

any effective endeavour to strengthen human rights and fundamental freedoms should be directed first towards encouraging the greatest possible number of States to accede to the most important international instruments concerning human rights, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In the existing circumstances, that should be a paramount task for the immediate future. As to procedure, the only practical course would be for the Committee to have an exchange of views on the drafts before it and then request one of its subsidiary bodies to try to elaborate a common text for discussion at a future session.

19. Mr. BADAWI (Egypt) said that his Government would support any United Nations effort to promote religious tolerance and eliminate all religious intolerance. Consequently, it regarded work on a draft declaration and a draft convention as of equal importance and seriousness. In that connexion, he drew attention to his Government's position as set forth in document A/9134, to the effect that the Egyptian Constitution guaranteed freedom of belief, of religious worship, of movement and of residence for all citizens without exception on any grounds and that, as a concomitant of that freedom of religious belief, everyone had the right to change his religion, denomination or sect. In confirmation of those principles, legislation had been enacted to preserve the sacrosanct character of religion and to prevent any violation or diminution of its dignity.

20. As to the draft Declaration submitted by the Netherlands, he felt that the Committee's concern should be to develop further the work already done by the United Nations. Accordingly, he thought that the Netherlands draft and the related proposals should be examined by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, so that the Committee would eventually be able to proceed on the basis of a single working document. As the representative of Saudi Arabia had pointed out, the Committee must be very careful to ensure that, in seeking to elaborate a document that would eliminate all religious intolerance, it did not in fact undermine the very purposes which it was seeking to achieve.

21. Lord GAINFORD (United Kingdom) welcomed the priority given by the Committee to the item under consideration. The elimination of religious intolerance and the promotion of mutual understanding and tolerance between those of different religious beliefs and between the religious and the non-religious was a valid subject for discussion at the United Nations and one which had been too long neglected. Religious intolerance was a world-wide and general problem amenable to at least partial solution through the elaboration and acceptance by Governments of international standards and values. His delegation too hoped that the General Assembly might be able to adopt a declaration at its current session. It was appropriate that the Organization should concentrate first on the elaboration and adoption of a declaration rather than a convention. It had been normal United Nations practice to develop conventions out of declarations. It was more realistic to aim first at setting out general principles in a declaration and subsequently, if it was thought desirable, to embody them in a legally binding convention. The United Kingdom's attitude to the proposals before the Committee was indicated in document A/9134/Add.1.

22. Mrs. BERTRAND DE BROMLEY (Honduras) supported the statements of delegations which were in favour of the adoption during the current session of a declaration on the elimination of all forms of religious intolerance. She could not understand the attitude of delegations which had expressed misgivings regarding the adoption of such an instrument at that juncture. The United Nations had adopted similar declarations in the fields of discrimination against women and racial discrimination and she failed to see why it should not direct its energies to the important task of combating religious intolerance. The General Assembly had decided that the subject should be given priority at its current session and it was to be hoped that a draft declaration would be concluded in time for the twenty-fifth anniversary of the Universal Declaration of Human Rights. The Committee had a clear mandate to act on the issue.

The meeting rose at 12.35 p.m.

2010th meeting

Tuesday, 30 October 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2010

AGENDA ITEM 55

Elimination of all forms of religious intolerance (continued) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2025, A/C.3/L.2027):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (continued)** (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2025, A/C.3/L.2027);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (continued)** (A/8330)

1. Mr. KORPÅS (Sweden) said that, according to General Assembly resolution 3027 (XXVII), the Com-

mittee had to carry out the task of elaborating a declaration on the elimination of all forms of religious intolerance at the current session. The situation was somewhat confusing because of the various drafts, amendments and suggestions under consideration, but the picture would become clearer if the Committee limited its consideration to the Declaration and focused its attention on the articles prepared by the Working Group established by the Commission on Human Rights at its twentieth session (see A/8330, annex II)¹ and on the articles submitted by the Netherlands

¹ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8, para. 296.*

(A/C.3/L.2025). Moreover, in order to achieve maximum effectiveness, the Committee should carry out its study article by article.

