Ministers of the Union Republic and the corresponding Union-Republic ministry or state committee of the USSR.

Republic ministries and state committees shall direct the branches of administration entrusted to them, or exercise inter-branch control, and shall be subordinate to the Council of Ministers of the Union Republic.

### Chapter 18.

#### HIGHER BODIES OF STATE AUTHORITY AND ADMINISTRATION OF AN AUTONOMOUS REPUBLIC

Article 143. The highest body of state authority of an Autonomous Republic shall be the Supreme Soviet of that Republic.

Adoption and amendment of the Constitution of an Autonomous Republic; endorsement of state plans for economic and social development, and of the Republic's Budget; and the formation of bodies accountable to the Supreme Soviet of the Autonomous Republic are the exclusive prerogative of that Supreme Soviet.

Laws of an Autonomous Republic shall be enacted by the Supreme Soviet of the Autonomous Republic.

Article 144. The Supreme Soviet of an Autonomous Republic shall elect a Presidium of the Supreme Soviet of the Autonomous Republic and shall form a Council of Ministers of the Autonomous Republic, i.e. the Government of that Republic.

#### Chapter 19.

### LOCAL BODIES OF STATE AUTHORITY AND ADMINISTRATION

Article 145. The bodies of state authority in Territories, Regions, Autonomous Regions, Autonomous Areas, districts, cities, city districts, settlements, and rural communities shall be the corresponding Soviets of People's Deputies.

Article 146. Local Soviets of People's Deputies shall deal with all matters of local significance in accordance with the interests of the whole state and of the citizens residing in the area under their jurisdiction, implement decisions of higher bodies of state authority, guide the work of lower Soviets of People's Deputies, take part in the discussion of matters of Republican and All-Union significance, and submit their proposals concerning them.

Local Soviets of People's Deputies shall direct state, economic, social and cultural development within their territory; endorse plans of economic and social development and the local budget; exercise general guidance over state bodies, enterprises, institutions and organisations subordinate to them; ensure observance of the laws, maintenance of law and order, and protection of citizens' rights, and help strengthen the country's defence capacity.

Article 147. Within their powers, local Soviets of People's Deputies shall ensure the comprehensive, all-round economic and social development of their area; exercise control over the observance of legislation by enterprises, institutions and organisations subordinate to higher authorities and located in their area; and co-ordinate and supervise their activity as regards land use, nature conservation, building, employment of manpower, production of consumer goods, and social, cultural, communal and other services and amenities for the public.

Article 148. Local Soviets of People's Deputies shall decide matters within the powers accorded them by the legislation of the USSR and of the appropriate Union Republic and Autonomous Republic. Their decisions shall be binding on all enterprises, institutions, and organisations located in their area and on officials and citizens.

Article 149. The executive-administrative bodies of local Soviets shall be the Executive Committees elected by them from among their Deputies.

Executive Committees shall report on their work at least once a year to the Soviets that elected them and to meetings of citizens at their places of work or residence.

Article 150. Executive Committees of local Soviets of People's Deputies shall be directly accountable both to the Soviet that elected them and to the higher executive and administrative body.

### VII. JUSTICE, ARBITRATION, AND PROCURATOR'S SUPERVISION

#### Chapter 20.

### COURTS AND ARBITRATION

Article 151. In the USSR justice is administered only by the courts.

In the USSR there are the following courts: the Supreme Court of the USSR, the Supreme Courts of Union Republics, the Supreme Courts of Autonomous Republics, Territorial, Regional, and city courts, courts of Autonomous Regions, courts of Autonomous Areas, district (city) people's courts, and military tribunals in the Armed Forces.

Article 152. All courts in the USSR shall be formed on the principle of the electiveness of judges and people's assessors.

People's judges of district (city) people's courts shall be elected for a term of five years by the citizens of the district (city) on the basis of universal, equal and direct suffrage by secret ballot. People's assessors of district (city) people's courts shall be elected for a term of two and a half years at meetings of citizens at their places of work or residence by a show of hands.

Higher courts shall be elected for a term of five years by the corresponding Soviet of People's Deputies.

The judges of military tribunals shall be elected for a term of five years by the Presidium of the Supreme Soviet of the USSR and people's assessors for a term of two and a half years by meetings of servicemen. Judges and people's assessors are responsible and accountable to their electors or the bodies that elected them, shall report to them, and may be recalled by them in the manner prescribed by law.

Article 153. The Supreme Court of the USSR is the highest judicial body in the USSR and supervises the administration of justice by the courts of the USSR and Union Republics within the limits established by law.

The Supreme Court of the USSR shall be elected by the Supreme Soviet of the USSR and shall consist of a Chairman, Vice-Chairmen, members, and people's assessors. The Chairmen of the Supreme Courts of Union Republics are ex officio members of the Supreme Court of the USSR.

The organisation and procedure of the Supreme Court of the USSR are defined in the Law on the Supreme Court of the USSR.

Article 154. The hearing of civil and criminal cases in all courts is collegial; in courts of first instance cases are heard with the participation of people's assessors. In the administration of justice people's assessors have all the rights of a judge.

Article 155. Judges and people's assessors are independent and subject only to the law.

Article 156. Justice is administered in the USSR on the principle of the equality of citizens before the law and the court.

Article 157. 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 158. A defendant in a criminal action is guaranteed the right to legal assistance.

Article 159. Judicial proceedings shall be conducted in the language of the Union Republic, Autonomous Republic, Autonomous Region, or Autonomous Area, or in the language spoken by the majority of the 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.

Article 160. 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.

Article 161. Colleges of advocates are available to give legal assistance to citizens and organisations. In cases provided for by legislation citizens shall be given legal assistance free of charge.

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

Article 162. Representatives of public organisations and of work collectives may take part in civil and criminal proceedings.

Article 163. Economic disputes between enterprises, institutions, and organisations are settled by state arbitration bodies within the limits of their jurisdiction.

The organisation and manner of functioning of state arbitration bodies are defined in the Law on State Arbitration in the USSR.

#### Chapter 21.

### THE PROCURATOR'S OFFICE

Article 164. Supreme power of supervision over the strict and uniform observance of laws by all ministries, state committees and departments, enterprises, institutions and organisations, executive-administrative bodies of local Soviets of People's Deputies, collective farms, co-operatives and other public organisations, officials and citizens is vested in the Procurator-General of the USSR and procurators subordinate to him.

Article 165. The Procurator-General of the USSR is appointed by the Supreme Soviet of the USSR and is responsible and accountable to it and, between sessions of the Supreme Soviet, to the Presidium of the Supreme Soviet of the USSR.

Article 166. The procurators of Union Republics, Autonomous Republics, Territories, Regions and Autonomous Regions are appointed by the Procurator-

General of the USSR. The procurators of Autonomous Areas and district and city procurators are appointed by the procurators of Union Republics, subject to confirmation by the Procurator-General of the USSR.

Article 167. The term of office of the Procurator-General of the USSR and all lower-ranking procurators shall be five years.

Article 168. The agencies of the Procurator's Office exercise their powers independently of any local bodies whatsoever, and are subordinate solely to the Procurator-General of the USSR.

The organisation and procedure of the agencies of the Procurator's Office are defined in the Law on the Procurator's Office of the USSR.

### VIII. THE EMBLEM, FLAG, ANTHEM, AND CAPITAL OF THE USSR

Article 169. The State Emblem of the Union of Soviet Socialist Republics is a hammer and sickle on a globe depicted in the rays of the sun and framed by ears of wheat, with the inscription "Workers of All Countries, Unite!" in the languages of the Union Republics. At the top of the Emblem is a five-pointed star.

