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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

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

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION .....	1 - 5	2
II. CONSIDERATION BY THE COMMISSION ON HUMAN RIGHTS .....	6 - 8	3
III. COMMENTS PROVIDED BY STATES .....	9 - 37	3
IV. COMMENTS PROVIDED BY INTERNATIONAL ORGANIZATIONS .....	38 - 40	8

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## I. INTRODUCTION

1. At its thirty-sixth session, the General Assembly, in resolution 36/162 of 16 December 1981, recalled that the United Nations had emerged from the struggle against nazism, fascism, aggression and foreign occupation, and that the peoples had expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war. The Assembly also recalled its previous resolutions on the matter and a number of relevant international instruments, and emphasized that all totalitarian or other ideologies and practices, in particular Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which had such consequences, might jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms.

2. In the same resolution, the Assembly reaffirmed that such ideologies and practices were incompatible with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, 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 Humanity, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant international instruments.

3. In paragraph 7 of the same resolution, the Assembly requested the Commission on Human Rights to continue the consideration of this subject at its thirty-eighth session under the title "Measures to be taken against all totalitarian or other ideologies and practices, in particular Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences".

4. In paragraph 8 of the same resolution, the Secretary-General was requested to submit a report, through the Economic and Social Council, to the General Assembly at its thirty-seventh session in the light of the discussion that would take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

5. Accordingly, the Secretary-General addressed a note verbale, dated 29 January 1982, to States and international organizations requesting their comments on the subject matter. As at 2 April 1982, the Secretary-General received replies from the following States: Byelorussian Soviet Socialist Republic, Cyprus, German Democratic Republic, Israel, Morocco, Philippines, Poland, Saint Vincent and the Grenadines, Spain, Sudan and Upper Volta. A reply was also received from the Organization of American States. 1/

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1/ The full texts of the replies are available for consultation in the files of the United Nations Secretariat.

## II. CONSIDERATION BY THE COMMISSION ON HUMAN RIGHTS

6. In accordance with General Assembly resolution 2839 (XXVI) of 18 December 1971, the Commission on Human Rights has maintained on its agenda, since its twenty-eighth session in 1972, an item entitled "Question of measures to be taken against ideologies and practices based on terror or incitement to racial discrimination or any other form of group hatred".

7. Pursuant to General Assembly resolution 36/162, the item was considered by the Commission at its thirty-eighth session under the title "Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial, ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences".

8. The Commission began its consideration of this item at its 60th meeting, on 11 March 1982. At that meeting the representative of the Byelorussian Soviet Socialist Republic introduced a draft resolution (E/CN.4/1982/L.53), with respect to the item, sponsored by Bulgaria, the German Democratic Republic and Poland. At the same meeting, the representative of the Netherlands introduced amendments to the draft resolution (E/CN.4/1982/L.69) sponsored by Australia, Canada and the Netherlands. The Commission decided to defer discussion and action on the item until its thirty-ninth session, when the item would be accorded high priority. 2/

## III. COMMENTS PROVIDED BY STATES

9. The Government of the Byelorussian Soviet Socialist Republic stated that it consistently supported the adoption of effective measures against the threat of a resurgence of nazism, fascism, neo-fascism and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror. The Government recalled the suffering it had experienced under the Nazi and Fascist régimes. It expressed deep concern over the recent intensification of neo-Fascist and racist activities in certain countries, and cited the urgency for raising in the United Nations the question of the need for the adoption, at the international and national levels, of effective measures to combat this dangerous trend. The Government cited areas where it felt there was a need for wide-ranging discussion within the framework of the United Nations in connexion with combating totalitarian theories and practices.

10. The Government suggested that the following measures be taken at the national and international levels:

(a) Prohibition by law of the activities of groups and organizations advocating or actually engaging in nazism, fascism, neo-fascism or other similar ideologies based on racial intolerance, group hatred and terror;

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2/ Official Records of the Economic and Social Council, 1982, Supplement No. 2 (E/1982/12).

(b) Intensification of the unmasking by various means, including the educational system and the mass media, of the ideologies and practices of nazism, fascism and neo-fascism, genocide, apartheid, and of the other ideologies based on racial exclusiveness, group hatred or terror;

(c) Publication and dissemination by the Department of Public Information of the United Nations Secretariat of materials exposing the above-mentioned ideologies and practices for what they were.

11. The Government stressed the need for appropriate action at the national level. In this connexion, it felt that it was essential that the United Nations should appeal to States which had not done so to become parties to the relevant international instruments. The Government pointed out that its system of social relations and the legislation in force precluded any possibility of the emergence of ideologies and practices based on racial intolerance, hatred and terror.

12. The Government of Cyprus reported that Nazi or other types of racist organizations had never existed in the country. The Government stressed the need for practical measures aimed at prohibiting Nazi, Fascist and neo-Fascist organizations and at combating all manifestations of violence and political terror.

13. The Government felt that it was of great importance that all States and international organizations cease economic and military co-operation and assistance to racist régimes, as an effective means of bringing an end to their racist policies.

