



General Assembly
Economic and Social Council

Distr.
GENERAL

A/40/232/Add.3
E/1985/40/Add.3
15 November 1985
ENGLISH
ORIGINAL: ENGLISH/FRENCH/
SPANISH

GENERAL ASSEMBLY
Fortieth session
Agenda item 12
REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

ECONOMIC AND SOCIAL COUNCIL
First regular session of 1985
Agenda item 16
HUMAN RIGHTS

Measures to be taken against Nazi, Fascist and neo-Fascist activities
and all other forms of totalitarian ideologies and practices based on
racial intolerance, hatred and terror

Report of the Secretary-General

Addendum

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1	1
II. SUMMARY OF COMMENTS PROVIDED BY STATES	2 - 18	1

I. INTRODUCTION

1. Since the report of the Secretary-General (A/40/232-E/1985/40/Add.2) was issued, replies have been received from the following States: Bolivia, German Democratic Republic, Israel, Poland, Portugal, Syrian Arab Republic and United Kingdom of Great Britain and Northern Ireland. 1/

II. SUMMARY OF COMMENTS PROVIDED BY STATES

2. The Government of Bolivia stated that the Constitution and other laws of Bolivia prohibited such practices and guaranteed the freedoms of worship and political belief, as well as the equal rights and duties of all without distinction as to race. It also stated that Bolivia was a party to international human rights instruments and that such instruments were respected by the constitutional Government of Bolivia.

3. The German Democratic Republic stated that it shared the deep alarm concerning the continued existence of groups and organizations which propagate totalitarian ideologies and practices such as nazism and fascism, and the use of such ideologies in order to safeguard their power and social privileges. The Government added that the crimes perpetrated by the South African racists were equal to those of the Fascist rulers and that there were still interest groups in certain countries that prevented the use of effective measures against the illegal racist régime with respect to strategic, political, economic and military matters. The Government pointed out that, in the German Democratic Republic, (a) the laws, legal practice and the shaping of a veritably democratic system provided the requisite conditions to ensure that totalitarian ideologies and practices could gain neither a foothold nor influence on its territory; (b) a primordial concern has always been to make the young generation aware of the lessons of history and to induce young people to active commitment on behalf of the preservation of peace, the removal of the threat of nuclear war, the cessation of the arms race and the discontinuance of any policy of strength, as well as of propitious co-operation among all countries and nations under conditions of peace.

4. The Government of the German Democratic Republic concluded by reiterating that as long as fascism - in whatever form or disguise - is not banished from the life of mankind, the States Members of the United Nations will be obliged, pursuant to the noble purposes and principles enshrined in the Charter of the United Nations, to take effective measures to counter that threat.

5. The Government of Israel referred to its previous comments on this question (A/39/168/Add.2-E/1984/39/Add.2, paras. 6-15).

6. The Government of Poland stated that (a) in spite of Poland's human and material losses as a result of the criminal aggression and practices of fascism, the people of Poland had not surrendered, but, as of the first day of the war in Europe, had taken up an uneven but necessary struggle against nazism and fascism in defence of its own freedom and that of other nations; (b) Poland attached great

/...

importance to making its young generation aware of the real facts about nazism and fascism, so well illustrated by the horrible experience of its people during the Second World War, in order to make it vigilant against the revival of those phenomena; (c) it was also continuously underlined in Polish schools, books and the mass media that, during the Second World War, the peoples and States of different social and ideological systems and world outlooks were engaged in a joint struggle and co-operation for the defence of freedom and independence, human dignity and basic humanistic values, and that they founded the world organization to save mankind from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person.

7. The Polish Government also stated that (a) it considered that resolution 39/114 of 14 December 1984, as well as the previous resolutions on the subject, should be promptly and faithfully implemented by all Member States; (b) it followed with the deepest concern, on the one hand, the neglect of some Governments of the provisions of those resolutions and, on the other, the existence and intensification of activities of groups and organizations, including Nazi, Fascist and neo-Fascist ones, which propagate totalitarian ideologies and practices; (c) encouragement given to the said groups created obstacles to friendly relations among nations; (d) it was necessary to adopt prompt effective measures against the dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies.

8. The Government of Poland pointed out that (a) Poland took steps aimed at the punishment of war criminals as early as August 1944; (b) guided by the need for a separate legal and lasting regulation of the issues pertaining to peace, humanity and war crimes, the Polish Ministry of Justice was now preparing a new comprehensive draft law on crimes against peace and humanity and on war crimes.

