

# SOME ASPECTS OF VIOLATION OF BASIC HUMAN RIGHTS IN THE SOVIET UNION: RESTRICTIONS OF MOVEMENT AND RESIDENCY

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The goal of my presentation is to examine those aspects of the violation of human rights that are described in Article 13 of the Universal Declaration of Human Rights. This article declares that:

- 1) Everyone has the right to freedom of movement and residence within the borders of each state;
- 2) Everyone has the right to leave any country, including his own, and to return to his country.

These rights differed from other human rights in that they were not included in the Constitution of the Soviet Union. The constitution aimed to depict the Soviet Union as the world's most democratic country and listed the basic rights and freedoms of its citizens like freedom of speech, freedom of the press, freedom of assembly or the freedom to form organisations. Of course that was all window dressing but the right to move about freely and to choose one's place of residence was not included in any version of the Soviet constitution. The state strictly controlled and regulated movement within the state and where any given person lived.

The main instrument of control was the internal passport system. It was established in the 1930's and existed without any fundamental changes until the end of the Soviet Union (even longer actually). This is a phenomenon with key words such as regimen cities and areas, residency registration, restricted areas, border zones, and so on.

To briefly summarise, the passport regimen meant that every person's place of residence had to be officially registered and a passport containing residency

registration was needed to change one's place of residence. Thus legal changes in place of residence could only take place with permission from the authorities. Thus residency registration was essentially a residence permit. Theoretically, the regime could control and direct employment and migration through this system, and it also had an overview of where any random citizen was at any given point in time. Different means were used to apply restrictions on place of residence. A continually changing list of so called regimen regions existed, where people with unsuitable backgrounds, like for instance persons with criminal records, were forbidden to live. For this kind of persons, special remarks were put into their passports. For many people returning from Siberia, this meant they were forbidden to return home.

The passport system was implemented gradually in the Soviet Union. A large proportion of the rural population did not receive passports until the early 1980's. Estonia, Latvia and Lithuania formed an exception where the entire population was issued passports in 1945–1947 already. Their privileged status was deceptive. The existence of the passport did not guarantee significantly greater freedom of movement. It did, however, make the control and surveillance of people easier. The citizenry was more transparent due to the passport system.

The regime applied the passport system in the service of political repression. For instance, over 4000 persons "with hostile backgrounds" were immediately put on record in Estonia in 1947 as soon as passports were issued. Nearly 2500 Finns and Ingrians who had fled from Leningrad to Estonia to avoid deportation were sent into banishment with the help of the passport system.

It directly affected people left behind from the mass deportations of 1949. There were nearly 10 000 such people in Estonia. Instructions had been issued from Moscow to not carry out the mass deportation of persons left behind from the first wave after the fact. Nevertheless, the deportation operation continued in concealed form even though it took place under other judicial and formal pretexts

that applied to hundreds of people who had initially escaped deportation. According to the Estonian SSR Ministry of Internal Affairs, over 1600 people were sentenced to actual prison terms in 1949–1953 on the basis of article 192-a of the Criminal Code concerning violation of the passport regimen. The obligatory additional penalty in their cases was deportation to the location assigned to them. Thus the passport regimen was used to deport persons who had been caught due to some other offence. It was, however, also applied in the case of people whose only fault was missing their deportation train.

Stalin's death did not change anything. The slight abating of the system in the summer of 1953 was short-lived. New passport regulations were established in the Soviet Union in the autumn of 1953, which marked the beginning of the renewed tightening of the regimen. This also gave the institution of residency registration its final form. Residency registration was made compulsory for everyone, including people who lived without passports according to the law like juveniles and a large proportion of the rural population of the Soviet Union. The subsequent passport regulations in 1974 also did not bring any fundamental changes.

The penalisation of violators of the passport regimen was an important part of the system during the post-Stalin years as well. More lenient periods alternated with periods of stricter penal policy. For instance, criminal penalties were not assigned in 1954–1955. In 1958, however, a special decree tightened penal policy, according to which violators of residency registration rules could be criminally convicted with a maximum penalty of 1.5 years imprisonment.