14. The Government reported that the principles of co-operation and understanding among all people were taught in its schools, particularly in civics courses. The Government indicated that the youth of the country were made aware of the danger of nazism, fascism and all other similar political doctrines and ideas.

15. The German Democratic Republic stated that, in the light of renascent Nazi, Fascist and neo-Fascist tendencies and of continuing Fascist practices by terrorist régimes, the adoption of strong countermeasures is imperative both at the national and international levels. The Government stated that it had ratified the relevant international legal instruments and set up the necessary legal regulations, and that all of them had been strictly applied. In accordance with the pertinent resolutions of the United Nations, the Government was committed to resolutely opposing all neo-Fascist manifestations throughout the world. In the view of the Government, every step directed towards strengthening peace, ensuring peaceful coexistence, developing equality based on relations of friendship among the peoples of the world and achieving disarmament was, at the same time, helping to combat the spread of Fascist ideologies and practices. The Government suggested that:

(a) The progressive development of legal instruments, both at the national and international levels was imperative;

(b) All States comply with the demands set out in General Assembly resolution 36/162 relating to racial intolerance and war propaganda by declaring any activities related to fostering them punishable by law;

(c) Ensuring the cessation of racist propaganda must go hand in hand with a successful education of humanity in a spirit of peace, peaceful and equitable co-operation, equality, equal rights and social progress. No one must invoke the principle of freedom of the press and freedom of information to shield the dissemination of theories conducive to the violation of human rights;

(d) All States which had not yet done so should accede to the relevant international conventions, that is, those mentioned in General Assembly resolution 36/162.

16. Recalling that the hatred of Jews and Jewish culture is a cornerstone of Nazi ideology, the Government of Israel stated that it was intrinsically opposed to nazism in all its forms and manifestations. The Government reported that it had enacted the following legislative measures specifically against nazism:

(a) The Crime of Genocide (Prevention and Punishment) Law of 1950.

(b) Nazism and Nazi Collaborators (Punishment) Law of 1950, amended in 1963.

17. The Government had ratified the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of All Forms of Racial Discrimination. It had also signed and was in the process of ratifying the International Covenants on Human Rights.

18. The country's education system included education against the perils of nazism: mandatory courses on the history of the crimes of nazism and especially the Holocaust were included at all levels of Israel's school system. In addition, the Government had established, by law, a martyrs' and heroes' commemoration authority, known as Yad Va-Shem, whose task it was to commemorate the victims of Nazi genocide and the heroism of those who had resisted the Nazi oppressors.

19. Israel observed as an official annual day of mourning the Martyrs of Nazism Memorial Day, called Yom Ha-Sho'a.

20. Israel lent every possible assistance whenever requested to the discovery, capture, and bringing to justice of Nazi war criminals as well as to the suppression of neo-Nazi activity throughout the world.

21. The Government of Israel suggested that educational programmes, similar to those of its own, should be adopted throughout the world to provide people with the necessary determination to eradicate neo-nazism and terrorism.

22. The Government stated that the Kingdom of Morocco, where the political system is based on a constitutional monarchy, is steadfastly opposed to all forms of colonialism, despotism and oppression and all ideologies and practices based on totalitarianism, intolerance, hatred and racial terror. Even during the protectorate, the Moroccans did not hesitate to take up arms against the Nazi and Fascist régimes.

23. The Government states that its laws are fundamentally in conformity with the

spirit of the Charter of the United Nations and the principles of the Universal Declaration of Human Rights; it has ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

24. Morocco's commitment to respect these Covenants and to submit periodic reports on them is proof that it has not contented itself with voting for General Assembly resolution 36/162, but has also taken effective measures to implement that resolution.

25. The Government of the Philippines reported that Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror, were non-existent in the country. The Government stated that its existing democratic institutions, such as the exercise of suffrage, rule of law and of due process, independence of the judiciary, universal public education, representative and democratic legislative organs, together with the necessary human rights institutions of safeguards, were effective deterrents against the appearance or growth of nazism, fascism and neo-fascism and related activities. Moreover, the periodic holding of popular elections, the unsullied stature and integrity of Philippine legal structures, as supported by a comprehensive set of socio-economic development measures, as well as adequate governmental services in all fields, all aided by active media institutions, were conditions and elements which had profoundly created a national situation in which these negative ideologies would not gain inroads in the hearts and minds of the Philippine people.

26. In particular, the educational system of the Philippine Government, which was of a universal and democratic character, had established appropriate and positive conditions of high public literacy, strong civic awareness and orientation towards citizens' development, which, by themselves, constituted important elements for combating the aforesaid ideologies.

27. With respect to measures to be taken vis-à-vis these negative ideologies, the Philippine Government commended the conclusions and recommendations adopted by the Seminar held at Nairobi, Kenya, from 19 to 30 May 1980, particularly its conclusions 1-4, 7, 9, 12, 13, 22, 23, 28 and 35, and its recommendations 4, 5 and 7. <sup>3/</sup> Similarly, the Philippine Government considered that conclusions Nos. 4 to 9 and 11, as well as recommendations Nos. 1 to 3 adopted by the Round Table of University Professors and Directors of Race Relations Institutions on the Teaching of Problems of Racial Discrimination, held at Geneva from 4 to 9 November 1980, had direct and current relevance to the question under consideration.

