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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

Addendum

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I. INTRODUCTION

1. Since the issue of the report of the Secretary-General (A/37/188 and Corr.1), replies have been received from Bulgaria, Cuba, Hungary, India, Mexico, Mongolia, Senegal, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Cameroon and Yugoslavia. They are summarized in section II below.

II. COMMENTS PROVIDED BY STATES

2. The Government of Bulgaria expressed its concern at the resurgence of nazism, fascism and neo-Fascist activities throughout the world. The Government cited as possible contributing factors the deepening economic and socio-political inequalities in a number of countries. In its view these factors bred social and economic insecurity, growing unemployment, particularly among young people, and aggravation of racial and national feelings. The Government pointed out that political parties and groups with Fascist orientation were active in many countries throughout world. It was felt that fascism and neo-fascism in all their manifestations and at all stages remained the most vicious enemy of democracy and the constant threat to progress and peace. The Government felt that, in order to frustrate the revival of such ideologies and practice, it was necessary, first of all, that countries where such ideologies existed and where organizations and groups carried out their activities should address themselves in earnest and implement the measures set forth in General Assembly resolution 36/162. The Government pointed out the importance of the various relevant international instruments which had a bearing on the subject. The Government stated that its social political system prevented the existence of any groups or organizations with Fascist or neo-Fascist tendencies and also prevented the dissemination of racist ideologies. In this connection it was noted that a number of legislative acts were adopted which, in effect, banned all Fascist parties and organizations as well as any type of Fascist activities, ideologies and other similar manifestations. Reference was made to the country's Constitution of 1971, which contained provisions banning all organizations jeopardizing the rights of citizens and advocating Fascist or other anti-democratic ideology. Mention was also made of the provision in the country's penal code which considered in detail the content of crimes against national and racial equality and provided for the punishment of anyone engaging in acts to establish or maintain domination or systematic oppression of one racial group of people over another. The Government pointed out that it was a signatory to all the relevant international instruments mentioned in paragraph 5 of resolution 36/162 and further noted that, by virtue of its legislation as well as its legal practices, it strictly observed and fulfilled its obligations under those instruments.

3. The Government of Cuba reported that it reaffirmed its support for General Assembly resolution 36/162, which condemned all totalitarian or other ideologies and practices, in particular Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror and systematic denial of human rights and fundamental freedoms. The Government urged that effect be given to the provisions of the said resolution, particularly to those calling for the adoption of measures to prohibit or deter activities by groups or organizations practising

those ideologies. The Government reiterated its great concern at the expanding activities of organizations propagating and practising such ideologies.

4. The Government of Hungary reaffirmed its determination to adopt and implement the measures against nazism, fascism and neo-fascism. The Government recalled that it was a struggle against these ideologies that in effect gave rise to the United Nations. The Government gave credit to the United Nations for the considerable results achieved in the struggle against nazism, fascism and neo-fascism and the phenomena of racial discrimination. The Government was of the opinion that it was time for universal concrete and effective measures to be taken against such ideologies at the level of the General Assembly as the most appropriate forum for such action. In this respect, the Government welcomed the call by the General Assembly to Member States to adopt, in accordance with their national constitutional systems and with the relevant international instruments, 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. The Government referred to detailed information previously submitted on the extensive national legislation fully in conformity with the provisions of Assembly resolutions 35/200 and 36/162. It was pointed out that those laws and regulations were still in force. The Government observed that it was a party to all the relevant international conventions listed in paragraph 5 of resolution 36/162. The Government also referred to a number of broad-based organizations within the country which were involved in combatting Nazi, Fascist and neo-Fascist ideologies as well as ideas on racial discrimination, racial hatred and terror.

5. The Government of India stated that the Constitution of India adopted by the Constituent Assembly on 26 January 1950 envisaged only a democratic parliamentary form of Government based on free adult franchise. Each and every adult citizen of India was entitled to exercise his franchise, and there were no restrictions on that right based on race, caste, creed or religion. The Indian Constitution did not permit the existence of any groups or ideologies based on racial intolerance, hatred and terror. In fact, there were no groups or organizations existing in India practising nazism, fascism, neo-fascism or other ideologies based on racial intolerance, hatred and terror.

6. The Government of Mexico reported that, in ratifying the Charter of the United Nations, it endorsed the principles embodied therein and incorporated them in its legislation. The Government indicated that Nazi, Fascist and neo-Fascist activities or any other form of totalitarian ideologies and practices based on racial intolerance, hatred and terror did not exist in the country. The Government referred to the various provisions in its Constitution and Criminal Code designed to obviate the occurrence in the country of any phenomena or threats which might infringe on the inviolable and inalienable fundamental rights of the individual. For example, it was pointed out that, under article 1 of the Constitution, race was not a distinguishing feature, so that everyone was protected by law and, in consequence, no race had privileges over and above any other. The Government also referred to article 149 of the Criminal Code, which defined genocide and its penalty.