Article 170. The State Flag of the Union of Soviet Socialist Republics is a rectangle of red cloth with a hammer and sickle depicted in gold in the upper corner next to the staff and with a five-pointed red star edged in gold above them. The ratio of the width of the flag to its length is 1:2.

Article 171. The State Anthem of the Union of Soviet Socialist Republics is confirmed by the Presidium of the Supreme Soviet of the USSR.

Article 172. The Capital of the Union of Soviet Socialist Republics is the city of Moscow.

### IX. THE LEGAL FORCE OF THE CONSTITUTION OF THE USSR AND PROCEDURE FOR AMENDING THE CONSTITUTION

Article 173. The Constitution of the USSR shall have supreme legal force. All laws and other acts of state bodies shall be promulgated on the basis of and in conformity with it.

Article 174. The Constitution of the USSR may be amended by a decision of the Supreme Soviet of the USSR adopted by a majority of not less than two-thirds of the total number of Deputies of each of its chambers.

**EXCERPT FROM THE 1936 CONSTITUTION  
(FUNDAMENTAL LAW) OF THE UNION OF SOVIET  
SOCIALIST REPUBLICS ARTICLES 118-133:  
FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS**

*ARTICLE 118*

Citizens of the USSR have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organisation of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment.

*ARTICLE 119*

Citizens of the USSR have the right to rest and leisure.

The right to rest and leisure is ensured by the establishment of a seven-hour day for industrial, office, and professional workers, the reduction of the working day to six hours for arduous trades and to four hours in shops where conditions of work are particularly arduous; by the institution of annual vacations with full pay for industrial, office, and professional workers, and by placing a wide network of sanatoriums, holiday homes and clubs at the disposal of the working people.

*ARTICLE 120*

Citizens of the USSR have the right to maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of industrial, office, and professional workers at state expense, free medical service for the working people, and the provision of a wide network of health resorts for the use of the working people.

*ARTICLE 121*

Citizens of the USSR have the right to education.

This right is ensured by universal compulsory eight-year education; by extensive development of secondary polytechnical education, vocational-technical education, and secondary specialised and higher education based on close ties between the school, real life and production activities; by the utmost development of evening and extramural education; by free education in all schools; by a system of state scholarship grants; by instruction in schools in the native language, and by the organisation of free vocational, technical and agronomic training for the working people in the factories, state farms, and collective farms.

*ARTICLE 122*

Women in the USSR are accorded all rights on an equal footing with men in all spheres of economic, government, cultural, political, and other social activity.

The possibility of exercising these rights is ensured by women being accorded the same rights as men to work, payment for work, rest and leisure, social insurance and

education, and also by state protection of the interests of mother and child, state aid to mothers of large families and to unmarried mothers, maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

**ARTICLE 123**

Equality of rights of citizens of the USSR, irrespective of their nationality or race, in all spheres of economic, government, cultural, political and other social activity, is an indefeasible law.

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

**ARTICLE 124**

In order to ensure to citizens freedom of conscience, the church in the USSR is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognised for all citizens.

**ARTICLE 125**

In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the USSR are guaranteed by law:

- (a) freedom of speech;
- (b) freedom of the press;
- (c) freedom of assembly, including the holding of mass meetings;
- (d) freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organisations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

**ARTICLE 126**

In conformity with the interests of the working people, and in order to develop the initiative and political activity of the masses of the people, citizens of the USSR are guaranteed the right to unite in mass organisations—trade unions, co-operative societies, youth organisations, sport and defence organisations, cultural, technical and scientific societies; and the most active and politically conscious citizens in the ranks of the working class, working peasants and working intelligentsia voluntarily unite in the Communist Party of the Soviet Union, which is the vanguard of the working people in their struggle to build communist society and is the leading core of all organisations of the working people, both government and non-government.

**ARTICLE 127**

Citizens of the USSR are guaranteed inviolability of the person. No person shall be placed under arrest except by decision of a court of law or with the sanction of a procurator.

**ARTICLE 128**

The inviolability of the homes of citizens and privacy of correspondence are protected by law.

**ARTICLE 129**

The USSR affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for scientific activities, or for struggling for national liberation.

**ARTICLE 130**

It is the duty of every citizen of the USSR to abide by the constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labour discipline, honestly to perform public duties, and to respect the rules of socialist society.

**ARTICLE 131**

It is the duty of every citizen of the USSR to safeguard and fortify public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the prosperity and culture of all the working people.

Persons committing crimes in respect of public, socialist property are enemies of the people.

**ARTICLE 132**

Universal military service is law.

Military service in the Armed Forces of the USSR is the honourable duty of citizens of the USSR.

**ARTICLE 133**

To defend the country is the sacred duty of every citizen of the USSR. Treason to the Motherland—violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage—is punishable with all the severity of the law as the most heinous of crimes.

**EXCERPT FROM THE FINAL ACT OF THE  
CONFERENCE ON SECURITY AND CO-OPERATION IN  
EUROPE ("HELSINKI AGREEMENT")**

Principle VII (guiding relations between participating States) Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief.

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Within this framework the participating States will recognise and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

The participating States recognise the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States.

They will constantly respect these rights and freedoms in their mutual relations and will endeavour jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them.

They confirm the right of the individual to know and act upon his rights and duties in this field.

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in the field, including inter alia the International Covenants on Human Rights, by which they may be bound.

**CO-OPERATION IN HUMANITARIAN AND OTHER FIELDS**

The participating States:

Desiring to contribute to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality without distinction as to race, sex, language or religion,

Conscious that increased cultural and educational exchanges, broader dissemination of information, contacts between people and the solution of humanitarian problems will contribute to the attainment of these aims,

Determined therefore to co-operate among themselves, irrespective of their political, economic and social systems, in order to create better conditions in the above fields, to develop and strengthen existing forms of co-operation and to work out new ways and means appropriate to these aims,

Convinced that this co-operation should take place in full respect for the principles guiding relations among participating States as set forth in the relevant document,

Have adopted the following:

### 1. Human Contacts

The participating States,  
Considering the development of contacts to be an important element in the strengthening of friendly relations and trust among peoples,

Affirming, in relation to their present effort to improve conditions in this area, the importance they attach to humanitarian considerations,

Desiring in this spirit to develop, with the continuance of detente, further efforts to achieve continuing progress in this field,

And conscious that the question relevant hereto must be settled by the States concerned under mutually acceptable conditions,

Make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organisations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection,

Declare their readiness to these ends to take measures which they consider appropriate and to conclude agreements or arrangements among themselves, as may be needed, and

Express their intention now to proceed to the implementation of the following:

#### (a) Contacts and Regular Meetings on the Basis of Family Ties

In order to promote further development of contacts on the basis of family ties the participating States will favourably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families.

Applications for temporary visits to meet members of their families will be dealt with without distinction as to the country of origin or destination: existing requirements for travel documents and visas will be applied in this spirit. The preparation and issue of such documents and visas will be effected within reasonable time limits; cases of urgent necessity—such as serious illness or death—will be given priority treatment. They will take such steps as may be necessary to ensure that the fees for official travel documents and visas are acceptable.

They confirm that the presentation of an application concerning contacts on the basis of family ties will not modify the rights and obligations of the applicant or of members of his family.

