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ECONOMIC AND SOCIAL COUNCIL  
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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

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## I. INTRODUCTION

1. Since the report of the Secretary-General (A/39/168 and Add.1-E/1984/39 and Add.1) was issued, replies have been received from the following States: France, Germany, Federal Republic of, Israel, Italy, Philippines, Qatar, Ukrainian Soviet Socialist Republic and Viet Nam.\*

## II. SUMMARY OF COMMENTS PROVIDED BY STATES

2. The Government of France made a number of observations concerning the causes and the practices of totalitarian ideologies, which, in its view, clearly led to a systematic denial of human rights of which the most insidious as well as the most spectacular manifestations must be combated. It noted that the evil could appear anywhere in the world, that countries currently spared could be affected from one day to the next and that the existence of a particular type of socio-economic organization did not necessarily produce favourable consequences or ensure effective protection. It referred also to the fact that human rights, which clearly had an individual content, were also clearly exercised within a collective framework. Since each individual's freedom was circumscribed by a similar freedom recognized as inherent in others, there must be a balance between the individuals comprising a human group and the group itself. Totalitarian ideologies, nazism and neo-fascism destroyed that balance and denied the individual his rights by subordinating him always to the group. The Government pointed out that, by exalting the virtues of the individual's membership in a particular group to which he was, moreover, subordinated, a totalitarian ideology constituted for each group, whatever definition was used for the latter, a truly exclusive system.

3. The Government of France added that the struggle against that evil comprised several aspects. First of all, while naturally respecting human rights and fundamental freedoms, it was necessary, at the level of laws and regulations, to adopt the necessary measures to prevent the development of ideologies and practices which were based on terror or which incited to racial discrimination against or hatred of a particular human group. French legislation had, for many years, contained provisions on that matter, which came within the ambit of a global policy of combating racism. A suitable programme of education also seemed essential. Manifestations of hatred and contempt, of exclusiveness, which were at the root of totalitarian ideologies, including nazism and fascism, could be avoided or at least considerably attenuated, if governments took sufficient care to inculcate into young people a fundamental ideal which should be the basis of every system of education.

4. The Government indicated that France resolutely condemned the perversion of any group or of any authority which, whether explicitly or otherwise, sought to base its domination on exclusiveness and intolerance. In its view, there must be

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

observance of the principles contained in the Charter, in the International Covenants on Human Rights and in other United Nations instruments, which unequivocally condemned all forms of intolerance and all violations of the fundamental human freedoms.

5. The Federal Republic of Germany reiterated its previous comments on the subject. The said comments were contained in the previous reports of the Secretary-General (A/38/166/Add.2).

6. The Government of Israel reported that the Israeli Declaration of Independence proclaimed that Israel would rest upon the foundations of liberty and justice, and the maintenance of complete equality of social and political rights for all its citizens, without distinction of creed, race or sex. The resurgence of neo-nazism and its ilk was of profound concern to the Government and people of Israel. The systematic victimizing, delegitimizing and eventual destruction of Jews and Jewish culture was intrinsic to the Nazi culture.

7. The Government of Israel further submitted a detailed analysis of Israeli legislation on the question. It explained that the Nazis and Nazi Collaborators (Punishment) Law of 5710-1950 dealt with the prosecution of persons who had committed certain crimes during the Nazi régime or during the Second World War. Significant features of that law were that most of the crimes envisaged were based on international texts, and that it excluded prescription. For the crimes covered the law also had retroactive effect.

8. The law dealt with the most serious crimes, such as crimes against the Jewish people; crimes against humanity; war crimes; and offences in places of confinement against a persecuted person. Israeli courts were empowered to deal with most of those crimes committed by the Nazis, irrespective of the nationality or ethnic origin of the victim. Only the first crime - crime against the Jewish people - was limited to cases where the victims were Jewish.