2. Since his delegation had submitted the draft resolution on the question at the twenty-seventh session, which had subsequently been adopted as General Assembly resolution 3027 (XXVII), he was glad that at last it would be possible to discuss the substance of that question. The Declaration would be another important instrument designed to strengthen the protection of human rights and fundamental freedoms and its adoption would be a worthy manner of celebrating the anniversary of the Universal Declaration of Human Rights.

3. Mr. PETHERBRIDGE (Australia) said he did not consider that mankind would rid itself of the many aspects of religious intolerance simply by adopting a declaration on the subject, any more than it had rid itself of abuses of human rights when the Universal Declaration of Human Rights had been adopted. A declaration on the elimination of all forms of religious intolerance should nevertheless be adopted as a means of combating that evil. In consideration of the question, the key word was "intolerance". That phenomenon took many forms and, in so-called modern times, it had been associated especially with various ideological doctrines. In view of the untold sorrow that intolerance had brought to mankind, it was truly surprising to hear some speakers say that no action should be taken against religious intolerance because tolerance could also lead to problems.

4. Australia had had very little trouble with religious intolerance. It was a young country made up of many races, and indeed some of its territory had been settled by people who had fled their own countries in the wake of religious intolerance. However, no nation or people could afford to be smug, self-satisfied or over-confident that they were immune to discrimination and intolerance. The germ of intolerance could very easily infect and spread. His delegation therefore supported in principle the task of completing a declaration on the elimination of all forms of religious intolerance.

5. With regard to the documents before the Committee, his delegation had no difficulty with the texts, whether they were considered separately or simultaneously. Australian law and practice generally conformed to the principles enunciated. Australia could therefore accept the six draft articles of the Working Group (see A/8330, annex II), as well as the formulation submitted by the delegation of the Netherlands (A/C.3/L.2025). It nevertheless had some preferences with regard to wording and was somewhat reluctant to attempt to define the words "religion or belief" since it believed that their meaning was well understood in the United Nations. On the whole, his delegation considered that the Committee could and should move forward to the adoption of a declaration on the elimination of all forms of religious intolerance.

6. Mr. VAN WALSUM (Netherlands) introduced the amendments contained in document A/C.3/L.2027 to the text submitted by the Working Group and said that they were being submitted because some delegations had had difficulties in accepting the idea that consideration of the draft Declaration on the Elimination of All Forms of Religious Intolerance should be based on a draft submitted by a single delegation.

7. One of the causes of the lack of progress on the item from 1967 to 1973 was that there had been too much to consider. As a first step towards facilitating the Committee's work, General Assembly resolution 3027 (XXVII) had narrowed down the focus of activities to the Declaration, leaving the draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief to be dealt with later. As a second step and for the sake of an orderly and fruitful debate, it was necessary to narrow the terms even further and base the discussions on a single text. The selection of the text to serve as a basis for the discussions was a question of secondary importance to his delegation.

8. At the 2009th meeting, the representative of Egypt had expressed the opinion that future work should be based on the six articles prepared by the Working Group established by the Commission on Human Rights at its twentieth session and on possible amendments to those articles. His delegation was prepared to accept that proposal and, to that end, had reintroduced the ideas contained in document A/C.3/L.2025 in a new document (A/C.3/L.2027), in the form of amendments to the text of the articles prepared by the Working Group. That new presentation would facilitate the Committee's work because it indicated more clearly which elements came from the text of the Working Group and which additions or deletions his delegation was proposing. It was, however, important to note that his delegation was not the only author of the amendments, since various articles had been based on earlier texts. His delegation expressed the hope that the members of the Committee would take those amendments into consideration.

9. The CHAIRMAN recalled that, on beginning the consideration of the item, the Committee had had the choice of considering the draft Declaration or the draft Convention. When deciding that the draft Declaration would be studied, it had agreed that the preliminary draft of a declaration on the elimination of all forms of religious intolerance prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I),² the text of the articles prepared by the Working Group established by the Commission on Human Rights at its twentieth session (*ibid.*, annex II) and the articles proposed by the Netherlands (A/C.3/L.2025) would be considered simultaneously. Since the Netherlands delegation had withdrawn the proposal contained in document A/C.3/L.2025 and had submitted the amendments contained in document A/C.3/L.2027, he wished to suggest that the item should be considered in accordance with the procedure outlined by the representative of the Netherlands, namely, on the basis of the text of the Working Group.