#### (b) Reunification of Families

The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old.

They will deal with applications in this field as expeditiously as possible. They will lower where necessary the fees charged in connection with these applications to ensure that they are at a moderate level.

Applications for the purpose of family reunification which are not granted may be renewed at the appropriate level and will be reconsidered at reasonably short intervals by the authorities of the country of residence or destination, whichever is concerned; under such circumstances fees will be charged only when applications are granted.

Persons whose applications for family reunification are granted may bring with them or ship their household and personal effects; to this end the participating States will use all possibilities provided by existing regulations.

Until members of the same family are reunited meetings and contacts between them may take place in accordance with the modalities for contacts on the basis of family ties.

The participating States will support the efforts of Red Cross and Red Crescent Societies concerned with the problems of family reunification.

They confirm that the presentation of an application concerning family reunification will not modify the rights and obligations of the applicant or of members of his family.

The receiving participating State will take appropriate care with regard to employment for persons from other participating States who take up permanent residence in that State in connection with family reunification with its citizens and see that they are afforded opportunities equal to those enjoyed by its own citizens for education, medical assistance and social security.

#### (c) Marriage between Citizens of Different States

The participating States will examine favourably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State.

The processing and issuing of the documents required for the above purposes and for the marriage will be in accordance with the provisions accepted for family reunification.

In dealing with requests from couples from different participating States, once married, to enable them and the minor children of their marriage to transfer their permanent residence to a State in which either one is normally a resident, the participating States will also apply the provisions accepted for family reunification.

The participating States intend to facilitate wider travel by their citizens for personal or professional reasons and to this end they intend in particular:

- gradually to simplify and to administer flexibly the procedures for exit and entry;
- to ease regulations concerning movement of citizens from the other participating States in their territory, with due regard to security requirements.

They will endeavour gradually to lower, where necessary, the fees for visas and official travel documents.

They intend to consider, as necessary, means—including, insofar as appropriate, the conclusion of multilateral or bilateral consular conventions or other relevant agreements or understandings—for the improvement of arrangements to provide consular services, including legal and consular assistance.

\* \* \*

They confirm that religious faiths, institutions and organisations, practising within the constitutional framework of the participating States, and their representatives can, in the field of their activities, have contacts and meetings among themselves and exchange information.

- (e) **Improvement of Conditions for Tourism on an Individual or Collective Basis**  
The participating States consider that tourism contributes to a fuller knowledge of the life, culture and history of other countries, to the growth of understanding among peoples, to the improvement of contacts and to the broader use of leisure. They intend to promote the development of tourism, on an individual or collective basis, and, in particular, they intend:
- to promote visits to their respective countries by encouraging the provision of appropriate facilities and the simplification and expediting of necessary formalities relating to such visits;
  - to increase, on the basis of appropriate agreements or arrangements where necessary, co-operation in the development of tourism, in particular by considering bilaterally possible ways to increase information relating to travel to other countries and to the reception and service of tourists, and other related questions of mutual interest.
- (f) **Meetings among Young People**  
The participating States intend to further the development of contacts and exchanges among young people by encouraging:
- increased exchanges and contacts on a short or long term basis among young people working, training or undergoing education through bilateral or multilateral agreements or regular programmes in all cases where it is possible;
  - study by their youth organisations of the question of possible agreements relating to frameworks of multilateral youth co-operation;
  - agreements or regular programmes relating to the organisation of exchanges of students, of international youth seminars, of courses of professional training and foreign language study;
  - the further development of youth tourism and the provision to this end of appropriate facilities;
  - the development, where possible, of exchanges, contacts and co-operation on a bilateral or multilateral basis between their organisations which represent wide circles of young people working, training or undergoing education;
  - awareness among youth of the importance of developing mutual understanding and of strengthening friendly relations and confidence among peoples.

(g) **Sport**

In order to expand existing links and co-operation in the field of sport the participating States will encourage contacts and exchanges of this kind, including sports meetings and competitions of all sorts, on the basis of the established international rules, regulations and practice.

(h) **Expansion of Contacts**

By way of further developing contacts among governmental institutions and non-governmental organisations and associations, including women's organisations, the participating States will facilitate the convening of meetings as well as travel by delegations, groups and individuals.

## ARTICLES OF SOVIET CRIMINAL LAW UNDER WHICH MANY SOVIET DISSIDENTS ARE IMPRISONED

### *Article 64: Treason*

This defines treason, including: ". . . espionage, transmission of a state or military secret to a foreign state, . . . or a conspiracy for the purpose of seizing power", which "shall be punished by deprivation of freedom for a term of ten to fifteen years . . . with or without additional exile for a term of two to five years, or by death . . .".

### *Article 70: Anti-Soviet Agitation and Propaganda*

Agitation or propaganda carried on for the purpose of subverting or weakening the Soviet regime or of committing particular, especially dangerous crimes against the state, or the circulation, for the same purpose, of slanderous fabrications which defame the Soviet state and social system, or the circulation or preparation or keeping, for the same purpose, of literature of such content, shall be punished by deprivation of freedom for a term of 6 months to 7 years, with or without additional exile for a term of 2 to 5 years, or by exile for a term of 2 to 5 years.

The same actions committed by a person previously convicted of especially dangerous crimes against the state or committed in wartime shall be punished by deprivation of freedom for a term of 3 to 10 years, with or without additional exile for a term of 2 to 5 years.

### *Article 72: Organisational Activity Directed to Commission of Especially Dangerous Crimes against the State and also Participation in Anti-Soviet Organisations*

Organisational activity directed to the preparation or commission of especially dangerous crimes against the state, or to the creation of an organisation which has as its purpose the commission of such crimes, or participation in an anti-Soviet organisation, shall be punished in accordance with Articles 64-71 of the present Code.

### *Article 142: Violation of Laws on Separation of Church and State and of Church and School*

The violation of laws on the separation of church and state and of school and church shall be punished by correctional tasks for a term not exceeding one year or by a fine not exceeding 50 roubles.

The same acts committed by a person previously convicted of violation of laws on the separation of church and state and of school and church, as well as organisational activity directed to the commission of such acts, shall be punished by deprivation of freedom for a term not exceeding 3 years.

### *Article 190-1: Circulation of Fabrications known to be False which Defame Soviet State and Social System*

The systematic circulation in an oral form of fabrications known to be false which defame the Soviet state and social system and, likewise, the preparation or circulation in written, printed or any other form of works of such content shall be punished by deprivation of freedom for a term not exceeding 3 years, or by correctional tasks for a term not exceeding one year, or by a fine not exceeding 100 roubles.



*Article 227: Infringement of Person and Rights of Citizens under Appearance of Performing Religious Ceremonies*

The organising or directing of a group, the activity of which, carried on under the appearance of preaching religious beliefs and performing religious ceremonies, is connected with the causing of harm to citizens' health or with any other infringements of the person or rights of citizens, or with the inducing of citizens to refuse social activity or performance of civic duties, or with the drawing of minors into such group, shall be punished by deprivation of freedom for a term not exceeding 5 years or by exile for a similar term with or without confiscation of property.

The active participation in the activity of a group specified in paragraph 1 of the present article, or the systematic propaganda directed at the commission of acts specified therein, shall be punished by deprivation of freedom for a term not exceeding 3 years, or by exile for the same term, or by correctional tasks for a term not exceeding one year.

*Note:* If the acts of persons stated in paragraph 2 of the present article and the persons themselves, do not represent a great social danger, measures of social pressure may be applied to them.