9. As to the issue of prescription, it is stated that, according to general Israeli law, the period of prescription for crimes is 20 years and for various lesser offences 5 years. The present law had adopted a different system initially. For very grave crimes, no prescription had been foreseen, and for other categories a period of 20 years had been laid down. In 1963, however, prescription was completely abolished in respect of crimes covered by the law, in line with international activities which had resulted in the adoption of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 1968.

10. The Government of Israel also referred to the Crime of Genocide (Prevention and Punishment) Law of 5710-1950, which was enacted in order to prevent and punish certain crimes of a similar nature which might be committed in the future.

11. In addition to the above two pieces of Israeli legislation, the Government of Israel reported that Israel had included in its Penal Law (1977) a chapter specifically dealing with sedition. The definition of "sedition" includes, inter alia, the promotion of feelings of ill-will and enmity between different

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sections of the population. The scope of that prohibition includes activities based on racial intolerance, hatred and terror.

12. The Government of Israel referred to the prosecution and punishment of Eichman, who had been accused of crimes against the Jewish people, crimes against humanity and war crimes. Eichman was found guilty and the defence of superior orders rejected.

13. The Government of Israel added that Israel's relentless battle against nazism, anti-semitism and Fascist ideologies had found expression in its ratification of the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of All Forms of Racial Discrimination. Pursuant to General Assembly resolution 38/99 of 16 December 1983, Israel's Ministry of Justice and the National Unit for Crime Investigation - Special Unit for Nazi War Crimes of the Israel Police Force had spared no effort in its task of unmasking and bringing to justice Nazi war criminals. Moreover, Israel lends every possible assistance, whenever requested, to countries and institutions concerned with the prosecution of war criminals and the suppression of neo-Nazi activity throughout the world. A central role in this undertaking is played by the Martyrs' and Heroes' Commemoration Authority (Yad Va-Shem) established under law.

14. It was further pointed out that Israel's education system included mandatory courses on the history of the crimes of nazism, particularly the "Holocaust", and it was proposed that all countries should adopt educational programmes aimed at warning against the danger of anti-semitism, nazism and other racist and Fascist threats. As part of the general education about the evils of fascism and the consequences of terror, the Martyrs and Heroes Remembrance Day Law (1959) sets aside a day every year to commemorate the disaster which the Nazis and their collaborators brought upon the Jewish people and the acts of heroism and revolt performed in those days.

15. The Government of Israel added that, in its view, the racist ideology of anti-semitism had reared its ugly head in the calumny which had equated zionism with racism, thereby encouraging modern anti-semitism under the guise of anti-zionism. With dismay, it continued, Israel witnessed the conspiracy amongst the criminal phenomena of anti-semitism, neo-nazism and international terror. It expressed the hope that enlightened forces everywhere would continue to oppose those malignant phenomena.

16. The Government of Italy stated, inter alia, that Italy believed that, rather than concentrating on defunct historical examples of totalitarianism, the international community should concentrate on totalitarian threats to human development and to human rights of individuals 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. It added that Fascist and neo-Fascist activities and all other forms of totalitarian ideologies have been forbidden by the Constitution of the Republic of Italy since 1948.

17. The Government of the Philippines indicated, inter alia, that the Constitution of the Philippines stood against the Nazi, Fascist or neo-Fascist practices of

"racial or ethnic exclusiveness or intolerance, hatred, terror or the systematic denial of human rights and fundamental freedoms". The Government pointed out that there were no groups or associations in the Philippines which practise nazism, fascism, neo-fascism or other similar totalitarian ideologies, nor were there persons or entities therein which preach or disseminate "ideas based on racial superiority and of war propaganda". The Government concluded by stating that the Philippines subscribed to the International Covenant on Economic, Social and Cultural 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.