Violators of the passport regimen, however, were continually processed administratively. The 1950's did not bring any tendency towards a decrease in those violations. An average of 13 000 people per year were penalised administratively even during the more lenient years, so to speak. While administrative penalties, mostly fines, now seem trivial compared to the Soviet regime's other deeds, it must be recalled that among other things, repeated

administrative penalties meant that the violation became a “criminal offence” which led to a criminal case. An administrative fine or warning could lead to the initiation of a trial ending with imprisonment or banishment and left a mark on the person for a long time.

The Estonian SSR Criminal Code went into effect in 1961 in place of the Russian SFSR Criminal Code. The article concerning violation of the passport regimen was initially left out of it but was added in 1966. Thereafter the assignment of criminal penalties began with new vigour, even though the number of criminal penalties no longer approached Stalinist era indicators.

Let us illustrate the extent of control and penal policy with figures:

- ≈ 1967–1983 people’s passports and residency registration were controlled approximately 12 million times, in other words over 800 000 per year. This data is based on MVD departmental statistics. Even if the data is wrong, it shows the aspirations of the system
- ≈ 1946–1983 the apprehension of about 22 000 persons without passports was registered
- ≈ 1946–1983 a total of at least 160 000 persons without registered residency were caught (over 4000 per year on average)
- ≈ 1966–1991 at least 2500 people were criminally penalised
- ≈ 1944–1991 at least 5000 criminal penalties were assigned in the Estonian SSR for “violation of the passport regimen”
- ≈ 1944–1991 at least 400 000 administrative cases were processed

Naturally, a large proportion of the persons who were penalised had violated the regimen through carelessness. Without a doubt, there were social misfits and lowlifes among them. Yet decent people, so to speak, also violated the rules for

different reasons. For instance, people tried to evade being sent to reserve military training in that way. Hundreds of people were imprisoned and expelled because they had tried to have a say in choosing their job or way of life by violating the regime's rules.

The passport and residency registration were just the tip of the iceberg of the system meant to control the population. An immense card file system formed the underwater portion of that iceberg. Here data was gathered concerning people's places of residence. This system was actively used for finding people. The address bureau system had been created in 1936 already for processing the card files. Here are some figures concerning the ESSR for comprehending the scale of the system:

- ≈ 1959–83 an average of 460 000 cards were added to the address form card file per year
- ≈ 1959–83 the address bureau responded to around 6.2 million enquiries
- ≈ of these, 4.1 million were requested by the KGB, MVD or the prosecutor's office

These enormous figures indicate the readiness of the system, so to speak. The total control of people was intended. It kept people in fear and disciplined them. People had to learn to live within the framework set by the system.

Let us return to the definition of human rights referred to at the beginning of the presentation. The prohibition on leaving the country formed another facet of restrictions on movement. To this end, legal passage abroad was subjected to strict control and was made practically impossible for most people. Changes began taking place in terms of passage abroad in the 1970's. This was a result of international pressure, not the inner wish of the regime to become more liberal. Regardless of the difficulties, at least fifty people succeeded in escaping from the Estonian SSR during the Soviet occupation, not counting the people who managed

to “marry out of the country”. Many times more people (about 150 are known of with certainty) were caught while trying to escape and punished.

The border regimen, in other words the border zone along with the special rules that applied in it was meant to hinder illegal departure from the country. The border zone was established in the Estonian SSR in the autumn of 1940 and again in the autumn of 1944. The administrative units (village soviets) bordering on Estonia’s northern and northwestern coast and all maritime islands were part of the border zone. People could live in and enter into the border zone only with special permission. Certain categories of the population (including persons with criminal records) were not permitted to live in the border zone. Details of the border regimen regulations were modified several times but fundamental changes did not take place until the end of the Soviet occupation. Only the regulation of 1967 can be considered an important change since it established a series of border regimen rules in areas that were not part of the border zone. This change applied throughout the Soviet Union. In the case of Estonia, this change affected the western coast, where there was no border zone and which was considered as a so-called “unguarded coastline” but where strict restrictions on going out to sea were established regardless of this.

#### In Conclusion

I was asked to base my presentation on the theme of this conference and to focus on the years 1953–1991. It appears that if we are speaking of the violation of human rights in the Soviet Union, this kind of periodization is not appropriate. The basis for the operation of institutions did not change. Human rights were violated in the Soviet Union all the time and Stalin’s death did not change anything in this respect.