28. The Government of Poland, recalling how the country suffered from Fascist aggression and occupation during the Second World War, emphasized the importance of

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<sup>3/</sup> Seminar on political, economic, cultural and other factors underlying situations leading to racism including a survey of the increase or decline of racism and racial discrimination (ST/HR/SER.A/7).

initiating and pursuing effective measures at all levels against the revival of nazism, fascism and neo-fascism, and similar ideologies of racism and apartheid.

29. The Government recalled its support with respect to such measures, and expressed its concern that proponents of fascist ideologies had, in a number of countries, intensified their activities and were increasingly co-ordinating them on an international scale. The Government condemned such manifestations of racism and fascism, notably in South Africa. The Government felt that there was an urgent need to discourage any proliferation of such practices, through the prosecution and punishment of crimes against humanity and the ratification of, or accession to, the existing international instruments in this field. In the view of the Government of Poland, it would be highly desirable for the United Nations to work out a declaration condemning all manifestations of such ideologies and to proclaim 1 September an "International Day of the Struggle Against Fascism" in order to epitomize the sufferings and losses of mankind inflicted by fascism and nazism.

30. The Government of Saint Vincent and the Grenadines stated that it supported the objectives of General Assembly resolution 36/162, which sought to protect and safeguard human lives from political bigotry and the excesses of human intolerance. The Government further stated that its political institution was completely democratic, with due respect given to the rights of all people - rights which were enforced and protected by the rule of law. The Government would not support or condone the practices mentioned in paragraph 7 of resolution 36/162, which were calculated to debase the human personality for political, racial, or ethnic exclusiveness through intolerance, hatred and terror.

31. The Government of Spain reported that it had ratified the following international instruments: 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 European Convention on Human Rights. In referring to several rights guaranteed under the Constitution of Saint Vincent and the Grenadines, the Government pointed out that, according to its preamble, the purpose of the Constitution was to "guarantee democratic coexistence and to ensure a constitutional State under the rule of law as an expression of the will of the people." The Government specifically referred to article 22, paragraph 1, of the Constitution, which, while recognizing the right to freedom of association, outlawed associations whose aims and activities might be characterized as unlawful; it also prohibited secret and paramilitary associations. The Government pointed out that its Penal Code, which it stated was adequate for the purpose of suppressing totalitarian ideologies and practices, was amended on 21 May 1980 to make provisions for offences relating to freedom of expression, assembly and association. The Penal Code was further amended on 4 May 1981 to penalize any conspiracy relating to rebellion. The Government stated that article 600 of the new draft Penal Code included among unlawful associations those which promoted and incited racial discrimination.

32. The Government of the Sudan reported that there was no express internal legislation regarding the prohibition of Nazi, Fascist and neo-Fascist activities in the country.

33. The Government stated that its Constitution of 1973, its Penal Code, and other administrative and legal measures, fully covered the question under consideration.

34. The Government of Upper Volta stated that in that country's criminal law, Nazi, Fascist and neo-Fascist activities are not treated as correctional offences or crimes as long as the phenomena underlying them are not manifested in the acts or omissions covered by and penalized under the legislation in force. The same holds true for other ideologies and totalitarian practices based on intolerance and hatred. As regards terror, it has criminal consequences insofar as it is always preceded or followed by violence against persons or property.

35. With regard to racial discrimination, which is only one element of fascism and nazism, it should be noted that the three Constitutions which have governed Upper Volta from 30 November 1960 to 25 November 1980 have all proclaimed the principle of equality among citizens without distinction as to race, ethnic background, sex or religion, and have provided for prosecution of persons committing such discrimination.

36. The Government referred to the penal provisions of the law of Upper Volta relating to terrorism and racial discrimination (arts. 1, 21, 28, 29 and 44). It added that, since under existing penal provisions there are adequate penalties for racial discrimination in the Republic of the Upper Volta, the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination did not necessitate any general legislative reform in this field.

37. The Government recalled that the Republic of Upper Volta has specifically condemned racial segregation and apartheid through its diplomatic action. Delegations of Upper Volta to the General Assembly have regularly condemned racial segregation and apartheid and supported resolutions concerning the imposition of economic and diplomatic sanctions on racist régimes.

#### IV. COMMENTS PROVIDED BY INTERNATIONAL ORGANIZATIONS

##### Organization of American States

38. The Organization of American States reported that, under the terms of article 13, paragraph 5, of the American Convention of Human Rights, States Parties undertook to consider such activities as offences punishable by law.

39. According to paragraph 5 of the Convention, "Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other illegal action against any person or group of persons on any grounds including those of race, color, religious, language, or national origin shall be considered offences punishable by law".

40. The Organization stated that, at present, 17 of the 29 member States of the Organization were States parties to the American Convention.