## THE LAW ON RELIGIOUS ASSOCIATIONS (RSFSR)

Resolution of all the All-Russian Central Executive Committee and the Council of People's Commissars, April 8, 1929, with changes introduced by Decree of the Presidium of the Supreme Soviet of the RSFSR, June 23, 1975.

1. The decree of the Council of People's Commissars of the RSFSR, dated January 23, 1918, "Concerning the Separation of the Church from the State and the School from the Church," applies to churches, religious groups, religious trends and movements, and other religious associations of all denominations.

2. Religious associations of believing citizens of all cults are registered either as religious societies or groups of believers.

Each citizen may be a member of only one religious or ritual association (society or group).

3. A religious society is a local association of believing citizens, who have reached the age of 18 years, of one and the same denomination, confession, movement or sect, comprising no fewer than 20 persons who have joined together for the joint satisfaction of their religious needs.

Believing citizens who, because of insufficient numbers, are not able to form a religious society, are granted the right to form a group of believers.

*Religious societies have the right to acquire church utensils, objects of the religious ritual, means of transportation, leases, buildings and purchases of church structures for their needs in accordance with the law.<sup>1</sup>*

4. A religious society or group of believers may begin its activity only after receipt of the decision concerning registration of the society or group of believers by the Council on Religious Affairs under the Council of Ministers of the USSR.

The decision concerning registration of a religious society or group of believers and the opening of a prayer building is taken by the Council on Religious Affairs under the Council of Ministers of the USSR, upon representation of the Councils of Ministers of the autonomous republics, and of the executive committees of regional, district or municipal (in the case of Moscow and Leningrad) councils of workers' deputies.

5. For registration of a religious society, its founding members, numbering no less than 20 persons, submit their petition concerning registration of a religious society or their petition to open a house of prayer (church, sanctuary, cathedral, mosque, synagogue, etc.) to the executive committee of the regional or municipal council of workers' deputies.

*The executive committee of the regional or municipal council of workers' deputies sends the petition of the believers which it has received, along with its conclusion, to the Council of Ministers of the autonomous republic or to the executive committee of the regional, district or municipal (Moscow and Leningrad) council of workers' deputies.*

1. In this translation, the changes introduced in 1975 are italicised. Also, Articles 21, 22, 24, 35, 37, 42 and 53 of the Law were rescinded, although some provisions were reincorporated in adjacent articles of the amended Law. This law is also known as the Law on Cults.

Source: Based on a translation of the Law, published in the periodical *Religion in Communist Dominated Areas*, Vol. 15 No. 7, 8 and 9, 1976, pp. 106-111.

6. For registration of a group of believers, a petition, signed by all believers in the group, is submitted to the executive committee of the regional or municipal council of workers' deputies, which sends this petition with its conclusion to the Council of Ministers of the autonomous republic or the executive committee of the regional, district or municipal (Moscow and Leningrad) council of workers' deputies.

7. The Council of Ministers of the autonomous republic, or the executive committee of the regional, district or municipal (Moscow and Leningrad) council of workers' deputies, having received the materials regarding registration of the society or group of believers, reviews them within one month and sends them with their representation to the Council on Religious Affairs at the Council of Ministers of the USSR, for decision.

The Council on Religious Affairs at the Council of Ministers of the USSR, after review of the materials regarding registration of the society or groups of believers, makes its decision regarding registration or refusal of registration of the religious society or group of believers, and informs them accordingly.

8. Accounting of religious associations, houses of prayer and buildings is conducted by the Council on Religious Affairs under the Council of Ministers of the USSR, which establishes the procedure for the presentation of corresponding data concerning religious societies or groups of believers, their executive and auditing organs, and ministers of religion.

9. Only believers who have declared their consent thereto may be included in the list of members of religious societies and groups.

10. For satisfaction of their religious needs, believers comprising a religious society may receive, upon decision of the Council on Religious Affairs under the Council of Ministers of the USSR, use without charge of a special house of prayer under the conditions and procedures established by the agreement concluded by the religious society with the authorised representative of the executive committee of the regional or municipal council of workers' deputies.

Moreover, believers comprising a religious society or group of believers may also use for their religious meetings other premises leased to them by individuals or by executive committees of regional or municipal councils of workers' deputies. Such premises are subject to all rules established by the present resolution for houses of prayer; agreements for the right of use of such premises are concluded by individual believers upon their personal responsibility. Moreover, these premises must conform to building and health rules.

Each religious society or group of believers may use only one house of prayer.

11. Agreements connected with the management and use of religious properties, such as contracts for the hire of guards, delivery of fuel, maintenance of houses of prayer and property of the congregation, purchase of goods and implements for religious rites and ceremonies and similar activities, closely or directly connected with the doctrine and ritual of a religious cult, and also regarding the lease of premises for prayer meetings, may be concluded by individual citizens who are members of the executive organs of religious societies or by persons authorised by groups of believers.

Such agreements may not contain contractual provisions directed toward commercial and industrial purposes, however closely related with the cult, such as lease of a candle factory, a publishing house for printing religious and prayer books, etc.

12. General meetings of religious societies and groups of believers (except prayer meetings) proceed with the permission of the executive committee of the regional or municipal council of workers' deputies.

13. For the direct fulfilment of functions connected with the management and use of religious premises and ritual objects (Art. 2) and also for purposes of external representation, the religious associations, at their general meeting, shall elect by a show of hands an executive body from amongst their members; religious societies the organs consist of three persons, in groups of believers—one representative.

14. Registering organs are granted the right to remove members of the executive body of a religious society or particular individuals of a group of believers.

15. For control of religious property and money received from their members through collections or voluntary contributions, religious associations may elect at a general meeting of believers, an auditing commission, consisting of no more than three members.

16. Meetings (sessions) of the executive and auditing organs of religious societies and groups of believers are conducted without informing, or receiving permission from, government authorities.

17. Religious associations are prohibited from:

- a. creating funds for mutual aid, co-operatives and manufacturing associations; and, in general, using the property placed at their disposal for any purposes other than the satisfaction of religious needs;
- b. giving material aid to their members;
- c. organising special children's youth, or women's prayer and other meetings, as well as general Bible, literary, craft, or labour meetings, groups, circles, or departments for the study of religion; and also organising excursions and children's playgrounds, opening libraries and reading rooms, and organising health centres and medical aid.

18. No teaching of any kind of religious beliefs is permitted in educational institutions. The teaching of religious beliefs may be permitted only in religious educational institutions, organized in accordance with the law.

19. The scope of activity of clergymen, religious preachers and teachers, etc., is restricted to the place of residence of members of the religious association served by them and the location of the corresponding prayer building.

The activity of clergymen and of preachers who serve permanently two or more religious associations is restricted to the area in which the believers comprising the given religious association permanently reside.

20. Religious societies and groups of believers may convoke religious congresses and conferences only upon special permission issued in each separate case by the Council on Religious Affairs at the Council of Ministers of the USSR.

Religious representatives, church boards and other bodies elected at meetings, congresses and conferences supervise only the religious (canonical) activity of associations of believers. They are supported by funds allotted by religious associations exclusively on a voluntary basis.

Religious organisations have the right to manufacture church implements and religious objects and sell them to societies of believers, as well as to acquire means of transportation, leases, construction and purchases of buildings for their needs, in accordance with established legal procedures.

