

ABSTRACT

The destructive force of the far-right was tragically witnessed through the mass devastation brought about by World War II. The international community sought to prevent the repetition of such destruction through the establishment of institutions, such as the United Nations, and the adoption of documents such as the Universal Declaration of Human Rights and the European Convention on Human Rights. Jurisprudence and conventions on a supranational level directly prohibit speech and expression of the far-right with, for example, Article 4 of the International Convention on the Elimination of All Forms of Discrimination prohibiting racist associations and racist expression. Nevertheless, we are living in a world where violent far-right entities, such as *Golden Dawn* of Greece, have received unprecedented electoral support, where xenophobic parties have done spectacularly well at the latest European Parliament elections, where the United Kingdom has voted to leave the European Union and where Donald Trump has been elected as the next president of the United States of America. As such, the far-right is no longer a phenomenon of the past. It is one of the present, rising at swift and worrying rates.

In this light, the study analyses how supranational bodies, namely the United Nations, the Council of Europe and the European Union, require their members to tackle right-wing extremism either directly, or through the regulation of by-products of right-wing extremism, such as hate speech. The adherence to international obligations is examined through an assessment of two jurisdictions, namely, England and Wales and Greece. For purposes of this thesis, supranational obligations emanate from, *inter alia*, instruments such as the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the European Convention on Human Rights. It must be noted that, on an EU level, there is also a centralised mechanism in the form of Article 7 TEU which can, in theory, be used against Member States which embrace a far-right ideology or, potentially, tolerate the far-right. However, this tool has never been used. The dissertation considers the means and methods adopted by the jurisdictions under consideration to interpret and apply international and European obligations through their national legal systems along with a broader conceptualisation of their legal and judicial approaches to right-wing extremism.

The country analyses commence with an assessment of their adherence to international and European obligations, the thesis looks at the case-studies' domestic frameworks in the realm of challenging far-right movements. For both countries, there is a legal analysis of how central rights and freedoms, such as non-discrimination, expression, assembly and association, are established by law. For England and Wales, it proceeds to look at the role of criminal law in relation to the far-right, assessing the public order ambit which is the one most habitually used to challenge the rhetoric and activities of the far-right. This is followed by an evaluation of recent anti-terror legislation which has come into play in relation to the regulation of violent elements of the far-right movement. After looking at criminal law and how it deals with ensuring public order and countering terror, the assessment of England and Wales looks at how national law treats political parties before registration and during their functioning. The purpose is to determine what tools and sub-tools are available and can be used for challenging far-right parties contesting elections. From the above-described analysis, it is concluded that the legal framework of England and Wales embraces the significance of the freedom of expression but readily allows for the limitation of speech if issues of public order, terrorism or anti-social behaviour arise. Assemblies are also readily prohibited if public order or anti-social behaviour issues arise. What is clear is that this case-study is not willing to proscribe associations if such associations do not amount to terrorist organisations.

In relation to Greece, the dissertation assesses the principal legal instrument that tackles issues relevant to challenging the far-right, namely the criminal law framework and particularly the law on the punishment of racially discriminatory acts, and relevant provisions of the Greek Penal Codes such as those on racial aggravation and criminal and terrorist organisations. It also looks at the non-discrimination law which is relevant to this case-study given Golden Dawn's provision of services to Greeks only. It became evident from the analysis that relevant legislation has seldom been relied upon to challenge the far-right in Greece, a reality which has led to a state of impunity for the criminal activities of Golden Dawn and an issue that has become a key concern for national and international human rights institutions and non-governmental organisations. Although some members of Golden Dawn were convicted for their criminal activities and the Court recognised their affiliation with Golden Dawn, before the murder of an

ethnic Greek, no steps were taken against the organisation. The chapter incorporates an analysis of the legal basis of the ongoing trial against Golden Dawn. Furthermore, the chapter also looks at how national law treats political parties before registration and during their functioning. This analysis demonstrated that political parties, even ones with dangerous and undemocratic intentions, can register and function without limitations with the only point of State intervention being when such entities cross into the threshold of a criminal organisation, as was the case of Golden Dawn.