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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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* A/40/150.

I. INTRODUCTION

1. Since the report of the Secretary-General (A/40/232-E/1985/40 and Add.1) was issued, replies have been received from the following States: Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Chad, Cyprus, Czechoslovakia, Ecuador, Federal Republic of Germany, Panama and Ukrainian Soviet Socialist Republic.

II. SUMMARY OF COMMENTS PROVIDED BY STATES*

2. The Belgian Government points out that the Acts of 29 July 1934 and 4 May 1936 prohibit private militias and supplement the Acts of 3 January 1933 on the manufacture of, trade in and bearing of arms and on trade in munitions. The exceptions to that prohibition, which, under the Act, may be made for apolitical organizations by a royal decree considered in the Council of Ministers, concern primarily private security companies which operate on public thoroughfares or in places accessible to the public. The authorization procedure for such companies provides for a series of safeguards designed to rule out the activities and ideologies referred to in General Assembly resolutions 38/99 and 39/114 and includes, in particular, an administrative investigation of the morality and competence of those running the company, a judicial investigation, a collective decision of the Council of Ministers and limited conditions of operation aimed at ensuring the protection of public order. The ongoing monitoring of the activities of the company following the granting of the licence, the limited duration of the validity of that licence and the possibility of its withdrawal constitute additional safeguards. In the event that non-authorized companies should be formed, the judicial authorities would be notified so that they might prosecute such companies.

3. The Government adds that, within the framework of the Council of Europe, a convention on the non-applicability of statutory limitations to crimes against humanity and war crimes was drawn up and opened for signature on 25 January 1974. Belgium signed that convention on 4 May 1984.

4. In order to counteract the activities of organizations which practice or preach discrimination or segregation, the Belgian legislature has, by the Act of 30 July 1981, given the force of law to the International Convention on the Elimination of All Forms of Racial Discrimination, prohibiting, in particular, membership in such organizations under penalty of law.

5. Mention should be made of article 20 of the International Covenant on Civil and Political Rights, which deals with propaganda for war and advocacy of national, racial or religious hatred that constitutes incitement to discrimination and which was the subject of a declaration on the part of the Belgian Government, which reads as follows:

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

"The Belgian Government declares that it does not consider itself obligated to enact legislation in the field covered by article 20, paragraph 1, and that article 20 as a whole shall be applied taking into account the rights to freedom of thought and religion, freedom of opinion and freedom of assembly and association proclaimed in articles 18, 19 and 20 of the Universal Declaration of Human Rights and reaffirmed in articles 18, 19, 21 and 22 of the Covenant".

6. The Government of Bulgaria reiterates its concern at the continued existence and resurgence in a number of countries of various manifestations of Nazi, Fascist and neo-Fascist ideologies and activities. It emphasizes that the manifestations in question are usually connected with growing economic, social and political inequality. It also refers to the negative role played in this respect by the dissemination of overtly militaristic doctrines and ideas constituting a form of propaganda for war.

7. The Government of Bulgaria points out the need for all States to adopt urgent measures to combat the existence, revival and spread of all forms and manifestations of Fascist, Nazi and neo-Fascist ideologies and practices. Such measures include the implementation of General Assembly resolution 2839 (XXVI) and the relevant international legal instruments mentioned in paragraph 5 of General Assembly resolution 39/114.

8. The Government states that the very nature of society in Bulgaria precludes the emergence or existence of any forms or manifestations of Nazi, Fascist, neo-Fascist or racist ideologies and practices. It indicates that in Bulgaria the equality of all citizens, the prohibition of all forms of discrimination, of the propagation of racial, national or religious hatred and of propaganda for war, as well as the obligation of every citizen to contribute to the maintenance and strengthening of peace are embodied in the Constitution; that Bulgaria is a party to all the international instruments enumerated in paragraph 5 of General Assembly resolution 39/114; and that Bulgaria participates actively in the efforts of the international community to adopt measures against all forms of Nazi, Fascist and neo-Fascist ideologies and practices.

9. The Government of the Byelorussian Soviet Socialist Republic refers to the horrors of the Second World War and the contribution of the peoples of the Union of Soviet Socialist Republics and the Byelorussian Soviet Socialist Republic to victory over nazism and fascism. It states that similar practices exist in a number of countries even today, such as in the case of apartheid and "the Zionists".

10. The Government of the Byelorussian SSR also observes that the heightening of international tension, the conditions of psychological warfare and the arms race are a breeding-ground for the development of neo-Fascist and neo-Nazi organizations, which in their turn help to worsen the political atmosphere in the international arena; that the domestic objectives of Fascist-minded organizations are destabilization of conditions in their countries, undermining of existing democratic institutions, creation of conditions for the establishment of repressive régimes and suppression of progressive movements; that the activities of neo-Fascist and neo-Nazi organizations are not being stopped in a number of cases,

and are sometimes even directly or indirectly encouraged; that the international links of Fascist and neo-Fascist organizations and the scale of their activities to kindle enmity and hatred among peoples are being expanded; that the existence of Fascist-minded groups can only be explained by the unwillingness of the States concerned to take effective legislative, administrative and judicial measures to put a stop to their activities; and that many thousands of Nazi criminals, who have millions of human lives on their consciences, are in hiding.

