

38/97. Regional arrangements for the protection of human rights

The General Assembly,

Recalling its resolutions 32/127 of 16 December 1977, 33/167 of 20 December 1978, 34/171 of 17 December 1979, 35/197 of 15 December 1980, 36/154 of 16 December 1981 and 37/171 and 37/172 of 17 December 1982 concerning regional arrangements for the promotion and protection of human rights,

Having considered the report of the Secretary-General on regional arrangements for the promotion and protection of human rights,¹⁰⁰

1. Takes note of the report of the Secretary-General;
2. Expresses its thanks to the specialized agencies, the regional commissions and the regional intergovernmental organizations, as well as the non-governmental organizations concerned, which contributed to the preparation of that report;
3. Invites the specialized agencies, the regional commissions and the regional intergovernmental organizations which have not yet been able to do so to communicate to the Secretary-General their views on exchanges of information between the United Nations and the regional organizations and bodies for the promotion and protection of human rights, together with their views on ways and means of furthering such exchanges;
4. Invites the Secretary-General to submit to the General Assembly at its thirty-ninth session a further report amplifying the report prepared in accordance with resolution 37/172;¹⁰⁰
5. Decides to consider this question further at its thirty-ninth session.

*100th plenary meeting
16 December 1983*

38/98. Strategy and policies for drug control

The General Assembly,

Recalling its resolution 32/124 of 16 December 1977, in which it requested the Commission on Narcotic Drugs to study the possibility of launching a meaningful programme of international drug abuse control strategy and policies,

Recalling also its resolution 36/168 of 16 December 1981, by which it adopted the International Drug Abuse Control Strategy and the basic five-year programme of action¹⁰¹ proposed by the Commission on Narcotic Drugs in its resolution 1 (XXIX) of 11 February 1981,

Noting the recommendation contained in Economic and Social Council resolution 1983/2 of 24 May 1983 that the Commission on Narcotic Drugs, meeting in plenary during its sessions and in the presence of all interested observers, should in future replace the current task force provisionally established and thus constitute the task force envisaged in General Assembly resolution 36/168,

Noting also Economic and Social Council decision 1983/117 of 24 May 1983, in which the Council decided to transmit to the General Assembly annex II to the report of the Commission on Narcotic Drugs on its thirtieth session,¹⁰² containing the programme of action for the third and fourth years of the basic five-year programme of action,

1. Approves the programme of action for the biennium 1984-1985, the third and fourth years of the basic five-

year programme of action, contained in annex II to the report of the Commission on Narcotic Drugs on its thirtieth session;

2. Decides that, beginning with its eighth special session, the Commission on Narcotic Drugs, meeting in plenary during its sessions and in the presence of all interested observers, will constitute the task force envisaged in General Assembly resolution 36/168 to review, monitor and co-ordinate the implementation of the International Drug Abuse Control Strategy and the basic five-year programme of action.

*100th plenary meeting
16 December 1983*

38/99. 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,

Recalling also the close relationship between all totalitarian ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred and terror and the systematic denial of human rights and fundamental freedoms,

Considering that the fortieth anniversary of the victory over nazism and fascism in the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against Nazi, Fascist and neo-Fascist and all other totalitarian ideologies and practices based on racial intolerance, hatred and terror,

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 the self-determination of peoples, and achieving international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all,

Firmly convinced that the best bulwark against nazism and racial discrimination is the establishment and maintenance of democratic institutions, that the existence of genuine political, social and economic democracy is an effective vaccine and an equally effective antidote against the formation or development of Nazi movements and that a political system which is based on freedom and effective participation by the people in the conduct of public affairs, and under which economic and social conditions are such as to ensure a decent standard of living for the population, makes it impossible for fascism, nazism or other ideologies based on terror to succeed,

Emphasizing that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace and constitute obstacles to friendly

¹⁰⁰ A/38/480

¹⁰¹ Official Records of the Economic and Social Council, 1981, Supplement No. 4 (E/1981/24), annex II.

¹⁰² *Ibid.*, 1983, Supplement No. 5 (E/1983/15).

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.

Mindful of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, set forth in General Assembly resolution 3074 (XXVIII) of 3 December 1973.

Recalling also 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, 35/200 of 15 December 1980, 36/162 of 16 December 1981 and 37/179 of 17 December 1982.

Recalling further the Declaration on Social Progress and Development,¹⁰³ the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,¹⁰⁴ the Declaration on the Granting of Independence to Colonial Countries and Peoples¹⁰⁵ and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,¹⁰⁶

Underlining the importance of the Universal Declaration of Human Rights,¹⁰⁷ the International Covenants on Human Rights,¹⁰⁸ the International Convention on the Elimination of All Forms of Racial Discrimination¹⁰⁹ and the Convention on the Prevention and Punishment of the Crime of Genocide,¹¹⁰

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

Noting again 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 or systematic denial of human rights and fundamental freedoms, or which have such consequences;

2. *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 the ideologies and practices described in paragraph 1 above;

3. *Calls 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 are found guilty, in punishing them;

4. *Urges* all States to draw attention to the threat 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;

5. *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;

6. *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;

7. *Appeals* to all States that have 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, 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 Humanity¹¹¹ and the International Convention on the Suppression and Punishment of the Crime of Apartheid;¹¹²

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

9. *Requests* the Secretary-General to ensure that the Department of Public Information of the Secretariat pays 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 paragraph 1 above;

10. *Reiterates its request* to the Commission on Human Rights to consider this subject at its fortieth session;

11. *Requests* 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 will take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

*100th plenary meeting
16 December 1983*

38/100. Situation of human rights and fundamental freedoms in Guatemala

The General Assembly:

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms.

Recalling its resolution 37/184 of 17 December 1982.

Taking note of Commission on Human Rights resolution 1983/37 of 8 March 1983,¹¹³ in which the Commission reiterated its profound concern at the continuing reports of massive violations of human rights in Guatemala.

Noting that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1983/12 of 5 September 1983,¹¹⁴ recognized that in Guatemala there existed an armed conflict of a non-international character, which stemmed from economic,

¹⁰³ Resolution 2542 (XXIV).

¹⁰⁴ Resolution 1904 (XVIII).

¹⁰⁵ Resolution 1514 (XV).

¹⁰⁶ Resolution 36/55.

¹⁰⁷ Resolution 217 A (III).

¹⁰⁸ Resolution 2200 A (XXI), annex.

¹⁰⁹ Resolution 2106 A (XX), annex.

¹¹⁰ Resolution 260 A (III), annex.

¹¹¹ Resolution 2391 (XXIII), annex.

¹¹² Resolution 3068 (XXVIII), annex.

¹¹³ See *Official Records of the Economic and Social Council, 1983, Supplement No. 3 (E/1983/13 and Corr.1)*, chap. XXVII, sect. A.

¹¹⁴ See E/CN.4/1984/3-E/CN.4/Sub.2/1983/43 and Corr.1 and 2, chap. XXI, sect. A.