



General Assembly
Economic and Social Council

Distr.
GENERAL

A/38/166/Add.2
E/1983/34/Add.2
24 October 1983
ENGLISH
ORIGINAL: ENGLISH/FRENCH/
RUSSIAN/SPANISH

GENERAL ASSEMBLY
Thirty-eighth session
Agenda item 12
REPORT OF THE ECONOMIC AND
SOCIAL COUNCIL

ECONOMIC AND SOCIAL COUNCIL
First regular session of 1983
Agenda item 10
HUMAN RIGHTS

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

Report of the Secretary-General

Addendum

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I. INTRODUCTION

1. Since the addendum to the report of the Secretary-General (A/38/166/Add.1-E/1983/34/Add.1) was issued, replies have been received from the Governments of the Central African Republics, Cuba, the Federal Republic of Germany, Thailand, the Ukrainian Soviet Socialist Republic and Zimbabwe, which are summarized in section II below. The replies received from non-governmental organizations are summarized in section III. 1/

II. COMMENTS PROVIDED BY STATES

2. The Government of the Central African Republic indicated that since there were no manifestations of Nazi, Fascist and neo-Fascist activities in that country or of any of the other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror, its legislation did not yet contain specific laws on that subject; however, by Order No. 66/32 and Decree No. 264, it prohibited and defined any manifestation of racism and tribalism in the national territory.

3. The Government of the Republic of Cuba indicated the following:

(a) In accordance with General Assembly resolution 37/179 of 17 December 1982, the Government adopted 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;

(b) It viewed fascism in all its manifestations as a danger to world peace, to friendly relations among States and to the full exercise of human rights and fundamental freedoms;

(c) It reiterated its deep concern regarding the increasing activities of groups and organizations that propagate such ideologies and practices;

(d) It pointed out the Zionist practices in Israel and in the occupied Arab territories, the policy of apartheid in force in South Africa and in illegally occupied Namibia, and the existence of associations and parties in the United States of America and other Western countries which practise Nazi, Fascist and neo-Fascist ideologies actively and with absolute impunity. As an example of measures taken by the Government, reference was made to the Constitution, the Criminal Code and the Associations Act (No. 1320).

4. The Government of the Federal Republic of Germany stated that it attached particular importance to the fight against extremist activities based on totalitarian ideologies, which include nazism, facism and neo-fascism. The

Government noted that totalitarian activities of every type represent a lost cause in the Federal Republic of Germany, as has been proved by the vast majority of the population during the 35-year existence of the Federal Republic of Germany in free political elections at the federal, land and local levels. For example, the Government indicated that, in the election of 6 March 1983 to the tenth German Bundestag, the National Democratic Party (NPD), the only extreme right-wing party to take part in the election, did not win in a single constituency. The Government also indicated that (a) the number of members of extreme right-wing organizations was decreasing; (b) the overall total of extreme right-wing publications also fell in 1982, compared with the previous year; (c) left-wing extremist activities and organizations and groups were about three times more numerous than right-wing extremists.

5. The Government referred to the legal provisions in force to combat extremist subversion and activities and stated that those provisions had prove their worth in practice. It, for example, indicated that:

(a) At the beginning of 1982, the neo-Nazi Volkssozialistische Bewegung Deutschlands Partei der Arbeit (German Popular Socialist Movement Party of Labour) and its youth organization Junge Front were banned by the Federal Minister of the Interior because of their activities directed against the liberal and democratic basis of the State;

(b) The authorities in the Federal Republic of Germany responded to acts of violence by right-wing extremists with the consistent prosecution of offenders.

6. The Government further stated that education, the mass media and the undertaking of studies and publications of relevant reports played an important role in the struggle against racial hatred and totalitarian ideologies and extremist activities.

7. The Government concluded that its efforts assured the implementation of the measures called for by the General Assembly in resolution 37/179.

8. The Government of Thailand stated that the measures adopted by authorities responsible for peace-keeping and internal security in the country included the prevention of any groups or organizations with totalitarian ideologies from undertaking any activities which might create disturbances in the country.