23. Executive organs of religious societies and groups, as well as religious congresses, may use stamps, seals and stationery with an indication of their denomination for business of a religious character only. Such stamps, seals and stationery may not include any emblems or slogans designated for institutions and organs of the Soviet state.

25. Objects necessary for worship, whether transferred to believers comprising a religious society under contract or newly acquired by them or donated to them for the needs of the congregation are national property and accounted for by the executive committee of the regional or municipal council of workers' deputies.
26. Premises used specially as the residence of a watchman which are located within the house of prayer or near it, are transferred by contract for the use of believers without charge in the same way as the religious property.
27. Houses of prayer and religious property are transferred to the use of believers comprising a religious society under the conditions and according to the provisions established by the contract concluded by the religious society with the authorised representative of the executive committee of the regional or municipal council of workers' deputies.
28. Buildings of the congregation and the property located in them are received by contract, from the representative of the executive committee of the regional or municipal council of workers' deputies, by no fewer than twenty members of a religious society for the use of the said property by all believers.
29. The contract stipulates that persons who receive the building of the congregation and the property for their use are obliged:
- to manage and maintain it as state property entrusted to them;
  - to repair religious buildings and to bear the costs connected with the maintenance and use of this property, such as heating, insurance, protection, payment of taxes, collections, etc;
  - to use this property exclusively for the satisfaction of religious requirements;
  - to compensate the government for any damage caused by loss of property or deterioration;
  - to maintain an inventory list of all ritual objects in which are entered all newly acquired (through purchase, donation, transfer from other religious bodies, etc.) objects for worship which do not belong to individual citizens as private property, and upon notification of and permission from the executive committee of the regional or municipal council of workers' deputies with which the contract was concluded, to remove from the list all objects no longer in use;
  - to admit, without hindrance, except while religious rites are being conducted, authorised representatives of the executive committees of regional, city or village councils of workers' deputies, for periodic examination and review of property.
30. Religious buildings of historical, artistic or archaeological significance, specified by the Ministry of Culture of the RSFSR, are transferred according to the same procedure and on the very same terms, but with the obligation of compliance with the rules established for the care and preservation of monuments of art and history.
31. All local residents of the same confession, movement or sect have the right to sign the contract for receipt for the use of the building and property of the congregation, thereby acquiring the right to participate in the administration of the property equal with that of the persons who originally signed the contract.
32. Each person who has signed the contract may remove his signature from said contract after having submitted proper declaration to the executive committee of the regional or municipal council of workers' deputies; however, such action does not free him from responsibility for the integrity and preservation of the property in the time prior to said declaration.
33. Religious buildings are required by law to carry insurance at the expense of the persons signing the contract, to the benefit of the executive committee of the regional or municipal council of workers' deputies on whose territory the building is located.

Insurance payments for a burned-out house of prayer are used for restoration of the house of prayer or for the cultural needs of the region or city in which the burned religious building is located, in accordance with the decision of the *Council of Ministers of the autonomous republic or the executive committee of the regional, district or municipal (Moscow and Leningrad) Council of workers' deputies, with the approval of the council on Religious Affairs at the Council of Ministers of the USSR.*

34. If no petition for the use of a building and religious property for the satisfaction of religious needs is received from believers, in accordance with the conditions in articles 27 through 33 of this resolution, *the Council of Ministers of the autonomous republic or the executive committee of the regional, district or municipal (Moscow and Leningrad) council of workers' deputies will determine the further assignment of the house of prayer and of all property therein in accordance with articles 40 and 41 of this resolution.*
36. The transfer of a religious building which is being used by believers for other purposes (closing of a house of prayer) is permitted *exclusively upon decision of the Council on Religious Affairs at the Council of Ministers of the USSR, upon authorisation of the Council of Ministers of the autonomous republic or the executive committee of the regional, district or municipal (Moscow and Leningrad) council of workers' deputies, if such a building is required for a government or social purpose. The believers comprising the religious society must be informed of such a decision.*
38. Contracts for the lease of premises, which are nationalised, municipalised, or privately owned by citizens for the needs of the religious association (Art. 10) may be annulled by judicial procedure before the expiration of the term of the contract.
39. The liquidation of religious buildings in appropriate circumstances must be carried out only upon decision of the *Council on Religious Affairs at the Council of Ministers of the USSR, upon authorisation by the Council of Ministers of the autonomous republic or the executive committee of the regional, district or municipal (Moscow and Leningrad) council of workers' deputies.*
- The liquidation of religious buildings is carried out in the presence of representatives of the regional or municipal financial department and other interested departments, as well as a representative of the given religious association.
40. Upon the liquidation of the religious building, the ritual objects are assigned in the following manner:
- all objects made of platinum, gold, silver and brocade, as well as precious stones are transferred to the state treasury and placed at the disposal of the local financial authorities or of the authorities of the Ministry of Culture of the RSFSR, if such objects had been registered with them;
  - all objects of historical, artistic or collectors' value are assigned to the organs of the Minister of Culture of the RSFSR;
  - remaining objects (icons, vestments, banners, covers, etc.) with special significance in religious worship are turned over to believers for transfer to other religious buildings of the same denomination; such objects are listed in the inventory of religious property in accordance with general regulations;
  - furnishings (bells, furniture, carpets, chandeliers, etc.) are assigned to the state treasury and are placed at the disposal of local financial organs or of the organs of the Ministry of Culture of the RSFSR, if these objects had been registered with them;
  - expendable property, money, incense, candles, oil, wine, wax, and coal, designed specifically for the use within the terms of the contract or for the conduct of religious rites of the congregation, are not subject to confiscation if the society will continue to exist after the closing of the house of prayer.

41. Religious buildings subject to liquidation, *which are not being preserved by the government as cultural landmarks* may be used and remodeled for other purposes or demolished *only upon decision of the Council on Religious Affairs at the Council of Ministers of the USSR*, upon authorisation by the Council of Ministers of the autonomous republic or executive committee of the regional, district, municipal (Moscow and Leningrad) council of workers' deputies.

43. Religious associations may be deprived of registration *if they violate the laws on cults*.

*Annulment of the registration of religious associations is carried out by decision of the Council on Religious Affairs at the Council of Ministers of the USSR, upon recommendation of the Council of Ministers of the autonomous republic, or executive committee of the regional, district or municipal (Moscow and Leningrad) council of workers' deputies.*

44. In case a religious association fails to comply with the contract for the use of the house of prayer or religious property, that contract may be cancelled by decision of the Council on Religious Affairs at the Council of Ministers of the USSR, upon recommendation of the Council of Ministers of the autonomous republic or executive committee of the regional, district or municipal (Moscow and Leningrad) council of workers' deputies.

45. Construction of new houses of prayer by the efforts and funds of the believers is permitted in certain cases upon the request of the religious societies and the permission of the Council on Religious Affairs at the Council of Ministers of the USSR, upon recommendation of the Council of Ministers of the autonomous republic or the executive committee of the regional, district or municipal (Moscow and Leningrad) council of workers' deputies.

Articles 46-52 relate mainly to the maintenance of religious buildings leased from the authorities and are not included.

54. Religious societies and members of groups of believers have the right to collect and accept voluntary contributions in the religious building ( . . . ) but only from members of that particular religious association and only for purposes connected with the maintenance of the religious building and property, the salary of the clergy, and the support of the executive body.

55. Any property of the congregation, whether donated or purchased out of voluntary contributions, must be entered in the inventory list of the congregation's property.