It was so decided.

10. The CHAIRMAN urged the members of the Committee to concentrate their statements specifically on the text of the articles prepared by the Working Group, although that would not mean that they could not make observations on other texts.

11. Mrs. HEANEY (Ireland) said that the delay that had occurred in the adoption of a declaration on the elimination of all forms of religious intolerance might

² *Idem*, para. 294.

have its compensations since, in the sphere of religion, a climate of mutual tolerance was developing, as was shown, for example, by the Second Vatican Council and, in particular, its Declaration on Religious Freedom.

12. The Constitution of Ireland guaranteed freedom of conscience and religion, as well as the right of all citizens to express their convictions freely, to assemble peaceably and to form associations. In May 1973 a referendum had been held in Ireland on an article of the Constitution regarding the special position of the Catholic Church, with a view to removing even the appearance of privilege for one faith, and the electorate had decided that the clause in question should be deleted. Although the Constitution of Ireland had never provided for a State religion, it was perfectly understandable that countries with strong historic links to a particular religion should have a specifically religious constitution, provided always that the rights and liberties of minorities were safeguarded. In that connexion, it should be stressed that one of the objectives of the draft Declaration should be to strike a just balance between majority and minority rights and interests.

13. As for the text that should serve as a basis for the Committee's discussions, her delegation was prepared to accept any of the documents under consideration, namely, the preliminary draft of a declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I), the text of the articles prepared by the Working Group established by the Commission on Human Rights (*ibid.*, annex II) and the amendments submitted by the Netherlands in document A/C.3/L.2027. She wished, however, to point out that none of those texts was perfect. They did not, for example, refer to the economic aspects of discrimination on religious grounds.

14. The objections which had been made in the Committee to the preparation of a draft declaration seemed to be based on two premises. First, it was alleged that religion had done more harm than good in the world, especially if account was taken of its role in colonial systems. It was, however, surely inadmissible to cite alleged abuse of religious freedom in specific cases as an argument against the general principle of religious tolerance. Account should also be taken of the support which was being given to the African liberation movements by religious institutions. The Irish delegation urged other delegations to view the draft Declaration in the light of contemporary history. The second reason given was that the Committee had neither the expertise nor the time to draft a declaration. However, the Committee's record showed that that was not the case; furthermore, such a declaration would not have the force of law or require the precision of a legal instrument. For its part, the Irish delegation hoped that the Committee would proceed to the elaboration of a declaration on the elimination of all forms of religious intolerance, in accordance with General Assembly resolution 3027 (XXVII), thus filling a gap in the array of instruments produced by the United Nations in support and elaboration of article 2 of the Universal Declaration of Human Rights and relating the Declaration to current conditions.

15. Mr. VON KYAW (Federal Republic of Germany) said that it was his delegation's opinion that the man-

date given to the Committee by the General Assembly at its twenty-seventh session required a serious effort in order to make progress instead of reopening the discussion on the merits of the decision already taken at the previous session. The notion of tolerance in the religious as well as in other fields was a fundamental one, being the basis on which society functioned. That certainly also applied to the Federal Republic of Germany, and the only limitation his country accepted with regard to that principle was that those who invoked it might do so only if they displayed tolerance themselves. The notion was fundamental to human existence, and for that very reason had found convincing expression in the overwhelming acceptance of General Assembly resolution 3027 (XXVII).

16. His delegation thought that it would be desirable to start discussing the drafts before the Committee. With regard to article I, it preferred the approach adopted by the Working Group in first defining what was meant by religious freedom, a definition which would also include the freedom not to adhere to any religion at all and not to believe. In that respect the version of article I contained in the Netherlands draft (A/C.3/L.2025) and re-emphasized in the Netherlands amendments in document A/C.3/L.2027, was particularly to be recommended.