18. The Government of Qatar expressed its deep concern at the recent intensification of the activities of neo-Fascist and Nazi organizations in a number of countries, and attached particular significance to the provision contained in the Programme for the Decade for Action to Combat Racism and Racial Discrimination which drew attention to the need for all States to take measures to prohibit the establishment of such organizations. The Government added that the socio-economic structure of the State precluded the possibility of the occurrence of any manifestations of racism, racial superiority, nazism or fascism in Qatar. The constitutional principle stipulating the equality of all citizens, irrespective of their sex, race or nationality, was being diligently put into practice. Islam, the chief source of legislation in Qatar, and the Constitution of the State prohibit activities conducted on a racial basis. The Government indicated that it had not found any indication of the existence in its territory of Nazi, Fascist or neo-Fascist activities or any other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror. Furthermore, the Penal Code of Qatar contains numerous provisions concerning the suppression of such activities. At the international level, Qatar has ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid and supports the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, as adopted by the General Assembly.

19. The Government of the Ukrainian Soviet Socialist Republic expressed its anxiety at the fact that today Fascist-type totalitarian régimes hold power in a number of States, while neo-Fascist parties, movements, groups and organizations openly operate in many Western countries. The Government added that the global character of the problem of the struggle against neo-fascism was underlined by the fact that many of the most dangerous features and concepts of fascism and nazism form the basis of the State policies and practices of a number of countries situated in various regions of the world. "The most flagrant examples of this are the continuing repressions of the apartheid régime in South Africa and in Namibia, under its illegal occupation, against the wide masses of the indigenous population clamouring for their rights, the outrages and genocide being committed by Zionist Israel against the Arab peoples, and the mass terror in El Salvador, Guatemala, Chile, the Republic of Korea and a number of other countries with dictatorial régimes of a totalitarian character."

20. The Government indicated that its delegation had spoken in some detail on the subject of Nazi, Fascist and neo-Fascist activities in many countries and on the aspects of totalitarianism in bourgeois society as a whole during the fortieth session of the Commission on Human Rights. It pointed out that a significant role could be played by the energetic action of the United Nations against the ideologies and practices of nazism, in particular by strengthening publicity activities for unmasking the essence of those reactionary phenomena and for educating the people, especially the younger generation, in the spirit of peace and friendship among peoples, and by wider use of the mass media for those purposes.

21. The Government further stated that a major condition for progress in the struggle to eradicate those dangerous phenomena must be the adoption of effective measures by States at the national level and that it seemed advisable for the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Group of Three of the Commission on Human Rights to pay special attention when examining the reports of States, to implementation of the relevant articles of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Government added that everything necessary was being done in the Republic to implement to the full relevant international legal instruments and recommendations of the United Nations and that the system of social relations existing in the Ukrainian SSR and its legislation in force completely precluded the very possibility of ideologies and practices based on racial intolerance, hatred and terror emerging in the Republic.

22. The Government concluded by stating that the Ukrainian SSR believed that the forthcoming fortieth anniversary, in 1985, of the victory of the peoples over the forces of fascism would serve to mobilize the efforts of the entire world community in its struggle against Nazi, Fascist and neo-Fascist ideologies.

23. The Government of Viet Nam stated that the Vietnamese people were deeply concerned at the reactivation and intensification of activities by the proponents and organizations of Fascist and neo-Fascist ideologies, as well as racial discrimination, in various forms, in a number of countries. It added that the international community should mobilize utmost efforts to combat the above-mentioned ideologies and practices. In this connection, the Government made the following suggestions: there should be international co-operation in detecting, arresting and punishing persons guilty of war crimes and crimes against humanity; war propaganda should be declared punishable by law; it is necessary to condemn and punish apartheid, zionism, racial discrimination, including racial superiority such as reserving for oneself the right to teach other nations a lesson; the General Assembly and other appropriate United Nations bodies should continue discussion of this question in order to find effective measures for the eradication of such ideologies and practices, as well as the evils of war, from the planet forever; the forthcoming anniversary in 1985 of the victory over fascism sponsored by the United Nations should serve as an occasion to mobilize international efforts for taking steps against Fascist ideologies and practices and war propoganda and to preserve world peace; and national measures, including legislative and juridical measures, should be adopted as soon as possible, with a

view to preventing the reactivation of Fascist and neo-Fascist activities and disbanding all groups and organizations propounding such ideologies.

