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ECONOMIC AND SOCIAL COUNCIL  
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agenda\*\*  
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

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\* A/39/50.

\*\* E/1984/30.

## I. INTRODUCTION

1. At its thirty-eighth session, the General Assembly adopted resolution 38/99 of 16 December 1983, in which, inter alia, it again condemned all totalitarian or other ideologies and practices, in particular Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which had such consequences; noted that the fortieth anniversary of the conclusion of the Second World War would occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against the said ideologies and practices; called upon States to assist each other in detecting, arresting and bringing to trial persons suspected of having committed war crimes and crimes against humanity and, if they were found guilty, in punishing them; urged all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)) and the International Covenants on Human Rights (General Assembly resolution 2200 A (XXI), annex), to prohibit or otherwise deter activities by groups or organizations or whoever was practising those ideologies; called upon the appropriate specialized agencies, as well as intergovernmental and international non-governmental organizations to initiate or intensify measures against the ideologies and practices described above; invited Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies; appealed to all States that had not yet done so to ratify or to accede or give serious consideration to acceding to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide (Assembly resolution 260 A (III), annex), the International Convention on the Elimination of All Forms of Racial Discrimination (Assembly resolution 2106 A (XX), annex), the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Assembly resolution 2391 (XXIII), annex) and the International Convention on the Suppression and Punishment of the Crime of Apartheid (Assembly resolution 3068 (XXVIII), annex); and requested the Secretary-General to ensure that the Department of Public Information of the Secretariat paid attention to the dissemination of information on the forthcoming fortieth anniversary of the conclusion of the Second World War, exposing the ideologies and practices described above.

2. The General Assembly, in the same resolution reiterated its request to the Commission on Human Rights to consider the subject at its fortieth session. It called once again upon all States to provide the Secretary-General with their comments on the question. It also requested the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its thirty-ninth session, in the light of the discussion that would take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

3. In compliance with that resolution, the Secretary-General addressed, on 6 February 1984, a note to Governments, specialized agencies and intergovernmental organizations requesting their comments on the above-mentioned issues.

4. The present report is submitted to the Economic and Social Council in accordance with General Assembly resolution 38/99.

## II. CONSIDERATION BY THE COMMISSION ON HUMAN RIGHTS

5. In accordance with General Assembly resolution 2839 (XXVI) of 18 December 1971, the Commission on Human Rights has maintained on its agenda, since its twenty-eighth session in 1972, an item entitled "Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred".

6. Pursuant to General Assembly resolution 36/162 of 16 December 1981, the item has been considered by the Commission on Human Rights since its thirty-eighth session under the title "Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences".

7. At its fortieth session, the Commission on Human Rights considered the item at its 26th and 27th meetings on 23 and 24 February 1984, and at its 51st meeting on 12 March. The views expressed during the consideration of the item are contained in the summary records (E/CN.4/1984/SR.26, SR.27 and SR.51).

8. On 12 March 1984, the Commission adopted, without a vote, resolution 1984/42, the operative paragraphs of which read as follows:

"The Commission on Human Rights,

"...

"1. Again condemns all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences;

"2. Expresses its determination to resist all totalitarian ideologies and especially their practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity;

"3. Urges all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, to prohibit or otherwise deter activities by groups or organizations or whoever is practising those ideologies;

/...

"4. Calls upon the appropriate specialized agencies as well as intergovernmental and international non-governmental organizations to initiate or intensify measures against all totalitarian ideologies and practices, including those described in paragraphs 1 and 2 above;

"5. Invites Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies;

"6. Appeals to all States that have not yet done so to ratify, accede to or give serious consideration to acceding to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the International Convention on the Suppression and Punishment of the Crime of Apartheid;

"7. Calls upon all States to assist each other in detecting, arresting and bringing to trial persons suspected of having committed war crimes and crimes against humanity and, if they are found guilty, in punishing them;

"8. Notes that the fortieth anniversary of the conclusion of the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against all totalitarian ideologies and practices, including those described in paragraphs 1 and 2 above;

"9. Welcomes General Assembly decision 38/455 of 20 December 1983 to establish a Preparatory Committee entrusted with the task of recommending to the Assembly at its thirty-ninth session proposals for suitable activities in connection with the observance in 1985 of the fortieth anniversary of the United Nations;

"10. Requests the Secretary-General to ensure that the Department of Public Information of the Secretariat pays due attention to the dissemination of information on the forthcoming fortieth anniversary of the conclusion of the Second World War, exposing the ideologies and practices described in paragraphs 1 and 2 above;