11. The Government of the Byelorussian SSR states that it has always called for the adoption of effective measures against a revival of fascism and against Nazi, Fascist and neo-Fascist and all other ideologies and practices based on racial intolerance, hatred and terror. All States should carry out the recommendation of the General Assembly to adopt, 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. States which have not yet done so should be called upon to become parties 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 and the International Convention on the Suppression and Punishment of the Crime of Apartheid. International organizations should intensify their activities to unmask the nature of these reactionary phenomena and to educate the people, especially the young generation, in the spirit of peace and friendship among peoples.

12. The Government of the Byelorussian SSR concludes by referring to national and international activities to mark the fortieth anniversary of the victory over Fascist Germany as a historic political event.

13. The Government of Chad points out, inter alia, that Chad under the Third Republic is determined to be one and indivisible, hence the consolidation of national unity within the framework of its great movement, the National Union for Independence and the Revolution, and will never accept that its established democratic institutions be altered by various practices and ideologies. Chad practices a foreign policy of friendship and co-operation with all peace-, freedom-, justice- and progress-loving countries. Chad 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. The Government states that it is prepared to support this initiative which consists of seeking, finding and punishing individuals guilty of crimes against humanity and war criminals. Chad unreservedly supports resolution 1985/31 of the Commission on Human Rights, dated 13 March 1985.

14. The Government of Cyprus refers to a resolution adopted by the House of Representatives of the Republic of Cyprus on 2 May 1985 on the occasion of the anniversary of the victory over fascism and nazism in the Second world War and of the struggle against them. In that resolution, the House, inter alia, drew attention to the fact that despite the sacrifices made and the lessons drawn from the tragic experience of the war and despite the declarations to the contrary and international treaties, the security of peoples is endangered by the use of force and military interventions against other countries, and condemned the existence or

the revival of Fascist and racist régimes which flagrantly violate human rights and threaten the basic freedoms of peoples.

15. The Government of Czechoslovakia states that as a socialist State, Czechoslovakia appreciates United Nations efforts aimed at the struggle against all racial theories and practices which thwart harmonious development on the national level and, in international relations, constitute a serious obstacle to peaceful international co-operation.

16. The Government points out that Czechoslovakia views with profound concern the activation of Fascist, neo-Fascist and revenge-seeking forces in some States of western Europe.

17. The Government indicates that the struggle against neo-Nazi theories calls, inter alia, for concerted efforts by all the democratic forces, and steps by all Governments, especially those where a revival of Nazi theories occurs, giving special attention to the education of the young generation and the role mass information media must play in the struggle against fascism, nazism and neo-nazism.

18. The Government of Czechoslovakia regards the struggle against racial hatred in all its forms and manifestations, in particular the most barbarous, such as apartheid and fascism, as one of the most important tasks facing the international community and hopes that the fortieth anniversary of the founding of the United Nations will provide an impulse for settling definitively with the inhumane theories and practices.

19. The Government of Ecuador points out that it supports resolution 39/114, in which the General Assembly reaffirmed and called for fulfilment of the purposes set out in Articles 1 and 2 of the Charter of the United Nations and in numerous international instruments concerned with consolidating international peace and security and securing respect for the fundamental rights and freedoms of man. In its view, the resolution is a document of historical importance, encouraging participation in the commemoration of the fortieth anniversary of the victory over nazism and fascism in the Second World War, and seeking also to mobilize national and international efforts on the basis of a preventive and punitive system involving international co-operation. The Government adds that the creation of a system of international co-operation for the prevention and punishment of war crimes and crimes against humanity and the appeal to all States that have not yet done so to ratify among other instruments the International Covenants on Human Rights, 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 will be a powerful deterrent to practices encouraged by Nazi, Fascist and neo-Fascist ideologies.

20. The Government of the Federal Republic of Germany refers to the statement of its representative before the Commission on Human Rights at its forty-first session, in which, inter alia, it was stated that throughout the existence of the Federal Republic of Germany nazism and fascism never stood a chance of becoming political factors. Yet the Federal Government is very vigilant: the Parliament's laws and the Government's measures indiscriminately deal with all forces which

jeopardize the fundamental civil rights and freedoms embodied in the constitution; the Federal Government does not hesitate to institute legal proceedings against right-wing or left-wing extremist parties or organizations and to prohibit them once they have been proved to be unconstitutional; the Government attributes high priority to the continuous close observation of extremist groups.