9. The Government of the Ukrainian Soviet Socialist Republic stated that it had always advocated the adoption of effective measures to combat fascism and Nazi, Fascist and neo-Fascist and all other forms of ideologies and practices based on racial intolerance, hatred and terror. It added that the fact that neo-Fascist groups and organizations not only operated openly and actively in a number of countries, but also co-ordinated their activities at the international level, called for greater harmony of action by States and the stepping-up of international co-operation to combat nazism, fascism and neo-fascism.

10. The Government suggested that:

(a) Effective measures should be waged against the resurgence of nazism and fascism and the drafting of a declaration on this question should be given priority;

(b) States' legislative and executive authorities must adopt and implement measures for the suppression of the activities of neo-Fascist and other Nazi organizations and the complete elimination of their theories and ideologies;

(c) States which have not yet done so, should be called upon to become parties 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 and the International Convention on the Suppression and Punishment of the Crime of Apartheid;

(d) All States should comply with the invitation of the General Assembly to adopt, 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 (resolution 37/179, para. 4);

(e) The Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Group of Three of the Commission on Human Rights should be called upon to pay particular attention to the subject-matter when considering reports from States;

(f) International organizations should intensify their activities in order to expose the essence of those reactionary manifestations and to include the education of peoples, particularly the young, in a spirit of peace and friendship among peoples;

(g) The forthcoming fortieth anniversary, in 1985, of the people's victory over the forces of fascism in the Second World War should serve to mobilize the efforts of the entire world community in the struggle against the ideologies and practices of nazism, fascism and neo-fascism.

11. The Government finally referred to measures it had taken for the full implementation of the said international legal instruments and other recommendations of the General Assembly and its organs.

12. The Government of Zimbabwe referred to the Constitution of the country, which guarantees rights enunciated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and also envisages limitations to those rights as permissible in terms of international instruments. The Government added that, although at present there are no measures in Zimbabwean law specifically geared to the requirements of paragraphs 2 and 4 of General Assembly resolution 37/179, it might be possible, in certain circumstances, to invoke various existing statutory provisions to deal with the situations envisaged in the said resolution. The Government referred, for example, to the Unlawful Organizations Act, chapter 91 and part III of chapter 65 of the Law and Order Maintenance Act. Section 44 of chapter 65 of the Maintenance Act is of particular

relevance in so far as concerns paragraph 4 of the General Assembly resolution. In terms of subsection (2), it is an offence, punishable with imprisonment for a period not exceeding five years, for any person, inter alia, to produce, publish, display or disseminate a subversive statement. A "subversive statement" is defined in section 44 (1) (e) as including a statement "which is likely ... to engender or promote feelings of hostility to or expose to contempt, ridicule or disesteem any group, section or class in or of the community of a particular race, religion or colour".

III. COMMENTS PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS

Category II

Christian Peace Conference

13. The Christian Peace Conference referred to the communiqué on the seminar it organized on "The critical analysis of fascism 50 years after Hitler's coming to power", which was held at Kladno, Czechoslovakia, from 28 April to 1 May 1983. The participants in the seminar, inter alia, emphasized that (a) in spite of the important successes achieved in the course of the anti-Fascist struggle waged by the international workers' movement, the organizations of resistance fighters, the world-wide peace movement and the democratic world public, the danger of fascism and neo-fascism had not yet been eliminated; (b) it was important to analyse the social, political and economic roots of fascism in the past as well as those of neo-fascism today, so as to be able effectively to orient and co-ordinate all anti-fascist forces. They also noted that great significance with respect to the success of the anti-Fascist struggle was adjudged to systematic informational and educational activity among the public, especially as concerns the post-war generation and youth.

The Salvation Army

14. The Salvation Army stated that, as a part of the universal Christian Church with members of its own confessional family in 86 countries, it was a constant witness against racial discrimination and for the rights of all men everywhere to freedom and justice irrespective of colour, creed or country.

World Confederation of Organizations of the Teaching Profession

15. The World Confederation of Organizations of the Teaching Profession and its member organizations reported that they were most concerned by the issues raised in General Assembly resolution 37/179 and were vigilant in opposing the phenomena described. The World Confederation referred to action in the field of education against totalitarian or other ideologies and practices, including nazism, neo-fascism and racial or ethnic intolerance. Such action is discussed among seven

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national teacher organizations, which meet as an international committee to combat racism, anti-semitism and apartheid.

Notes

1/ The full texts of the replies received from Governments and non-governmental organizations are available for consultation in the files of the United Nations Secretariat.