17. Mr. SHAFQAT (Pakistan) observed that the subject had been debated in various bodies and forums of the United Nations since 1962, and that the Third Committee was now faced with the more complicated task of settling the question of priorities in further studies of all the documents before it. In the studies carried out by the United Nations bodies or groups, an attempt was made to define the expression "religion" or "belief" in such a way as to include "theistic" notions and "atheistic" beliefs, but little significance appeared to have been attached to beliefs pertaining to monotheism, pantheism, idol worship or cults indulging in abnormal practices in the name of religion or belief. There might be cults and social groups still existing in various parts of the world which practised certain beliefs in the name of religion which civilized societies might find it hard to tolerate. Omission of discussion of such subjects made the work accomplished seem somewhat less complete. In mentioning those matters he had not intended to inject further confusion into the current discussions but merely to underline the difficulties and complexities which were encountered in any attempt to define words, ideas or concepts.

18. The Constitution of Pakistan afforded sufficient safeguards to every citizen, irrespective of his caste, creed or religion, and in Pakistan there was complete freedom to profess any religion.

19. Although the documents before the Committee were no doubt based on universal principles which were expected to be applied in every society, his delegation thought it necessary to apply certain essential limits to the activities described in article VI, paragraph 4, of the Sub-Commission's draft (A/8330, annex I). Pakistan had always supported the need to have a declaration as well as a convention on the elimination of all forms of religious intolerance. Some years earlier Pakistan had felt that if a convention could be adopted there might be no need for a declaration to precede it. That was because Pakistan realized the necessity and urgency of establishing a definitively

binding instrument concerning religious intolerance. The Committee must quickly decide whether anything concrete could be achieved at the current session. The more general the Committee was in defining its aims, the easier it would be for it to adopt a document or declaration which could enjoy universal acceptance.

20. Mrs. WARZAZI (Morocco) said that the idea of elaborating an international text on world-wide protection of persons who had, and practised, a religion was a very happy initiative. She recalled historical times of religious intolerance and pointed out that in some parts of the world certain believers were still discriminated against, and even risked their lives because they practised a religion. That situation was neither understood nor accepted by those who had been brought up on the principles of Islam, a religion of tolerance, charity, goodness and hope—so much so that for Islam the concept of eternal damnation did not exist. The intolerance which persisted led one to view the proposal to adopt an international document on the subject with sympathy; however, unfortunately, despite all the goodwill and the laudable intentions of those who had prepared the draft Declaration before the Committee, the text completely failed to meet the real preoccupations of those who wished to have an instrument that would protect all those who had a faith and wished to practise it undisturbed. The mere title of the Draft Declaration made it clear that there was no possibility of compromise on the subject. Was it intended to draft a declaration on the elimination of all forms of religious intolerance, or a declaration on tolerance in the matter of belief or non-belief? The declaration could not come under the category of elimination of religious intolerance if it referred to atheistic convictions, which were the opposite of religion. Nor was it possible simultaneously to defend persons who lived according to a religion, practised it and even wished to propagate it, and persons who believed in no religion and who consequently opposed it. What State, under the provisions of article III of the text submitted by the Netherlands (A/C.3/L.2025), could set up a court which dispensed justice to both oppressed and oppressors at the same time?

21. It was depressing to find, if one had not already done so before, that every human being was born without a religion and that religion was imposed on the child at birth. Very few people chose their own religion, in comparison with the vast majority who received it from their family. It was hard to see why a text which was intended to proclaim tolerance should include the element of compulsion reflected in article V. As to a decision by the child, how was it possible to determine whether a child had sufficient awareness of its actions? And if the implication was that the child should have the opportunity to study various religions in order to make a choice, the sponsors should make that quite clear, also specifying what was meant by a child and what age it must reach in order to be considered to hold a valid opinion.