7. The Government of the Mongolian People's Republic stated that it attached great importance to consideration in the United Nations of the question of the

struggle against fascism, nazism and similar types of ideologies that advocated racial hatred and terror. It also expressed concern at the recent increase in the activities of neo-Fascist, Fascist and Nazi organizations in many countries. The government attached particular importance to the provision of the Programme for the Decade for Action to Combat Racism and Racial Discrimination which drew attention to the need for adoption by all States of measures to prohibit the establishment of such organizations. The Government pointed out that its social and economic structure precluded the possibility of any manifestation of racism, racial superiority, nazism and fascism in the country. It further stated that the constitutional principle of the equality of all citizens, regardless of sex, race or nationality, was consistently implemented. The Government proposed several measures which might be taken against the resurgence of nazism, fascism or similar types of ideologies and factors. For example, it suggested that an appeal be made to States that had not yet become parties to certain relevant international instruments to ratify or accede to such instruments and to comply strictly with their provisions. It was further suggested that there be strict compliance by all States with the provisions of General Assembly resolution 2839 (XXVI) entitled "Measures to be taken against nazism and other totalitarian ideologies and practices based on incitement to hatred and racial intolerance". It also suggested the adoption within the framework of the United Nations of a declaration on that question. The Government further suggested the wide use of the mass information media by the United Nations and other international organizations to acquaint world public opinion with the danger of the resurgence of nazism and fascism and to cultivate in the young the spirit of peace and friendship among peoples. Finally, the Government proposed the adoption by States of legislation prohibiting the dissemination of ideas based on racial superiority, hatred and terror and the establishment of Nazi and Fascist organizations and their activities.

8. The Government of Senegal stated that it condemned all discriminatory ideologies and practices irrespective of their form or basis. Accordingly, Senegal had consistently advocated the inclusion in all national legislation of legislative or regulatory measures to eliminate all forms of discrimination. In that connection, the Constitution of the Republic of Senegal declared, in article I, that all citizens were equal before the law without distinction as to origin, race, sex or religion. Article 4 of that fundamental law went on to specify that "all acts of racial, ethnic or religious discrimination are punishable by law". The Senegalese Criminal Code contained a series of provisions relating to the punishment of such acts. At the international level, Senegal had ratified the International Convention on the Elimination of All Forms of Discrimination, and it fully endorsed the Declaration adopted by the General Assembly on the Elimination of All Forms of Intolerance and of Discrimination based on Religion, or Belief. The Government stated further that the Senegalese delegation to the Commission on Human Rights had invariably supported initiatives aimed at further strengthening the prospects for speedy implementation of the resolutions adopted on the subject of discrimination.

9. The Government of the Ukrainian Soviet Socialist Republic reported that, having experienced to the full the monstrous crimes committed by nazism and fascism during the Second World War, it had been among the sponsors or supporters of all the resolutions adopted by the United Nations to combat a resurgence of Nazi, Fascist or neo-Fascist activities and all other forms of totalitarian ideologies

and practices based on racial intolerance, hatred and terror. The Government expressed its concern that in recent times those ideologies had again surfaced in various parts of the world. The open existence in many countries of groups and organizations advocating those ideologies pointed up the urgent need for the adoption of effective measures against those dangerous phenomena at both the international and national levels. The Government suggested that a comprehensive study be made of the efforts required at the international and national levels to combat the revival of nazism and fascism and that an international seminar on the subject be organized. In addition, the Government felt that consideration should be given to the drafting of a declaration on that matter and that publicity and informational activities by international organizations should be strengthened and intensified to disclose the true nature of such ideologies. The Government pointed out the importance of education, particularly the education of young people, in the spirit of the ideals of peace and friendship among peoples. The Government noted that, in some countries, groups and organizations of a neo-Fascist nature were now openly active and that in addition they were increasing their membership and carrying out operations, particularly terrorist operations. The Government further pointed out that it had consistently supported the intensification of international co-operation in the fight against nazism, fascism and neo-fascism. At the same time, it considered that the taking by States of effective measures at the national level was an important prerequisite for progress in the struggle to eradicate those dangerous phenomena. The Government felt that all States should comply with the recommendation to adopt, in accordance with their national constitutional systems and with the provisions of relevant international instruments, 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. The Government pointed out that for its part it was doing everything necessary to implement the afore-mentioned international instruments and General Assembly decision to the full.

