

a United Nations High Commissioner for Human Rights or some other appropriate international machinery,

Recalling also that in its resolution 2333 (XXII) of 18 December 1967 the General Assembly expressed regret that the consideration of this question had not been possible owing to the heavy programme of work and decided to give high priority to the consideration of the question at its twenty-third session,

Regretting that, despite that decision, it has not been possible to do so owing to the heavy programme of work at the current session,

1. *Again decides* to give high priority, in accordance with the aforementioned resolutions and decisions to the consideration of this question at its twenty-fourth session;

2. *Requests* the Secretary-General to provide the General Assembly at its twenty-fourth session with all the relevant information prepared in conformity with the resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights on this matter.

*1748th plenary meeting,
19 December 1968.*

2438 (XXIII). Measures to be taken against nazism and racial intolerance

The General Assembly,

Recalling its resolution 2331 (XXII) of 18 December 1967 on measures to be taken against nazism and racial intolerance,

Reaffirming that racism, nazism and the ideology and policy of *apartheid* are incompatible with the objectives of the Charter of the United Nations and the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments,

Expressing its deep concern at the fact that, in spite of General Assembly resolution 2331 (XXII), the activities of groups and organizations propagating racism, nazism and similar ideologies based on terrorism and racial intolerance still continue,

Bearing in mind that such ideologies have in the past led to barbarous acts which outraged the conscience of mankind, to other heinous violations of human rights and eventually to a war which brought indescribable suffering to mankind,

Recalling that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights stipulate that nothing in those instruments may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act such as racist or nazi practices and similar ideologies aimed at the destruction of any of the rights set forth therein,

Taking note of resolution II on measures to be taken against nazism and racial intolerance, adopted on 11 May 1968 by the International Conference on Human Rights,²²

²² See *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No.: E.68.XIV.2), p. 5.

1. *Once again resolutely condemns* racism, nazism, *apartheid* and all similar ideologies and practices which are based on racial intolerance and terror as a gross violation of human rights and fundamental freedoms and of the principles of the Charter of the United Nations, and which may jeopardize world peace and the security of peoples;

2. *Urgently calls upon* all States to take without delay, with due regard to the principles contained in the Universal Declaration of Human Rights, legislative and other positive measures to outlaw groups and organizations which are disseminating propaganda for racism, nazism, the policy of *apartheid* and other forms of racial intolerance, and to prosecute them in the courts;

3. *Calls upon* all States and peoples, as well as national and international organizations, to strive for the eradication, as soon as possible and once and for all, of racism, nazism and similar ideologies and practices, including *apartheid*, which are based on racial intolerance and terror;

4. *Requests* the Secretary-General to submit to the General Assembly a survey of information which may be available to him on international instruments, legislation and other measures taken or envisaged, both at the national and international levels, with a view to halting racist, nazi and similar activities, such as *apartheid*;

5. *Invites* States Members of the United Nations and members of the specialized agencies to co-operate with the Secretary-General by providing him with information of this kind;

6. *Decides* to consider at its twenty-fourth session the question of measures to be taken against nazism and racial intolerance.

*1748th plenary meeting,
19 December 1968.*

2439 (XXIII). Measures for effectively combating racial discrimination and the policies of apartheid and segregation in southern Africa

The General Assembly,

Having considered the recommendation contained in Economic and Social Council resolution 1332 (XLIV) of 31 May 1968,

Recalling its resolution 2144 A (XXI) of 26 October 1966, in which it invited the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur,

Recalling also its resolution 2145 (XXI) of 27 October 1966, by which it terminated South Africa's Mandate for Namibia, then called South West Africa,

Taking into account its resolutions 2307 (XXII) of 13 December 1967 on the policies of *apartheid* of the Government of South Africa and 2324 (XXII) and 2325 (XXII) of 16 December 1967 on the question of Namibia,

Taking into account the documents and recommendations of the seminars on *apartheid* held in Brazil in 1966 and in Zambia in 1967,

Gravely concerned at the evidence of inhuman practices by the Government of South Africa and by the illegal racist minority régime in Southern Rhodesia

against the non-white population of South Africa, Namibia and Southern Rhodesia,

Noting that the Government of South Africa and the illegal régime in Southern Rhodesia are finding support for the policy of *apartheid* and racial discrimination in the fact that a number of States are continuing to trade with them and are maintaining diplomatic, cultural and other ties and relations with them and affording them military assistance,

Convinced that the flagrant violations of human rights in southern Africa are of serious international concern and require urgent and effective action by the United Nations,