22. Draft article V prepared by the Working Group of the Commission on Human Rights (see A/8330, annex II) mentioned the guiding principle of the interests of the child, its health and physical or moral harm. She wondered what was meant by that; if there was a religion which adversely affected the physical and moral health of a child, it was doubtful that it ought

to be defended. On the other hand, it would be necessary to decide who should be judge of the matter. According to article I, a person could change his religion, but the question arose as to what should be done about religions that forbade apostasy, and what the representatives of those religions would do when that article was voted on. Article V of the Working Group's draft stated that the child must be guarded against practices which might inculcate in it any discrimination on account of religion or belief. She wondered what should be done about religions that denied the existence of any other religion. Islam recognized the major religions, showing considerable tolerance towards them, and did not inculcate discrimination with respect to other believers. However, that did not seem to be the case with some other religions. Another point that would raise substantial problems was the question of religious missions which sought to spread their religion or belief in countries where there was an established religion. Similarly, there was some uncertainty regarding charitable institutions established by other religious communities.

23. Article VI (d) raised a very delicate question. Freedom to observe religious rites and customs was highly justified, and in Morocco all religious persons practised their religion in complete freedom. The Government of Morocco even sent a representative to attend religious ceremonies. But the diversity of religious rites could present problems. For example, should there be freedom to perform rites which called for human sacrifices? Yet if they were not tolerated it would be contrary to the provisions of subparagraph (d) and the entire Declaration.

24. She pointed out that her earlier comments referred only to certain articles and illustrated the difficulties which the draft Declaration posed for the delegation of Morocco. There might be replies to some questions, but there would also be questions to which there was no answer. It was necessary to clarify the exact aim: was it to defend religion or to defend belief and non-belief? In order to answer that question, the sponsors of the draft Declaration would have to make serious studies of all religions and beliefs, and particularly of rites and customs, with a view to determining the extent to which a declaration of that kind could do justice to all religions and all beliefs.

25. Mr. ABSOLUM (New Zealand) said that his delegation attached considerable importance to the item. The Charter of the United Nations made explicit reference to the goal of promoting and encouraging respect for human rights and fundamental freedoms for all—without distinction as to race, sex, language or religion. Yet the General Assembly's record in relation to discrimination based on religion had been uninspiring. Society must, of course, impose limits on the exercise of certain rights. The determination of any limits that should be imposed was normally a matter for domestic law and one that in many countries—certainly New Zealand—had given rise to very little difficulty in practice. But given the amount of religious intolerance which still existed throughout the world there was a compelling need for the elaboration of universal principles and guidelines. The Committee's basic task was to help ensure that any person who wanted to practise a religion or follow agnostic or atheistic convictions—particularly those who belonged to minority groups—should be free to do so. It was also part of the

Committee's task to determine the kind of activities which normally went towards constituting the practice of religion and which should be both tolerated by society at large and be free from interference or restriction.

26. His delegation considered that after some years of indecision, the Third Committee had a clear mandate and a clear objective for the current session. The General Assembly had decided the previous year, in unequivocal terms and by an overwhelming majority, to give priority to the elaboration of a declaration with a view to adoption as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. There could be no question as to the course to be followed. With regard to the text that should be used, any problem would appear to have been solved. His delegation was entirely in agreement as to the method of work how agreed upon and looked forward to making a start with the examination of article I at the current meeting.

27. Miss CAO PINNA (Italy) said that General Assembly resolution 3027 (XXVII) gave priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before taking up again the examination of the draft International Convention on the subject; that in her delegation's view meant that the Committee should proceed immediately with the work on the first of those instruments, as the delegation of Honduras had pointed out (2009th meeting). She therefore urged that a decision on procedure be taken, so that the Committee could make headway. In that connexion, she shared the Chairman's view that there was no contradiction between the suggestion by the Netherlands and the decision already taken by the Committee to examine simultaneously the three documents before it. She therefore suggested that a start be made with the examination of the topic, focusing first of all on one text and examining it article by article.

28. Mr. COSTA COUTO (Brazil) said with reference to the Italian suggestion that a decision had been taken and that the documents before the Committee were to be examined primarily on the basis of the six articles submitted by the Working Group of the Commission on Human Rights (see A/8330, annex II) and the three additional articles proposed in the amendments submitted by the Netherlands (A/C.3/L.2027). If other delegations wished to make suggestions or propose additional articles it would be very useful.