Voluntary contributions (donations) made for the purpose of decorating donated objects or the religious building, or for the purpose of decorating ritual objects are listed in the inventory of all property of the congregation which is used free of charge by the religious society.

Donations in kind for purposes other than those mentioned above, as well as financial contributions for the needs of the religious society related to the maintenance (repair, heating, etc.) of the religious building or premises or for the use of the clergy need not be entered in the inventory list of religious property.

Voluntary financial contributions of believers are recorded by the treasurer of the religious association in the parish ledger book.

56. Sums contributed for the maintenance of the religious building and property of the congregation are disbursed by members of the executive organs of religious societies and by the authorised representatives of groups of believers.

57. In the buildings of religious congregations or in specially adapted premises which conform to building and health codes, prayer meetings of believers who form the group or society may take place without any prior notice or permission of government organs.

In premises not specially adapted, prayer meetings of believers proceed in rural areas upon notice to the executive committee of the village council of workers' deputies, and in urban areas upon notice to the executive committee of the regional or municipal council of workers' deputies.

58. In all state, social and co-operative institutions and enterprises it is not permitted to conduct any kind of religious rites and ceremonies of worship or to display any kind of religious objects.

This prohibition does not apply to religious rites in specially isolated places upon the request of the dying or seriously ill in hospitals and places of confinement, nor does it apply to the conduct of religious rites in cemeteries and crematoria.

59. Religious processions and the conduct of religious rites and ceremonies under the open sky, *as well as in apartments and homes of believers*, are permitted with special authorisation for each occasion from the executive committee of the regional or municipal council of workers' deputies.

The petition for the permission for religious processions and the conduct of religious rites under the open sky is submitted no less than two weeks prior to the date of the scheduled ceremony.

Conduct of religious rites in apartments and homes of believers upon the request of the dying or seriously ill may be conducted without permission or notification of the executive committee of the regional or city council of workers' deputies.

60. For religious processions which are an integral part of religious services, conducted around the religious building in both cities and rural areas, special permission or notification of the organs of government is not required, provided that these processions do not interfere with normal traffic.

61. Religious processions and the conduct of religious rites and ceremonies outside of the place where the religious association is located may be permitted by special authorisation granted for each occasion by the organ which concluded the contract for the use of the religious property. Such permission may be granted upon the previous agreement by the executive committee of the local council of workers' deputies, in the area where the procession, rite or ceremony is to be held.

62. A record of religious societies and groups of believers is kept by the executive committee of the regional or municipal council of workers' deputies.

63. *The Council of Ministers of the autonomous republic or the executive committee of the regional, district or municipal (Moscow and Leningrad) council of workers' deputies reports information about religious associations to the Council on Religious Affairs at the Council of Ministers of the USSR in accordance with established form.*

64. Supervision of the activity of religious associations and of the preservation of the building and property of the congregation which were given to them for their use is the responsibility of the registering authorities; in rural areas this oversight is the responsibility of the village soviets as well.

## PART II

65. All religious associations existing in fact within the RSFSR on the date of publication of the present resolution are required to register within one year according to their location with the agencies indicated in this resolution.

66. Religious associations which do not fulfil the requirement of the preceding article are considered closed, with the consequences stipulated in this resolution.

Articles 67 and 68 concern earlier laws of the RSFSR on religion rescinded by publication of this law and are not included.

### ANTI-SEMITIC BOOKS PUBLISHED IN USSR 1970-72; 1975-77<sup>1</sup>

1. THE PROMISED LAND WITHOUT EMBELLISHMENT (Ukrainian)
2. ZIONISM—THE POISONED WEAPON OF IMPERIALISM (Lithuanian)—1970
3. ZIONISM—THE INSTRUMENT OF IMPERIALIST REACTION (2 books—February-March and March-May; in English, French, Spanish, German and Hebrew)—1970
4. THE CRASH OF ILLUSIONS—THE TRUTH ABOUT LIFE IN ISRAEL (Ukrainian)—1970
5. SOVIET JEWS: MYTHS AND REALITY (Russian, English, French, and Spanish)—1971
6. SOVIET JEWS REJECT ZIONIST PROTECTION (English and French)—1971
7. WE CANNOT BE SILENT (English and French)—1971
8. THE DECEIVED TESTIFY (English, French and Spanish)—1971
9. THE DECEIVED BY ZIONISM, by B. Prakhnye (Russian, English and Spanish)—1971
10. ANTI-SOVIETISM—THE PROFESSION OF THE ZIONISTS, by V. Bolshakov (Russian, English, French, Spanish and German)—1971
11. ZIONISM—THE IDEOLOGY AND POLICY, by Evyesev (Russian)—1971
12. THE REACTIONARY ESSENCE OF ZIONISM (Russian)—1971
13. ZIONISM—THE WEAPON OF THE IMPERIALIST REACTION (Russian)—1971
14. THE HOTBED OF ZIONISM AND AGGRESSION (Russian)—1971
15. THE AIMS AND METHODS OF MILITANT ZIONISM (Russian)—1971
16. FASCISM UNDER THE BLUE STAR, by Evseyev (Russian)—1971
17. BEWARE: ZIONISM, by Yu. Ivanov (Hebrew and Spanish)—1971
18. THE TWICE DECEIVED, by Mayatsky (Moldavian)—1971
19. ZIONISM BEFORE THE COURT OF THE PEOPLES (Ukrainian)—1971
20. WE CANNOT BE SILENT—CONFERENCE OF RELIGIOUS COMMUNITIES OF MOSCOW 23.3.71 (Russian, English, French, Spanish and German)—1971
21. ZIONISM—THE WEAPON OF IMPERIALISM (Lithuanian)—1971

1. It was submitted to the Sub-Committee in evidence that the books listed in this annex are anti-Semitic, often in the guise of "anti-Zionism". The Sub-Committee was only able to make a judgment where translations were available. There are several quotations of anti-Semitic material in this report—see Chapter 5 and paragraph 3.68.

22. THE MIRAGES AND THE REALITY OF THE PROMISED LAND (Ukrainian)—1971
23. WE CONDEMN ZIONISM (Ukrainian)—1971
24. THE MYTHS OF ZIONISM, by Goldenberg (Moldavian)—1971
25. THE CRIMES OF THE ZIONISTS (Russian)—1971
26. ZIONISM—THE THEORY AND PRACTICE, by Mitin, Mints, Evseyev and Bolshakov (Russian)—1971
27. JEWS IN THE SOVIET UNION, by Sh. Rabinovich (Spanish and French)—1971
28. ANTI-COMMUNISM—THE PROFESSION OF ZIONISTS, by Bolshakov (Russian and English)—1972
29. CHRYSANTHEMUMS NEAR THE PRISON WALL (Russian)—1972
30. ZIONISM THE ENEMY OF THE YOUNG, by Kichko (Ukrainian)—1972
31. ZIONISM IN THE SERVICE OF ANTI-COMMUNISM, by Bolshakov (Russian)—1972
32. THE SECRET WEAPON OF ZIONISM, by S. Krylov (Russian)—1972
33. THE HAS-BEENS (Documentary notes on former Soviet citizens in Israel), Ogonek Library—Pravda Publishing House, Moscow—1975
34. THE SPAWN OF JUDAS (Satire in Ukrainian) Ukrainian satirists expose Ukrainian bourgeois nationalists, Zionists and traitors of all colours—1975
35. THE ISRAELI ARMY—THE TOOL OF THE IMPERIALIST AGGRESSION, by N.V. Pokorniak, (How the Israeli State appeared, the structure of the population, the piratical character of the Government), Military Publishing House, Moscow—1975
36. OUR REPLY TO THE SLANDERERS—Collection of works—published by the Prapor Publishing House, Ukr. SSR (Articles by citizens of Jewish nationality exposing the ideological subversion and slander of the Zionist propaganda)—1975
37. THE INTRIGUES OF THE ZIONIST INCITERS, by Grozny, Checheno-Ingush Publishing House—1975
38. JUDAISM AND ZIONISM, by P. Aksamitas (Lithuanian)—1975
39. IN A PLOT WITH EXECUTIONERS, by M.D. Gaisinovich (Ukrainian) Kameniar Publishing House, Lvov—1975
40. THE IMPERIALIST ESSENCE OF ZIONISM, by S. Astakhov, Znanie Publishing House—1975
41. THE TRIDENT AND THE STAR OF DAVID, by L.V. Gamolsky, Promyn Publishing House, Dnepropetrovsk—1975
42. THE BLACK HUNDREDS OF ZIONISM, by Rozenblum and Savtsov, (Ukrainian) Politizdat Ukrainy, Kiev—1975
43. ANTENAE BEAMED TO THE EAST, by G.I. Vachnadze, Politizdat Moscow—1975
44. IN THE TRAP OF ZIONISM, by B.S. Prakhye, (amended and supplemented) Moscow—1975