"11. Calls upon all States to commemorate solemnly and on a wide scale the fortieth anniversary of the victory of the freedom-loving peoples in the Second World War and to give expression to the respect felt by today's generations for the veterans who were the architects of that victory;

"12. Invites all States, on the occasion of the fortieth anniversary of the conclusion of the Second World War, to renew their efforts to counter the spread of the totalitarian ideologies and practices described in paragraphs 1 and 2 above and thereby to help to maintain international peace and avoid future conflict;

"13. Takes note with appreciation of the decision of the United Nations Educational, Scientific and Cultural Organization to take part in the celebration of the fortieth anniversary of the conclusion of the Second World War and calls upon other appropriate specialized agencies, as well as intergovernmental and international non-governmental organizations, to follow that example;

"14. Recommends to the Economic and Social Council that it request the General Assembly to hold a special commemorative meeting, during its fortieth session in 1985, to celebrate the fortieth anniversary of the conclusion of the Second World War and the founding of the United Nations;

"15. Further recommends to the Economic and Social Council that it request the General Assembly to hold, on the occasion of the special commemorative meeting referred to in paragraph 14 above, a discussion designed to consider ways and means to take effective measures in order to avoid the spread in the contemporary world of all forms of totalitarian ideologies or practices which, whatever their name may be, promote any kind of racial, ethnic or other exclusiveness or intolerance, or which result in the denial of human rights and fundamental freedoms."

### III. SUMMARY OF COMMENTS PROVIDED BY STATES\*

9. The Government of Afghanistan stated that it had taken practical constructive steps against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror. Article 14 of the Fundamental Principles of the Democratic Republic of Afghanistan read:

"The Democratic Republic of Afghanistan supports the struggle of various nations and peoples of the world for peace, national and social freedom, democracy and progress and against zionism, racism, fascism, racial discrimination and apartheid."

The Government noted, inter alia, that, in spite of United Nations resolutions, there were countries where fascism and neo-fascism existed and enjoyed the support, of either the Government or big monopolies; that millions of innocent people continued to be subjected to various forms of racial and discriminatory practices; and that the Fascist, apartheid régime of Pretoria continued its policy of aggression and occupation towards Namibia and the front-line States. The Government concluded that sincere and practical efforts should be undertaken at the national, regional and international levels to combat all those inhuman ideologies.

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\* As at 12 March 1984, comments were received from the Governments of Afghanistan, Cyprus and the Netherlands. The full text<sup>5</sup> of their replies are available for consultation in the files of the United Nations Secretariat.

10. The Government of the Republic of Cyprus indicated that the Constitution of the Republic embodied the principles of the Universal Declaration of Human Rights. It added that it had ratified the following international conventions, which provided safeguards against non-democratic ideologies and practices: International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Prevention and Punishment of the Crime of Genocide, European Convention on Human Rights <sup>1/</sup> (Protocols), and both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which were enforced through Laws 12/67, 59/80, 118/68, 39/62 and 14/69.

11. The Government of the Netherlands stated, inter alia, that:

(a) The emergence of a number of small movements propounding ideologies akin to nazism and fascism called for the need to remain vigilant against those who would deny human beings their right to be free and to be different;

(b) There was no nation in the world which was not opposed to nazism and fascism. However, the turn which the debates in the Commission on Human Rights had taken in the past, with its predominant emphasis on essentially historical phenomena, might lead States away from what should be their primary concern, that is the phenomenon of the total subjugation of the rights and freedoms of citizens to the power of the State and the systematic denial of the rights of those whose ideas did not conform to the official ideology propagated by the State;

(c) Totalitarian régimes were not only intolerant by their very nature, but they also cultivated intolerance and hatred as an instrument for exercising their power;

(d) There were too many States whose constitutions and laws guaranteed the full enjoyment of human rights, but where those who were bold enough to actually claim those rights were ostracized and portrayed as public enemies, because totalitarianism could react to the exercise of freedoms of expression and of opinion only with intolerance, hatred, terror and the systematic denial of human rights and fundamental freedoms.

Consequently, the Government of the Netherlands concluded that debates on that question and resolutions adopted relevant to it should clearly reflect those facts.

#### Notes

<sup>1/</sup> Council of Europe, European Convention on Human Rights: Collected Texts (Strasbourg, 1978).

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