

tion of human rights in the Islamic Republic of Iran, and to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country;

5. *Urges* the Government of the Islamic Republic of Iran to extend its full co-operation to the Special Representative of the Commission on Human Rights, and, in particular, to permit him to visit that country;

6. *Requests* the Secretary-General to give all necessary assistance to the Special Representative;

7. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its forty-second session in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

*97th plenary meeting
4 December 1986*

41/160. 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 succeeding generations from the scourge of war,

Aware of the determination proclaimed by the peoples of the world in the Charter to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Deeply alarmed at the existence of groups and organizations which still propagate totalitarian ideologies and practices, including Nazi, Fascist and neo-Fascist ones, which violate human rights and fundamental freedoms, in particular the rights to self-determination, to life, liberty and security of person and to freedom from discrimination, and which thereby constitute a threat to the purposes and principles laid down in the Charter,

Expressing its concern that the proponents of Fascist, neo-Fascist and other totalitarian ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

Deeply concerned that in the contemporary world there continue to exist racist, colonialist and other forms of totalitarian ideologies, régimes and practices which entail contempt for the individual or denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in civil, political, economic, social and cultural spheres,

Reaffirming that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial, ethnic or other exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which have such consequences, are incompatible with the purposes and principles of the Charter, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms,

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,

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, 35/200 of 15 December 1980, 36/162 of 16 December 1981, 37/179 of 17 December 1982, 38/99 of 16 December 1983, 39/114 of 14 December 1984 and 40/148 of 13 December 1985,

1. *Again condemns* all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist ideologies, based on racial, ethnic or other exclusiveness or intolerance, hatred and terror, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity, and expresses its determination to combat those ideologies and practices;

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 Rights² and the International Covenants on Human Rights,²⁴ to prohibit or otherwise deter activities of groups or organizations or whoever is practising those ideologies;

3. *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;

4. *Calls upon* all States, in accordance with the basic principles of international law, to refrain from practices aimed at the violation of basic human rights;

5. *Appeals* to States that have not yet done so to become parties to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide,¹⁶¹ the International Convention on the Elimination of All Forms of Racial Discrimination,³ the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity¹⁶² and the International Convention on the Suppression and Punishment of the Crime of *Apartheid*;⁴

6. *Invites* all States and international organizations to submit to the Secretary-General their comments and information on the implementation of the present resolution;

7. *Requests* the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its forty-third session in the light of the discussion that will take place in the Commission on Human

¹⁶¹ Resolution 260 A (III), annex.

¹⁶² Resolution 2391 (XXIII), annex.

Rights and on the basis of comments provided by States and international organizations.

97th plenary meeting
4 December 1986

41/161. Situation of human rights and fundamental freedoms in Chile

The General Assembly,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and determined to remain vigilant with regard to violations of human rights wherever they occur,

Noting the obligation of the Government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party,

Bearing in mind that the concern of the international community at the situation of human rights in Chile was expressed by the General Assembly in a number of resolutions, particularly resolution 33/173 of 20 December 1978 on disappeared persons and resolution 40/145 of 13 December 1985, in which the Assembly invited the Commission on Human Rights to adopt the most appropriate measures for the effective restoration of human rights and fundamental freedoms in that country, including the extension of the mandate of the Special Rapporteur,

Considering that the Special Rapporteur proposes to submit to the Commission on Human Rights at its forty-third session a final report on the situation of human rights in Chile,

Recalling the pertinent resolutions of the Commission on Human Rights, particularly resolution 1986/63 of 14 March 1986,¹⁶³ in which the Commission decided, *inter alia*, to extend the mandate of the Special Rapporteur for one year and to consider this subject as a matter of high priority, in view of the persistence of serious violations of human rights in Chile,

Deploring once again the fact that the repeated appeals of the General Assembly, the Commission on Human Rights and other international organs to re-establish human rights and fundamental freedoms have been ignored by the Chilean authorities,

Considering certain reports prepared by various non-governmental organizations which have made public the serious violations of human rights in Chile,

Noting that certain measures, such as the re-introduction of the labour tribunals and the establishment of the Advisory Commission on Human Rights of the Ministry of the Interior, are insufficient owing to the restrictions imposed on their competence and that the decision not to banish opponents and expel them from the country does not limit the existing discretionary powers,

1. Takes note with interest of the preliminary report of the Special Rapporteur on the situation of human rights in Chile,¹⁶³ submitted in accordance with Commission on Human Rights resolution 1986/63;

2. Recognizes, as a positive fact, that the Government of Chile permitted the Special Rapporteur to visit the country in December 1985, providing him with its cooperation and free access to the facilities for conducting his investigation and expresses its confidence that a further visit will be authorized on the same conditions in the im-

mediate future; at the same time, it regrets that this cooperation of the Government of Chile with the efforts of the United Nations has not led to a substantial improvement in human rights and fundamental freedoms;

3. Expresses its deep distress at the absence of institutional machinery which protects the unrestricted exercise of civil, political, economic, social and cultural rights, a basic condition for the free expression of the people's will;

4. Expresses its deep concern at the persistence of serious violations of human rights in Chile, as described in the report of the Special Rapporteur, which refers to such violations as deaths, abductions, temporary disappearances, torture and ill-treatment by the security forces, the climate of insecurity, the maintenance of exile and the discriminatory character of the announced list of citizens authorized to return to the country and the denial of fundamental rights and freedoms through the maintenance of arbitrary executive powers during the prolonged period in which states of emergency have remained in force and the recent re-establishment of the state of siege;

5. Expresses its concern at the denial by the Chilean authorities of the exercise of the rights of free expression, assembly and association, through the use of repressive methods and violent responses to social and political demonstrations of opposition, in particular military searches of marginal settlements and university premises and acts of intimidation against religious and lay human rights bodies;

6. Again expresses its conviction that a legal and political order based on the expression of the people's will through an electoral process open, on a footing of equality, to all the citizens and on free elections is fundamental for full respect for human rights in Chile as it is in any other country;

7. Expresses its grave concern at the ineffectiveness of the governmental authorities in preventing the ill-treatment of individuals by the military, police and security forces and expresses particular concern at the failure of the competent judicial authorities to take the necessary steps to conduct full investigations and prosecute those responsible for the numerous unresolved cases of murder, abduction, disappearances and torture;

8. Welcomes with satisfaction the requests from various social and political sectors for the re-establishment of a pluralist democracy;

9. Emphasizes the need for the Government of Chile to restore and respect human rights in conformity with the principles of the Universal Declaration of Human Rights² and in compliance with the obligations it has assumed under various international instruments, so that the principle of legality, democratic institutions and the effective enjoyment and exercise of human rights and fundamental freedoms may be restored, and, in particular:

(a) To put an end immediately to the state of siege declared in September 1986 and to the arbitrary practice of declaring "constitutional states of emergency" under which serious and continuing violations of human rights are committed in the country;

(b) To amend legislation, including the laws permitting the arbitrary use of such states of emergency, so as to bring them into conformity with guarantees of human rights, as defined in international instruments;

(c) To put an end immediately to all forms of physical and psychological torture and to respect effectively the right to life and to physical and moral integrity, and to desist, furthermore, from intimidation and persecution, ab-

¹⁶³ A/41/719, annex.