45. ZIONISM THE TOOL OF REACTION, by R.M. Brodsky & Tu. Shulmeister, Kameniar Publishing House, Lvov—1976
46. PENETRATION WITHOUT ARMS, by V. Begun, Molodaya Gvardia Publishing House (from "Novye Knigi" 4.8.75)—1976
47. NATIONALISTIC MADNESS, by V.A. Semeniuk, Belarus Publishing House—1976
48. ZIONISM: THE PAST AND THE PRESENT (English, French and Spanish), Nauka Publishing House (from "Novye Knigi" No. 15, 9.4.76)—1976
49. ZIONISM AND RACISM, by M.G. Poda, Kiev, Znanie, Ukr. SSR—1976
50. ZIONISM AND APARTHEID, by Skurlatov, Politizdat Ukrainy, Kiev—1976
51. JUDAISM, THE PAST WITHOUT THE FUTURE, by A.I. Edelman, Karpati Ukr. SSR Publishing House—1976
52. THE ZIONIST TRAP, by E. Nisses, Tavria Publishing House, Simferopol—1976
53. CAUGHT RED-HANDED, by V. Kassis, L. Kolosov, M. Mikhailov and V. Pilatsky, Izvestia Publishing House, Moscow—1976
54. WILD WORMWOOD, by Tsezar Solodar, Literaturnaya Rossiya Publishing House, Moscow—1977

## BUREAUCRATIC PROCEDURES FOR INTENDING EMIGRANTS FROM THE SOVIET UNION<sup>1</sup>

1. An applicant for emigration to Israel has to come to the Office of Visas and Registration (OVIR) with his "vzov", an affidavit sent by relatives in Israel. This is registered and the applicant receives two questionnaires for every member of the family over 16 years old. These must be typed. They include such questions as: name, date and place of birth, nationality; place of emigration, why one intends to emigrate and for what purpose; is one an existing member of the Soviet Communist Party or expelled, if the latter, why; is one a member of the Party youth movement Komsomol, a holder of a university degree and if so what kind, and what is the applicant's position in regard to army service. Information is also required about parents, sisters, brothers, wife, husband, children including the year and place of birth, place of work, address of the work-place, addresses of the relatives, date and place of death of any of the above relatives. Also required is a description of the applicant's work activities, does he or she have any government awards, and information about the relative from whom the affidavit has been received.
2. Those applicants who work have to produce a reference from their work-place signed by the director and the chief bookkeeper (the note must certify that there are no material claims against him at his work-place). Those who do not work have to produce a certificate from the house management office stating that "according to the work-book, citizen . . . is not working at present. This certificate is issued to the OVIR offices in connection with the application for emigration to Israel for permanent settlement". This last phrase is repeated in all certificates and the OVIR will not accept any in which it does not appear.
3. The applicant must submit from the house management office a certificate stating that he has a valid residence permit.
4. The applicant has to present to the OVIR copies of the birth certificates of every member of his family applying for emigration and copies of marriage certificates. If the birth certificate is not available, the applicant must obtain one from the Bureau of Registration (ZAGS) or a certificate stating that the Bureau has no record of the birth and cannot issue a birth certificate.
5. Six photographs must be made of each member of the family intending to emigrate.
6. *Each member of the family who has reached the age of 16 has to present his autobiography.*
7. Copies of any of the university diplomas received by any of the members of the family must be presented.

1. This annex is particularly applicable to emigrants with visas to Israel (the large majority of Soviet emigrants), who have to renounce their Soviet citizenship for which they pay an additional 500 roubles—paragraph 11e of this Annex refers.

8. A written statement is required from parents remaining in the USSR regarding their attitude to their children's emigration. In the case of one of the parents being deceased, a copy of the death certificate must be presented.

9. A written document is also required stating the attitude of the husband or wife to the applicant's emigration in cases where one of the marriage partners is remaining in the USSR.

10. After collecting all the above-mentioned documents and paying the sum of 30 roubles for each grown up member of the family to the bank (the bank issues a receipt), the applicant submits to the OVIR the "vyzov" (affidavit), the documents and all necessary receipts.

11. After some time—usually a few months in the case of a favourable response—the OVIR informs the applicant by mail or by telephone that an emigration permit has been issued to him. The applicant must then do the following:

- a. resign from work (if not already dismissed) and receive his work-book;
- b. call the housing expert who will estimate how much repairs to his apartment would cost and pay the estimated sum;
- c. having submitted to the house management office the receipt for the paid sum, to receive from the management office a certificate stating that the office has no material claims against him;
- d. make copies of the documents such as diplomas or driver's licence in order to "legalise" them for use overseas; and
- e. pay to the bank the sum of 770 roubles for each grown up member of the family, the sum of 500 roubles being payment for the renunciation of Soviet citizenship and 270 roubles payment for the exit visa.<sup>1</sup>

12. The applicant then goes to the OVIR to receive the exit visa in exchange for internal passports, army registration card (for those who have them), work-book (for those who have them) and the certificate from the house management office about the absence of material claims to the applicant.

13. The applicant then buys tickets to Vienna and goes to the Austrian Embassy and the Embassy of the Netherlands (in order to receive entrance visas to Austria and Israel). It is also necessary to submit copies of personal documents to the Ministry of Justice of the RSFSR for certification and then, after paying 3 roubles per document to the bank, to take the documents to the Ministry of Foreign Affairs. These copies are later transferred to the Embassy of the Netherlands, which represents the interests of Israel in the USSR, and it is through this Embassy that these copies later reach Israel.

14. The exit visa is valid, as a rule, for three to four weeks. It can be extended if, for example, the receiver of the visa falls ill and produces a doctor's certificate to prove it.

1. At the Belgrade Conference (CSCE) of 1978, the Soviet Union indicated that the total exit visa charge would be reduced from 300 roubles to 200 roubles. (This includes the 30 roubles mentioned in paragraph 10 above.) Those emigrants not relying on a visa to Israel do not have to pay the extra 500 roubles.