29. His delegation welcomed the decision to examine the text submitted by the Working Group article by article, and suggested that the examination should begin as soon as possible. In addition, the preliminary draft submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I) contained a preamble, which should be studied once the Working Group's six articles, the Netherlands amendments, and any other amendments submitted had been examined.

30. He supported the Moroccan suggestion concerning the title, since it would be useful and realistic to use a more positive and direct formula in the title. Morocco had also made interesting comments on article VI of the Working Group's draft; but if a declaration was adopted, it would be necessary to include an article affirming the duty of States to protect morality, public health, public policy, national security and welfare. In that connexion, article XIII, paragraph 2, of the pre-

liminary draft by the Sub-Commission warranted study, as did also the last of the three new articles submitted by the Netherlands. His delegation would hold consultations with a view to proposing a new article designed to protect those duties on the part of States.

31. Mr. CABANAS (Spain) recalled that in resolution 3027 (XXVII) the General Assembly had decided to give priority to the elaboration of the Declaration, with a view to its adoption if possible as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Hence, what the Committee should consider was whether that was feasible or not. If it was, the Declaration should be adopted during the current session. His delegation considered not only that the possibility existed, but that the fact of its coinciding with the observance of the anniversary of the Universal Declaration would justify all the efforts of the Committee, which already had highly polished texts as a basis for its work. The very fact that it was to be a declaration made things easier, since it would be based on fundamental rights concerning which there was no dispute among delegations. The right to religious freedom was based on the dignity of the human person and implied man's immunity from coercion, so that no one would be forced to act against his conscience or prevented from obeying the dictates of his conscience in private and in public. In any event, the elaboration of the Declaration would make it easier in the near future to draw up a convention on the subject.

32. As the Spanish delegation had pointed out at the United Nations Seminar on the Dangers of a Recrudescence of Intolerance in All Its Forms and the Search for Ways of Preventing and Combating It, which was held at Nice in 1971, the effectiveness of human rights called for a cycle comprising the concrete and legally drafted declaration of rights; inducement to the man in the street to observe it, and respect for it by groups and States; and legal safeguards to ensure its observance in the event of a violation of those rights. Tolerance was no more than scrupulous respect for the dignity of the person and neither required nor presupposed renunciation of personal beliefs, but merely abstention from any coercion of others.

33. His delegation would support any declaration inspired by those principles, since they were not only embodied in his country's legislation, but they were also safeguarded by law.

34. Mr. BUCHANAN (United States of America) said his delegation believed that the Committee could and should reach agreement at the current session on a declaration on the elimination of all forms of religious intolerance, which would not only be welcomed by citizens of the vast majority of nations, but would also be a positive step towards achieving tolerance and understanding among nations.

35. Some delegations had taken the position that in view of the complexity of the documentation before the Committee it would be better to refer the draft to the Commission on Human Rights for further study. His delegation understood that argument but could not agree, for two reasons. First, the fundamental principles embodied in such a declaration should not be controversial, since they were set forth in the fundamental law of most countries of the world. Secondly, once a declaration had been adopted establishing the broad

principles, details could be left to the drafting of a convention on the subject in future years. The main thing was to reaffirm basic general ideals, reflected in freedom of religion, which were an essential part of the American way of life and were safeguarded by the First Amendment to the United States Constitution.

36. While freedom of religion and belief had been attained in many countries, there were unfortunately millions of people suffering from religious intolerance and outright persecution for their beliefs. If a declaration could be enacted acknowledging belief in the right of the individual to freedom of thought, conscience and religion, a standard of tolerance would be established which would help to end such practices.

37. The Netherlands amendments (A/C.3/L.2027) to the text of the articles prepared by the Working Group warranted detailed consideration, since they reflected a sensitivity to the diversity of nations, cultures, governmental systems and philosophies represented in the United Nations. The broad principles of tolerance embodied in both documents should be acceptable to men and women of goodwill the world over.

38. His delegation was prepared to use the Working Group's draft as the basis for the discussion of the item, and to consider it in the light of the Netherlands amendments and such other amendments as might be offered. The United States views on the six articles of the Working Group were on record in document A/9134/Add.1; and annex II to document A/8330 also contained four additional articles which his Government would like to see included.

