

assistance for the relief and rehabilitation of the large number of voluntary returnees;

3. *Requests* the Secretary-General to report to the Economic and Social Council at its first regular session of 1982 and to the General Assembly at its thirty-seventh session on the progress achieved in the implementation of the present resolution.

*101st plenary meeting  
16 December 1981*

**36/162. 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**

*The General Assembly,*

*Recalling* that the United Nations emerged from the struggle against nazism, fascism, aggression and foreign occupation, and that the peoples expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war,

*Bearing in mind* the suffering, destruction and death of millions of victims of aggression, foreign occupation, nazism and fascism,

*Reaffirming* the purposes and principles laid down in the Charter, which are aimed at maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international co-operation,

*Emphasizing* that 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 have such consequences, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms,

*Reaffirming* that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment for all States,

*Recalling* its resolutions 2331 (XXII) of 18 December 1967, 2438 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 November 1979 and 35/200 of 15 December 1980,

*Recalling also* the Declaration on Social Progress and Development,<sup>151</sup> the United Nations Declaration on the Elimination of All Forms of Racial Discrimination<sup>152</sup> and the Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>153</sup>

*Underlining* the importance of the Universal Declaration of Human Rights,<sup>154</sup> the International Covenants on Human Rights,<sup>155</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>156</sup> the Convention on the Prevention and Punishment of the Crime of Genocide<sup>157</sup> and other relevant international instruments,

*Reaffirming* that 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 have such consequences, are incompatible with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, 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,<sup>158</sup> the International Convention on the Suppression and Punishment of the Crime of *Apartheid*,<sup>159</sup> the Convention on the Prevention and Punishment of the Crime of Genocide<sup>157</sup> and other relevant international instruments,

*Commending* the fact that a number of States provided the Secretary-General with their comments on the problems discussed in his report,<sup>160</sup>

*Acknowledging* the fact that a number of States have set up legal regulations which are suited to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

*Welcoming* Commission on Human Rights resolution 3 (XXXVII) of 23 February 1981<sup>161</sup> providing measures on this subject, including the possibility of elaborating a draft declaration.

*Noting with deep concern* that the proponents of Fascist ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale.

1. *Again condemns* 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 have such consequences;

2. *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 practicing those ideologies;

3. *Calls 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 in paragraph 1 above;

4. *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;

5. *Appeals* to all States that have not yet done so to ratify or to accede 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*;

<sup>151</sup> Resolution 2542 (XXIV).

<sup>152</sup> Resolution 1904 (XVIII).

<sup>153</sup> Resolution 1514 (XV).

<sup>154</sup> Resolution 217 A (III).

<sup>155</sup> Resolution 2200 A (XXI), annex.

<sup>156</sup> Resolution 2106 A (XX), annex.

<sup>157</sup> Resolution 260 A (III), annex.

<sup>158</sup> Resolution 2391 (XXIII), annex.

<sup>159</sup> Resolution 3068 (XXVIII), annex.

<sup>160</sup> A/36/209 and Add.1 and 2.

<sup>161</sup> See *Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr.1), chap. XXVIII, sect. A.*

6. *Calls once again upon* all States to provide the Secretary-General with their comments on this question;

7. *Requests* the Commission on Human Rights to continue the consideration of this subject at its thirty-eighth session under the title "Measures to be taken against 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 have such consequences";

8. *Requests* the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its thirty-seventh 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.

