

Amendment to Resolution L.56 on combating the glorification of Nazism
UNGA Third Committee 72

Delete the second half PP2 as follows (delete the second half of the paragraph beginning with “and its resolutions 61/149....):

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004 and 2005/5 of 14 April 2005 and relevant Human Rights Council resolutions, in particular resolutions 7/34 of 28 March 2008, 18/15 of 29 September 2011 and 21/33 of 28 September 2012, as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007, 63/162 of 18 December 2008, 64/147 of 18 December 2009, 65/199 of 21 December 2010, 66/143 of 19 December 2011, 67/154 of 20 December 2012, 68/150 of 18 December 2013, 69/160 of 18 December 2014, 70/139 of 17 December 2015 and **71/179 of 19 December 2016** on this issue, and its resolutions ~~61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008, 64/148 of 18 December 2009, 65/240 of 24 December 2010, 66/144 of 19 December 2011, 67/155 of 20 December 2012, 68/151 of 18 December 2013, 69/162 of 18 December 2014, 70/140 of 17 December 2015,~~ **and its resolution 71/181 of 19 December 2016** entitled “A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”,

Delete PP5 in its entirety:

Recalling also the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference of 24 April 2009, in particular paragraphs ~~11 and 54,~~

Revise PP9 by deleting the second clause as follows:

Mindful of the horrors of the Second World War, ~~and stressing in this regard that the victory over Nazism in the Second World War whose end contributed to establishing the conditions for the creation of the United Nations, designed to prevent future wars and save succeeding generations from the scourge of war,~~

Delete OP1 in its entirety:

~~1. *Reaffirms* the relevant provisions of the Durban Declaration and of the outcome document of the Durban Review Conference, in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;~~

Delete the last clause of OP4 as follows:

~~4. *Expresses deep concern* about the glorification, in any form, of the Nazi movement, neo-Nazism and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought~~

against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

Delete OP7 in its entirety:

7. — ~~Encourages those States that have made reservations to article 4 of the Convention to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur;~~

Delete OP8 in its entirety:

8. — ~~Recalls that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups and similar extremist ideological movements, should be in conformity with the relevant international human rights norms law, in particular articles 4 and 5 of the Convention and articles 19 to 22 of the Covenant;~~

Delete OP8bis in its entirety:

8bis. ~~Encourages States parties to the Convention to ensure that their legislation incorporates the provisions of the Convention, including those of article 4;~~

Replace OP9 with the following:

9. *Emphasizes* that commemorative celebration of the Nazi regime, its allies, and related organizations do injustice to the memory of the countless victims of the Second World War and negatively influence children and young people;

Delete OP10 in its entirety:

10. — ~~Expresses deep concern about increased frequency of attempts and activities to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;~~

Delete the last 2 clauses of OP13 as follows:

13. *Reaffirms* that such acts may be qualified as falling within the scope of the Convention, that they may not be justified when they fall outside the scope of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of expression and that they may fall within the scope of article 20 of the International Covenant on Civil and Political Rights and may be subject to certain restrictions, as set out in articles 19, 21 and 22 of the Covenant;

Replace OP14 with the following:

14. *Encourages* States to take concrete measures, including legislative and educational ones, in order to combat the denial of the crimes against humanity and war crimes committed during the Second World War;

Delete a phrase from OP16 as follows:

16. *Welcomes* the call of the Special Rapporteur for the active preservation of those Holocaust sites that served as Nazi death camps, concentration and forced labour camps and prisons, as well as his

encouragement to States to take measures, including legislative, law enforcement and educational measures, to put an end to all forms of Holocaust denial;

Delete after the first comma in OP19 as follows:

19. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, ~~in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and may negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter, including those related to the purposes and principles of the Organization;~~

Revise OP24 as follows, changing the phrase “racist and xenophobic violence” to “imminent violence”:

24. *Encourages* States to adopt further measures to provide training for the police and other law enforcement bodies on the ideologies of extremist political parties, movements and groups whose advocacy constitutes incitement to imminent racist and xenophobic violence, to strengthen their capacity to address racist and xenophobic crimes, to fulfil their responsibility for bringing to justice the perpetrators of such crimes and to combat impunity;

Replace OP30 with the following:

30. *Notes* measures taken by States to prevent discrimination against, in particular but not limited to, persons belonging to national or ethnic, religious and linguistic minorities, people of African descent, Roma, migrants, refugees and asylum seekers, and to ensure their integration into society, and urges States to ensure the full and effective implementation of legal, policy and institutional measures protecting these individuals and groups, and recommends that States effectively guarantee to these individuals and groups, without discrimination of any kind, their human rights, as well as the prosecution and adequate punishment of those responsible for racist and xenophobic crimes against them;

Revise OP31 as follows by replacing “extremism” with “racism” and “must” with “should”:

31. *Underlines* that the roots of ~~extremism~~ racism are multifaceted and should ~~must~~ be addressed through adequate measures such as education, awareness-raising and the promotion of dialogue, and in this regard recommends the increase of measures to raise awareness among young people of the dangers of the ideologies and activities of extremist political parties, movements and groups;

Replace OP34 with the following:

34. *Emphasizes* the importance of history classes in teaching the dramatic events including the Holocaust and the Holodomor (1932-33) and human suffering which resulted from totalitarian ideologies, including Nazism and Fascism;

Replace OP37 and its subparagraphs with the following:

37. *Calls on States* to condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to counter all incitement to, or acts of, such discrimination and with

due regard to the Universal Declaration of Human Rights and the Convention, to not permit public authorities or public institutions, national or local, to promote or incite racial discrimination;

Delete OP38 in its entirety:

~~38. Also reaffirms that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;~~

Replace OP40 with the following:

40. Expresses concern about the increased use of the Internet to promote and disseminate racism, racial hatred, xenophobia, racial discrimination, Anti-Semitism and related intolerance, and in this regard calls upon States parties to the International Covenant on Civil and Political Rights to counter the dissemination of the above-mentioned ideas while respecting their obligations under article 19 of the Covenant, which guarantees the right to freedom of expression;

Reinstate OP 41

41. Calls upon States to adopt measures to strengthen freedom of expression, which plays a crucial role in promoting democracy and combating racist and xenophobic ideologies based on racial superiority

Revise OP47 as follows by deleting a phrase:

47. Requests the Special Rapporteur to prepare, for submission to the General Assembly at its **seventy-third** session and to the Human Rights Council at its thirty-eighth session, reports on the implementation of the present resolution, ~~and encourages him to pay specific attention to paragraphs 4, 9, 10, 11, 13, 18, 19, 34 and 35 above,~~ based on the views collected in accordance with the request of the Commission, as recalled in paragraph 45 above;