1. *Endorses* the recommendations of the Special Rapporteur appointed by the Commission on Human Rights under its resolution 7 (XXIII) of 16 March 1967²³ that the Government of South Africa be requested to repeal, amend and replace laws cited in paragraph 1547 of the Special Rapporteur's report;²⁴

2. *Considers* it essential that, in order to conform with its obligations under the Charter of the United Nations, the Government of South Africa should undertake to repeal, amend and replace the various discriminatory laws cited in paragraph 1547 of the Special Rapporteur's report;

3. *Calls upon* the Government of South Africa to repeal, amend and replace the laws in force in South Africa referred to in paragraph 1 above and to report to the Secretary-General on the measures taken or envisaged in accordance with that paragraph;

4. *Urges* all States to encourage information media within their territories to publicize the evils of *apartheid* and racial discrimination and the inhuman acts practised by the Government of South Africa and the illegal régime in Southern Rhodesia, as well as the aims and purposes of the United Nations and its efforts to eliminate these evils;

5. *Condemns* the actions of all those Governments which, in violation of United Nations resolutions, are continuing to maintain diplomatic, commercial, military, cultural and other relations with South Africa and the illegal régime in Southern Rhodesia;

6. *Calls upon* those Governments to break off such relations;

7. *Requests* the Secretary-General to take steps to draw the widest possible public attention to the evils of these policies through the interested non-governmental organizations, trade unions, religious institutions, student and other organizations, as well as libraries and schools;

8. *Also requests* the Secretary-General to keep under constant review the question of promoting co-ordination and co-operation in the activities of the specialized agencies and organs of the United Nations dealing with matters relating to *apartheid* and racial discrimination in southern Africa;

9. *Further requests* the Secretary-General to establish a United Nations information centre in South Africa with a view to disseminating the aims and purposes of the United Nations;

10. *Requests* the Secretary-General to report to the General Assembly at its twenty-fourth session on the implementation of the present resolution, and in particu-

lar on the actions taken by the Government of South Africa to give effect to paragraph 3 above.

1748th plenary meeting,
19 December 1968.

2440 (XXIII). Report of the *Ad Hoc* Working Group of Experts on the treatment of political prisoners in South Africa

The General Assembly,

Having considered the recommendations contained in Economic and Social Council resolution 1333 (XLIV) of 31 May 1968,

Recalling its resolution 2144 A (XXI) of 26 October 1966 on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of *apartheid*, in all countries, with particular reference to colonial and other dependent countries and territories, and its resolution 2307 (XXII) of 13 December 1967 on the policies of *apartheid* of the Government of South Africa,

Gravely concerned at the evidence, in the report²⁵ of the *Ad Hoc* Working Group of Experts established under resolution 2 (XXIII) of 6 March 1967 of the Commission on Human Rights,²⁶ of the intensification of inhuman practices by the Government of South Africa against the opponents of the policies of *apartheid*,

Determined to protect human rights and fundamental freedoms and desirous of an urgent and immediate end to violations of human rights and fundamental freedoms in South Africa,

1. *Reaffirms* its recognition of the legitimacy of the struggle by the opponents of *apartheid* to realize their human rights and fundamental freedoms;

2. *Condemns* any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South African prisons and in South African police custody during interrogation and detention, as indicated in the report of the *Ad Hoc* Working Group of Experts established under resolution 2 (XXIII) of the Commission on Human Rights;

3. *Calls upon* the Government of South Africa:

(a) To initiate investigations into the violations mentioned in the report of the *Ad Hoc* Working Group of Experts with a view to establishing the degree of responsibility of the persons listed in appendix II to chapter VII of the report, for the purpose of punishing them accordingly;

(b) To afford the opportunity to all persons who have suffered damage to receive indemnification;

(c) To abolish the 180-day law and the Terrorism Act, under which opponents of the policies of *apartheid* are detained without charge or trial, as well as the Suppression of Communism Act, the Sabotage Act and similar laws, and also to refrain from incorporating the principles contained in these laws into other laws;

(d) To release immediately Mr. Robert Sobukwe;

(e) To release immediately all other political prisoners and all persons held for their opposition to the policies of *apartheid*, whether in prison or police detention;

²³ See *Official Records of the Economic and Social Council, Forty-second Session, Supplement No. 6 (E/4322 and Corr.1)*, para. 376.

²⁴ E/CN.4/949/Add.4.

²⁵ E/CN.4/950.

²⁶ See *Official Records of the Economic and Social Council, Forty-second Session, Supplement No. 6 (E/4322 and Corr.1)*, para. 268.