9. The Government of Poland indicated that (a) all the citizens of Poland, irrespective of their national origin, race or religion, had equal rights in all spheres of the state, political, economic, social and cultural life; (b) it was prohibited to spread hatred or contempt, provocation of disputes or humiliation of man because of differences in national origin, race or denomination; (c) the regulations of the Penal Code in force provided for severe penalty, especially for whoever in public advocates discord on the basis of national, ethnic, racial or religious differences or in public extols such differences.

10. The Government of Poland concluded by stating that more effective measures were needed at the international level against nazism, fascism, neo-fascism and related ideologies based on racial intolerance, hatred and terror, including: (a) universal adherence to the international legal instruments, such as the International Covenants on Human Rights, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Suppression and Punishment of the Crime of Apartheid; (b) extensive co-operation among all Member States in detection, prosecution and extradition of Nazi criminals who, in some countries, are still at large and remain unpunished; (c) the present manifestations of Nazi, Fascist and neo-Fascist ideologies and practices, which constitute a serious danger to peace and human rights, should also be declared punishable by law by all Member States.

11. The Portuguese Government indicated that (a) the Portuguese Constitution of 1976 provided in article 46, paragraph 1, that:

"Citizens have the right, freely and without having to obtain any authorization, to establish associations as long as they are not intended to foster violence and their purposes are not contrary to the penal laws";

but that paragraph 4 of that article provided that:

"Armed associations, military-type, militarized and paramilitary associations or organizations advocating a Fascist ideology are not permitted";

(b) in line with that provision, Act No. 64/78 of 6 October 1978 was adopted, which deals with Fascist organizations and develops the prohibition already laid down in paragraph 4 of article 46 of the Constitution; (c) a further indication of the Government's concern to prevent the establishment of Fascist organizations was the reservation entered by the Portuguese State with respect to article 11 of the European Convention on Human Rights at the time of ratification, setting forth its view that that article did not constitute a bar to the prohibition of such organizations, as provided for in article 46, paragraph 4, of the Portuguese Constitution.

12. The Portuguese Government further stated that (a) it should be pointed out, however, that the constitutional prohibition embodied in article 46, paragraph 4, concerned only the freedom of association and hence could not be invoked in support of restrictions on the freedom of expression; (b) article 186 of the Penal Code provided that: "any person who gives publicity to and repeatedly incites to hatred against a people with the aim of provoking a war shall be punished by a prison sentence of between six months and three years"; (c) the crimes of genocide and racial discrimination had likewise received special attention in the country's penal laws. They are covered by the section of the Portuguese Penal Code devoted to crimes against peace and humanity.

13. Lastly, the Government indicated that Portugal had ratified or acceded to various international instruments, including:

(a) The International Covenant on Civil and Political Rights;

(b) The Optional Protocol to the International Covenant on Civil and Political Rights;

(c) The International Covenant on Economic, Social and Cultural Rights;

(d) The International Convention on the Elimination of All Forms of Racial Discrimination.

14. The Government of the Syrian Arab Republic stated that, in conformity with the principles set forth in the Syrian Constitution and pursuant to the provisions contained in international instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Government and people

/...

of the Syrian Arab Republic are firmly committed to the struggle against all forms of racism and racial discrimination.

15. The Syrian Arab Republic is of the view that people cannot fully enjoy their human rights and fundamental freedoms on a footing of equality unless they are all able to benefit equitably from socio-economic progress. The Government added that Nazi and neo-Fascist activities and other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror are helping to widen the gap between the rich developed countries and the poor least developed countries in order to ensure the survival of exploitative imperialist and racist systems. The Government concluded by stating its belief that the most effective weapon to combat racist and Fascist practices was mutual solidarity among the peoples of the third world.

16. The Government of the United Kingdom of Great Britain and Northern Ireland stated that it made it clear in its comments on General Assembly resolution 38/99 of 16 December 1983 that it believed that, rather than concentrating on defunct historical examples of totalitarianism, the international community should concentrate on the totalitarian threats to human development and the individual which exist today with a view to ensuring that they do not cause suffering similar to that for which earlier forms of state totalitarianism were responsible.

17. The Government added that totalitarian régimes were typified both by the absolutist attitude which they adopted towards their citizens, for example, in refusing to acknowledge that their citizens had individual rights, to allow them any opportunity to register dissent, or to permit the free flow of information, which would enable their citizens to make up their minds for themselves.

18. The Government concluded by indicating that the international community must identify all such totalitarian practices and appeal to those totalitarian Governments which deny their subjects control over the exercise of their conventioned rights to honour the obligations they have undertaken towards them.

Notes

1/ The full texts of the replies received from Governments are available for consultation in the files of the United Nations Secretariat.