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### **36/163. Question of involuntary or enforced disappearances**

*The General Assembly,*

*Recalling* its resolution 33/173 of 20 December 1978, entitled "Disappeared persons", and its resolution 35/193 of 15 December 1980 on the question of involuntary or enforced disappearances,

*Bearing in mind* Commission on Human Rights resolution 10 (XXXVII) of 26 February 1981,<sup>161</sup> in which it was decided to extend for one year the term of the mandate of the Working Group dealing with involuntary or enforced disappearances, and Economic and Social Council decision 1981/139 of 8 May 1981, by which the Council approved the Commission's decision,

*Convinced* that the action taken, in consultation with the Governments concerned, to promote the implementation of the provisions of General Assembly resolution 33/173 and other United Nations resolutions relevant to the plight of missing or disappeared persons should be continued,

*Expressing its emotion* at the anguish and sorrow of the families of victims of involuntary or enforced disappearances,

1. *Welcomes* the decision of the Commission on Human Rights to extend for one year the term of the mandate of the Working Group as laid down in Commission resolution 10 (XXXVII);

2. *Expresses its appreciation* to the Working Group for the work done and to those Governments that have co-operated with it;

3. *Requests* the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group, when it considers the report to be submitted by the Group at its thirty-eighth session;

4. *Appeals* to all Governments to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion;

5. *Renews* its request to the Secretary-General to continue to provide the Working Group with all necessary assistance.

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### **36/164. Missing persons in Cyprus**

*The General Assembly,*

*Recalling* its previous resolutions on the question of the missing persons in Cyprus,

*Reaffirming* the basic human need of families to be informed, without further delay, about the fate of their missing relatives,

*Having in mind* that agreement was reached, on 19 May 1979, during the high-level meeting held at Nicosia under the auspices of the Secretary-General,

*Welcoming* the agreement establishing the Committee on Missing Persons in Cyprus, referred to in the report of the Secretary-General of 27 May 1981,<sup>162</sup> including the oral agreement of 26 March 1981 concerning the attendance of representatives of the Committee of Relatives of Missing Persons at the meetings of the Committee,

*Regretting* the fact that owing to procedural difficulties no progress has been achieved towards the commencement of the Committee's investigative work,

1. *Urges* that the Committee on Missing Persons in Cyprus proceed, without any further delay, with its investigative work for the tracing of and accounting for missing persons in Cyprus;

2. *Calls upon* the parties concerned to assist, in a spirit of co-operation and goodwill, the Committee in carrying out its investigative task;

3. *Requests* the Secretary-General to continue to provide his good offices for the unhindered functioning of the Committee.

*101st plenary meeting  
16 December 1981*

### **36/165. Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live**

*The General Assembly,*

*Bearing in mind* Economic and Social Council resolutions 1790 (LIV) of 18 May 1973 and 1871 (LVI) of 17 May 1974 concerning the question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live,

*Noting* Commission on Human Rights resolutions 8 (XXIX) of 21 March 1973,<sup>163</sup> 11 (XXX) of 6 March 1974,<sup>164</sup> 16 (XXXV) of 14 March 1979,<sup>165</sup> and 19 (XXXVI) of 29 February 1980,<sup>166</sup> on the same subject,

*Noting also* resolution 9 (XXXI) of 13 September 1978 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,<sup>167</sup>

*Recalling* that the Economic and Social Council, by its resolution 1980/29 of 2 May 1980, decided to transmit to the General Assembly at its thirty-fifth session the text of the draft declaration on the human rights of individuals who are not citizens of the country in which they live, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Baroness Elles, and amended by the Sub-Commission,<sup>168</sup> together with the comments on the text received from Member States<sup>169</sup> in response to Council decision 1979/36 of 10

<sup>162</sup> *Official Records of the Security Council, Thirty-sixth Year, Supplement for April, May and June 1981*, document S/14490, para. 46.

<sup>163</sup> See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6 (E/5265)*, chap. XX, sect. A.

<sup>164</sup> *Ibid.*, *Fifty-sixth Session, Supplement No. 5 (E/5464)*, chap. XIX, sect. A.

<sup>165</sup> See *Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/36)*, chap. XXIV, sect. A.

<sup>166</sup> *Ibid.*, 1980, *Supplement No. 3 (E/1980/13 and Corr. 1)*, chap. XXVI, sect. A.

<sup>167</sup> See E/CN.4/1296, chap. XVII, sect. A.

<sup>168</sup> E/CN.4/1336.

<sup>169</sup> E/CN.4/1354 and Add.1-6.