24. The Government indicated that it had taken constructive measures in the above-mentioned direction to eradicate all sources of fascism, neo-fascism, racism and other totalitarian ideologies in Viet Nam. It added that Viet Nam was a party to relevant international conventions and instruments, such as the International Covenants on Human Rights, 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 and the Convention on the Prevention and Punishment of the Crime of Genocide.

### III. SUMMARY OF COMMENTS PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS

#### A. Category I

##### 1. International Confederation of Free Trade Unions

25. The International Confederation of Free Trade Unions (ICFTU) stated that economic and social progress for working people could only be achieved in an overall climate of justice and democracy and that ICFTU decisions reflected its policies and programmes of action for the defence of human and trade union rights in all parts of the world and in countries under totalitarian rule - for example, the updated Programme of Action in support of the independent black trade union movement in South Africa, adopted by a special ICFTU conference on the question, held in January 1984.

##### 2. Inter-Parliamentary Union

26. The Inter-Parliamentary Union pointed out that it had taken due note of the contents of Commission on Human Rights resolution 1984/42. It added that it sometimes dealt with aspects of that question when examining the question of "The contribution of parliaments to the elimination of colonialism, racism, racial and ethnic discrimination, especially the apartheid régime in South Africa, and for the termination of the illegal occupation of Namibia by that country", to be considered at its 72nd Conference, at Geneva, in September 1984.

##### 3. World Confederation of Labour

27. The World Confederation of Labour said that it had established among its priorities for action, firstly, "the defence of fundamental human rights and particularly trade union freedoms". It added that, in the implementation of its programme of action, it would not fail to take into consideration resolution 1984/42 of the Commission on Human Rights, and to ensure the latter's dissemination to its national, occupational and regional organizations.

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#### 4. World Muslim Congress

28. The World Muslim Congress stated that it would spare no effort in struggling for the cause of human dignity and human fraternity in accordance with the sublime teachings of Islam.

#### B. Category II

##### 1. Anti-Slavery Society for the Protection of Human Rights

29. The Anti-Slavery Society for the Protection of Human Rights referred to its efforts against slavery and racism.

##### 2. Baha'i International Community

30. The Baha'i International Community pointed out that Baha'i communities throughout the world were, as an article of faith, totally opposed to practices based on racial or ethnic exclusiveness and, wherever possible, engaged actively in programmes to combat such practices.

##### 3. International Federation of Journalists

31. The International Federation of Journalists said that, since its foundation in 1952, it had unceasingly condemned violations of article 19 of the Universal Declaration of Human Rights, particularly through the censure, banning or suspension of newspapers, as well as violations of the moral and physical integrity of journalists. It added that such violations had been particularly numerous in countries governed by régimes which engaged in the practices denounced in General Assembly resolution 38/99 of 16 December 1983.

##### 4. Salvation Army

32. The Salvation Army stated that the very nature of the Salvation Army in internationalism educated and stimulated thought and action in respect of non-discrimination and human rights irrespective of colour or race.

##### 5. Soroptimist International

33. Soroptimist International indicated that it worked for the elimination of racism and racial discrimination in any form wherever it was to be found, and strove through its programmes of work and through influencing legislation to eliminate such discrimination and to guarantee human rights for all people.



C. Organizations on the Roster

1. International Council on Education for Teaching

34. The International Council on Education for Teaching pointed out that it was currently involved in developing ways to enhance global awareness and international understanding among school teachers and education faculties in the United States of America.

2. International Young Catholic Students

35. International Young Catholic Students said that, in its activities on behalf of human rights and particularly against apartheid in South Africa, it would take into account resolution 1984/42 of the Commission on Human Rights.

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