## LIST OF PERSONS AND ORGANISATIONS WHO ASSISTED THE WORK OF THE SUB-COMMITTEE ON HUMAN RIGHTS IN THE SOVIET UNION

### WITNESSES

The Committee is grateful to all those who appeared in person before the Sub-Committee on Human Rights in the Soviet Union. In some cases the witnesses came from overseas and the Committee is grateful to their sponsors in Australia whose names are shown under the relevant witnesses. The following persons appeared before the Sub-Committee, in most instances after having presented a written Submission (relevant page numbers in official transcript of public evidence are shown in parenthesis):

ALONY, Rabbi M. A.—Chief Minister of the Central Synagogue, Sydney; visited the USSR in 1979 (pp. 1002-1059).

CHAN, Dr. K.—at the time evidence was presented, East Europe Section, Europe Branch, Department of Foreign Affairs, Canberra ('In Camera').

DALRYMPLE, Mr. F. R.—at the time evidence was presented, First Assistant Secretary, Western Division, Department of Foreign Affairs, Canberra ('In Camera').

EINFELD, Mr. M. R., Q.C.—formerly Deputy Director of International Affairs, World Jewish Congress, London; founder and former Chairman of both the Australian and the United Kingdom campaigns for Soviet Jewry; has visited the USSR (pp. 501-630).

GEE, Dr. R. J. D.—First Secretary at the Australian Embassy in Moscow from 1976 to 1978 ('In Camera').

GOOT, Mr. R. M.—Chairman, Australian Committee for Soviet Jewry; Vice-President, Executive Council of Australian Jewry; and, President, New South Wales Jewish Board of Deputies (pp. 501-630).

GRIVANS, Pastor H. M.—Lutheran Pastor who served 16 years in Soviet corrective labour colonies. Pastor Grivans was permitted to emigrate to the West in 1977 (pp. 136-162). (Sponsored by the Latvian Evangelical Lutheran Church of Australia.)

HAZARD, Professor J. N.—Professor of Public Law, Columbia University, New York; President of the International Association of Legal Science; an authority on Soviet law and government who has frequently been to the USSR (pp. 164-218).

JUKES, Mr. G.—Senior Fellow in International Relations, Research School of Pacific Studies, Australian National University, Canberra; has been to the USSR (pp. 424-500).

KALNINS, Mr. V.—Latvian journalist and dissident who in 1962 received a ten-year sentence for political activity; persuaded to emigrate to the West in 1978 (pp. 760-812). (Sponsored by the Latvian Relief Society of Australia.)

KING, Dr. G. P.—Senior Lecturer, Department of Government, University of Sydney; has been to the USSR (pp. 724-757).



- LAWREY, Mr. J.—at the time evidence was presented, Assistant Secretary, Europe Branch, Department of Foreign Affairs, Canberra; also former Ambassador to the USSR 1972-74 ('In Camera').
- LEIBLER, Mr. I. J., C.B.E.—President of the Executive Council of Australian Jewry, and Chairman, Victorian Jewish Board of Deputies; has visited the USSR (pp. 814-913).
- MILLER, Dr. R. F.—Senior Fellow in Political Science, Research School of Social Sciences, Australian National University, Canberra; has been to the USSR (pp. 300-352).
- MISSEN, Senator A. J.—Chairman of the Australian Parliamentary Group of Amnesty International; visited the USSR in 1976 (pp. 354-421).
- MORRIS, Miss M. A.—formerly a journalist with *The Canberra Times*; has been to the USSR (pp. 690-721).
- PLYUSHCH, L. I.—Ukrainian mathematician and dissident; was detained in a Soviet psychiatric institution from July 1973 until January 1976, when he was permitted to leave for the West (pp. 220-297). (Sponsored by the Ukrainian Committee for the Defence of Human Rights—Victorian Division.)
- PRASKO, Bishop I.—Apostolic Exarch for Ukrainian Catholics of the Byzantine Rite in Australia, New Zealand and Oceania; has visited the USSR (pp. 631-687).
- ROWLAND, Mr. J.—at the time evidence was presented, Deputy Secretary, Department of Foreign Affairs, Canberra; also former Ambassador to the USSR 1965-68 ('In Camera').
- SMITS, Reverend Y.—Latvian Baptist Minister, who was deprived of his licence to preach by the Soviet authorities; permitted to emigrate to the West in 1976 (pp. 103-134). (Sponsored by the Latvian Federation of Australia and New Zealand.)
- SULTANIK, Rabbi E. D.—North Eastern Jewish War Memorial Centre, Melbourne; visited the USSR in 1979 (pp. 1002-1059).
- VAGHIN, Mr. E. A.—former literary critic of a Soviet research institute who in 1967 was sentenced to a corrective labour colony for alleged anti-Soviet activities; in 1975 was released and permitted to leave for the West (pp. 916-1000). (Sponsored by the Russian Orthodox Brotherhood of Australia.)
- VORONEL, Professor A.—formerly a Soviet scientist and a leading figure in the Jewish nationalist movement in the USSR until he was permitted by the Soviet authorities to emigrate to Israel in 1976 (pp. 2-64). (Sponsored by the Executive Council of Australian Jewry.)
- ZASLAVSKY, Mr. J.—President of the Association of Russian Jews, New South Wales Division; a Soviet citizen until 1973 (pp. 65-100).

The above list does not include the names of all witnesses that were heard 'in camera'.

#### WRITTEN SUBMISSIONS (without testimony)

The committee is grateful to the following individuals and organisations who provided submissions and/or documents to the Committee, but have not given oral evidence:

- AMNESTY INTERNATIONAL (AUSTRALIAN SECTION)  
AUSTRALASIAN UNION OF JEWISH STUDENTS

- BOLUCH, Mr. M. and JASKEWYCZ, Dr. T.—Association of Ukrainians in Victoria.
- ENDREY, Dr. A.—President, Federal Council of Hungarian Associations in Australia.
- FIRESTONE, Dr. A.—Consultant Psychiatrist, Mental Health Authority, Victoria.
- KESTON COLLEGE—Centre for the Study of Religion and Communism, UK.
- LATVIAN FEDERATION OF AUSTRALIA AND NEW ZEALAND.
- LITHUANIAN COMMUNITY, Canberra.
- MOUSTAFINE, Miss M.—formerly research scholar in the Department of International Relations, Research School of Pacific Studies, Australian National University, Canberra.
- REDLICH, Dr R. N.—Soviet emigre and free-lance writer, author of three books on the Soviet Union, former assistant editor of the Paris Russian language weekly *Russkaia Myslj* (Russian Thought).
- RUDNER, Dr. M.—Department of Economics, Research School of Pacific Studies, Australian National University, Canberra; he was involved in the campaign for the release of Leonid Plyushch.
- SALTER, Dr. W. F.—Consultant Psychiatrist, Hospitals Department—Mental Health Services (South Australia).
- SVITLYCHNA, Mrs N. O.—Ukrainian dissident who in 1973 was sentenced to four years in corrective labour colonies for her samizdat activity; permitted to leave the Soviet Union in late 1978.

Some names have been omitted from the above list at the request of the persons concerned.

#### INTERPRETERS

The Committee acknowledges the very competent assistance of the following interpreters who freely gave their services at public hearings during the inquiry:

- Mr A. Aroustian  
Mr A. O. Auzins  
Mr V. Spesyvy  
Mr A. Zukivskyj

#### OTHER ASSISTANCE

The Committee acknowledges the valuable assistance it has received from:  
The Department of Foreign Affairs  
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