21. The Government of the Federal Republic of Germany first and foremost relies on the persuasive power of political dialogue and on the voter's judgement, based on experience, to fend off opponents of the liberal democratic order, as well as on education in the democratic ideals, free media and democratic political parties in a parliamentary democracy.

22. The fortieth anniversary of the end of the Second World War evokes memories of the horrors of war and post-war times in all countries which suffered the war; Germans recall the victims of the régime of violence and the war dead of all countries. The active peace policy of the Federal Republic is based on mutual understanding, reconciliation and co-operation.

23. The objective of the foreign policy of the Federal Republic of Germany is a peaceful order in Europe in which nations, as envisaged in the Final Act of Helsinki, can determine their own fate and can live free from the fear of violence, threats and restriction of their liberty, in which people can enjoy the exercise of their lawful rights and the fruits of peaceful international exchanges.

24. The Government of Panama states that it shares the concern with the threat to democratic institutions represented by Fascist, Nazi and neo-Fascist ideology. It observes that the ideologies mentioned, based on racial or ethnic intolerance, hatred, terror and the abuse of force, represent political doctrines that are anti-democratic. In connection with measures to deter activities by groups or organizations practising such ideologies, article 39, paragraph 2, of the Political Constitution of Panama provides that "... recognition shall not be granted to associations having their origin in ideas or theories founded on the alleged superiority of one race or ethnic group or which justify or promote racial discrimination ...". The Government adds that in accordance with articles 19 and 37 of the Political Constitution of Panama every person has the right to choose the political ideas he prefers and freely to express his thoughts, subject to any legal liability he may incur if they assail the reputation or honour of persons or attack the security of society or public order; in conformity with article 311 of the Penal Code, the destruction of human beings by reason, inter alia, of their race is a crime. However, the criminal law applies only if the act declared to be punishable has been committed. The mere expression or advocacy of such ideas are not punishable.

25. The Government concludes by stating that Panama considers it appropriate to renew efforts to counter the spread of the ideologies described above, as well as for States to assist each other in detecting, arresting and bringing to trial, if need be, persons suspected of committing war crimes and crimes against humanity with a view to their punishment if they are found guilty.

26. The Government of the Ukrainian Soviet Socialist Republic states that the fortieth anniversary of the victory over the forces of nazism, fascism and militarism should serve further to mobilize efforts of all States and peoples in their struggle against the sinister ideologies and practices of nazism and neo-fascism. In the face of the Fascist threat during the Second World war, States with different social and political systems were able to unite against the common enemy, proving the possibility of effective political and military collaboration in the name of freedom and peace. An important factor and a real guarantee for averting the revival of nazism and fascism is to strengthen peace and international security, to control the arms race and to observe without fail the principles of the territorial integrity of States and the inviolability of their frontiers.

27. The Government points out that there has been a sharp rise in the activity and scale of operations of neo-Fascist parties, movements, organizations and groups, openly existing in a number of Western countries. In this connection, the Ukrainian SSR reaffirms its view that the need for the closest attention to be paid in the United Nations and its organs to the struggle against nazism, fascism and neo-fascism arises from the fact that fascism has been recognized as a phenomenon threatening all countries and peoples.

28. The Government of the Ukrainian SSR indicates that it has co-sponsored or supported all relevant resolutions adopted by the United Nations. Having taken the initiative in the inclusion of new provisions concerning the description of totalitarian régimes, in Commission on Human Rights resolution 1985/31, the Ukrainian SSR would like to point out that the key to determining whether a given State or régime is totalitarian is the course which it follows in solving internal social problems, whether it ensures its own supremacy and its economic and social privileges by conquering, plundering, enslaving and exploiting other nations or racial or ethnic groups. Bearing in mind that in numerous resolutions and decisions of the various organs of the United Nations and its specialized agencies on the problems under consideration, a solid legal basis of measures has already been laid down in the struggle against the revival of nazism and fascism, the Ukrainian SSR considers that this basis could be used by the United Nations to draw up and adopt wider recommendations in this matter in the form of a declaration.

29. The Government points out that the Constitution of the Republic, *inter alia*, provides that "citizens of the Ukrainian SSR of different races and nationalities have equal rights ... 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", and that "in the Ukrainian SSR, war propaganda is banned". The system of social relationships and the legislation in force in the Ukrainian SSR exclude both the pre-conditions for the rise in the Republic of ideologies and practices based on racial intolerance, hatred and terror and the possibility of their existence.

30. The innumerable victims of nazism and fascism in the Second World war, together with the grief and suffering caused to mankind, call for the punishment of all war criminals.

III. SUMMARY OF COMMENTS PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS

31. The following non-governmental organizations referred to their activities and expressed their support of the goals mentioned in relevant United Nations resolutions: Inter-Parliamentary Union (category I), World Muslim Congress (category I), International Association of Lions Clubs (category II), Pax Romana (category II), Salvation Army (category II), World Leisure and Recreation Association (category II).