39. It would no doubt be possible to prevent the draft Declaration from being adopted during the current session by insisting on paying undue attention to drafting details or by raising obstacles of procedure; but he emphasized that if the Committee did not approve the document, it could be argued that it was for lack of interest in that important subject.

40. Mr. ZENKYAVICHUS (Union of Soviet Socialist Republics) said that so far it had not been found possible to produce a document on religious intolerance that was satisfactory to the international community because of the many difficulties and disagreements which the problem had aroused, and in particular because of the illogical method followed in preparing it. At the twenty-second session of the General Assembly, the Third Committee had adopted the preamble and article I of the draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (see A/8330, paras. 19 and 20).³ Nevertheless, instead of proceeding until that draft had been concluded, some delegations had decided that efforts should be channelled into the preparation of a draft Declaration on the Elimination of All Forms of Religious Intolerance. At the twenty-seventh session, the Soviet delegation had abstained from the vote on General Assembly resolution 3027 (XXVII) on the grounds that it would be more desirable to complete the work on the draft Convention, since if that were approved there would be no need for a declaration. In addition to the practical advantages of making headway with the preparation of the draft Convention,

there were also substantive considerations, since the instrument drawn up on the subject should be universal in character and should bear in mind the differences in political, economic, social, cultural, ideological and other conditions in the different countries.

41. The current situation in regard to the elaboration of the draft Declaration was still more complicated. The Netherlands had put forward a proposal which had not been studied by any organ of the United Nations. Furthermore, one need only examine the replies of Governments contained in document A/9134 and Add.1 and 2 to realize the diversity of the positions taken in regard to the draft Declaration. Moreover, the traditional criterion had been followed of protecting the rights of persons professing religious beliefs, which had its origin in the French Revolution. The French Constitution of 1791 provided for religious freedom, but protection was given only to the rights of believers, to the exclusion of those of atheists. Since then the world had been changing, and with the Russian Revolution a new type of relation between Church and State, and between education and the Church, had been established. Also, the colonial system had collapsed and an awareness had grown up of the situation of the developing countries. At the same time, the number of non-believers had been gradually increasing. That made it necessary to protect atheists against discrimination and to safeguard their rights, since there could only be true freedom of conscience where believers and non-believers enjoyed the same rights. Nor did the draft Declaration reflect the fact that in many States, including the USSR, there was separation of Church and State. It was also very important that the instrument adopted should prohibit the exercise of the right to freedom of religion and belief for purposes prejudicial to the maintenance of international peace and security.

42. In the USSR, article 124 of the Constitution stated that freedom of religious worship and freedom of anti-religious propaganda was recognized for all citizens. The State did not interfere with the activities of religious groups or allow the churches to intervene in the Government. Article 135 of the Constitution provided that all citizens who had reached the age of 18 had the right to vote in elections without any form of discrimination, with the exception of persons who had been certified insane or had been condemned by the courts to loss of their electoral rights. Similarly, every citizen who had reached the age of 23 was eligible for election to the Supreme Soviet. The Criminal Code imposed penalties on those who impeded enjoyment of the right to freedom of religious worship, provided that right was not contrary to public policy and did not jeopardize the rights of citizens. Furthermore, a 1966 decree of the Supreme Soviet defined as an offence the denial for religious reasons of employment, education or any other type of privilege provided by the law. The law also regulated the activities of religious communities and prohibited the use of churches for political purposes, electoral campaigns or the kindling of hatred between religious and national groups. It also prohibited the use of religion as a pretext for failing to fulfil civic duties, breaking the law or failing to comply with the rules regulating the life of the community. Freedom of conscience was also reflected in daily life and despite the incompatibility between communist criteria and religious views, complete harmony prevailed in the common struggle of mankind for a better future.

³ For the printed text, see *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 54, document A/6934, paras. 72 and 90.

43. In conclusion, he stressed that the preliminary draft Declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I) and the principles set out in the preamble and article I of the draft Convention, which had already been approved, should not be overlooked, and should be discussed in greater detail.