10. The Government of the Union of Soviet Socialist Republics stated that it supported the adoption of effective measures to combat the threat of a revival of nazism, fascism and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror. The Government recalled that it was the victory over nazism, fascism and militarism that gave rise to the United Nations. The Government cited certain facts and events which in its view justified the urgent need for a struggle against such ideologies. For example, it was pointed out that lately there had been renewed activities in a number of countries by what it called openly existing neo-Fascist organizations. The Government reported that not only was the scale of activities of such organizations increasing but they were also strengthening their international connections and widening their range of action. The Government was of the view that the consistent struggle to strengthen peace, curb the arms race and remove the danger of nuclear war was an important factor and real guarantee for preventing nazism and the spread of other inhuman ideas and theories incurring the threat of an outbreak of war or of stirring up enmity among nations. It further pointed out that the struggle against nazism and racism should contribute greatly to the struggle for peace and further détente, likewise to the struggle against gross and massive violations of human rights and fundamental freedoms. In this task, an important role could be played by energetic action on the part of international organizations directed against the ideologies and practices of nazism and other inhuman theories, particularly by strengthening,

within their framework, propaganda and enlightenment activities aimed at unmasking the nature of those reactionary phenomena, and educating the people, particularly the young generation, in the spirit of international peace and friendship. One effective way to suppress Fascist and Nazi ideologies and practices might be to formulate a declaration on that question. The Government stated that General Assembly resolution 35/200 of 15 December 1980 and 36/162 of 16 December 1981 must be regarded as constructive steps in that direction. The Government stated that it resolutely and consistently advocated the activation of international co-operation, including co-operation within the framework of the United Nations, in the struggle against the threat of nazism, fascism and neo-fascism. However, the chief condition for the complete eradication of those dangerous phenomena must be the adoption of effective measures by States at the national level; for the main responsibility for adopting and implementing timely and effective measures to suppress the activities of Fascist, neo-Fascist and other racist organizations and completely eradicate such inhuman theories as nazism and racism must be laid fairly and squarely on the organs of the legislative and executive powers of States. The Government appealed to all States that had not yet done so to ratify or accede to the relevant international instruments with a view to giving their provisions legal force and ensuring their implementation. The Government further recommended that States that had not yet done so should incorporate in their legislation and subsequently implement the package of measures recommended in General Assembly resolution 2839 (XXVI) of 18 December 1971, designed to ensure the speedy disbandment and disappearance of organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin, or which attempted to justify or promote racial hatred and discrimination in any form. Lastly, the Government suggested that further measures be adopted to ban completely the activities of various types of Fascist and racist organizations and the incorporation, in legislation, of criminal responsibility for violating that prohibition. The fuller use of public information media for those purposes, and of the entire system of higher education and training, was stressed.

11. The Government of the United Republic of Cameroon stated that no indication had been found of the existence in its territory of Nazi, Fascist and neo-Fascist activities or other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror.

12. The Government of Yugoslavia reported that it had always advocated the prevention of all forms of ideologies which denied the equality of men and peoples on the basis of their national origin. The Constitution and legislation of the country contained a number of provisions preventing or prohibiting any activities of individuals, groups or organizations propagating nazism, fascism or other ideologies based on racial intolerance, hatred or terror. Specific mention was made of the following articles in the country's Constitution: article 154 relating to equality regardless of nationality, race, sex, language, religion, education or social status; article 170 making it a punishable offence to propagate or practise national inequality or incite national racial or religious hatred; and article 154 relating to penalties imposed for violation of the fundamental human rights and freedoms recognized by the international community. The Government also made reference to various provisions of its criminal law, for example article 145 which made the instigation to commit war crimes a criminal offence. Reference was also made to article 100 of the criminal law, which provided that the statutory

limitation was not applicable to the prosecution and enforcement of punishment for the crime of genocide or war crimes. The Government further reported that the federal law for the prevention of misuse of the press and other press media prohibited the distribution of publications propagating or supporting aggression or other acts against humanity and international law or acts contrary to the objectives of the United Nations Organization. The Government pointed out that while its law on the movement and stay of aliens in the country provided for the granting of refugee status to foreigners, such status was not granted to a foreigner suspected of having committed a crime against humanity and international law or having acted contrary to the objectives and principles of the United Nations. If such acts were disclosed after the issue of the visa, the visa would be cancelled. Nor would temporary stay be granted to such a foreigner. The law also provided for foreigners residing in Yugoslavia to establish associations for the purpose of pursuing cultural, scientific, technical and other related objectives. However, an application to establish such an association would not be approved, or the activity of the association would be prohibited, if it was aimed at inciting national, racial or religious hatred.