44. Mr. IRARRAZAVAL (Chile) said that the Committee had a very clear mandate and the Netherlands delegation had facilitated its work by submitting its amendments (A/C.3/L.2027) to the text prepared by the Working Group (see A/8330, annex II). At the 2006th meeting the Director of the Division of Human Rights had drawn attention to the documents before the Committee which retraced the history of the item, which was very discouraging. There seemed to be a covert intention to prevent the work on the item from progressing, and the Third Committee should make it quite clear, by the will of an immense majority of its members, that that was not the case.

45. His delegation shared the view already expressed by other delegations that the Declaration was only a first step, and should be followed as soon as possible by a convention which was legally binding on the signatory States. Of course, if agreement was reached on a declaration laying down general principles it would subsequently be easier to reach agreement on the text of a convention, a procedure for which there were precedents in the United Nations. The Declaration would have great moral force and would not entail the ratification process which a convention would require. He wondered whether a delay of over 17 years could be imposed on those who had undergone great suffering, for example, because they remained faithful to a Christian tradition which some Governments were vainly trying to eradicate, and whether there was anyone who had not heard the many heroic statements of faith by the so-called silent church, which included millions of Christians who were subjected to greater or lesser restrictions in a large part of the modern world. In that connexion, he recalled the statement by a Nobel Prize winner who had observed some years previously that he could not understand why the United Nations continued to condemn minor attacks on human rights in small countries but did not condemn the major continuous attacks on those rights which occurred in large countries. That statement should be answered, not by another year of negotiations but by adopting a declaration without delay.

46. In Chile, the 1925 Constitution had established the separation of Church and State, which could be considered exemplary in the light of its practical results, because since that time there had been no conflict with the Catholic Church or the other forms of worship which were freely practised. In recent years, all the religious ceremonies attended by the State authorities had been ecumenical in character, and representatives of the various churches established in the country had participated. In that way, Chile had achieved absolute respect and tolerance for all forms of worship and non-religious beliefs. His delegation hoped that religious tolerance of that kind would spread throughout the world and for that reason intended to play an active role in the adoption of the Declaration on the Elimination of All Forms of Religious Intolerance at the current session of the General Assembly.

47. Mr. BRUNO (Uruguay) said his delegation would support any effort by the United Nations to promote religious tolerance throughout the world. The principle that no one should be subjected to prejudice or discrimination because of his religion or lack thereof had always been a guiding principle of the policies and institutional organization of Uruguay; it had been embodied in article 5 of the Constitution and was reaffirmed in article 18 of the Universal Declaration of Human Rights, which was part of the law in force in Uruguay, and in other constitutional guarantees. His delegation wished to reaffirm that in order to eliminate situations involving religious intolerance it would be necessary for the States which acceded to the principles of the draft Declaration to incur a strict commitment to observe them in practice. The Declaration should be the first step towards a complete realization of the ideal of eliminating religious intolerance, which would subsequently be effectively embodied in the Convention. He agreed with the representative of Chile that, following the adoption of the Declaration, the most effective way of giving effect to those efforts would be the adoption of a convention.

48. Mr. GAHUNGU (Burundi) said that the item under consideration was very difficult and delicate because of the differences in religious beliefs. After recalling the contribution of the various religions to the intellectual and cultural development of mankind and referring to their negative aspects, particularly their collaboration with colonialism, he said that his delegation could not vote for the draft Declaration unless it was given more or less specific and clear information about the real meaning and form of religion and its current orientation.

49. Mr. GRAEFRATH (German Democratic Republic) said that his country supported all steps to promote freedom of belief and religion, because it considered that the elimination of intolerance in that respect would enhance understanding and co-operation among States, thus benefiting their citizens and making it easier for them to exercise their basic rights. In the German Democratic Republic, the freedom and rights of the citizens were based on the socialist system of society and legal order and freedom of conscience and belief was guaranteed as a basic right in the Constitution. That meant that every citizen was assured of the right to profess or not to profess a religion and to practise or not practise religious acts, and that the true believer had the same rights and obligations as other citizens, derived no special privileges from his religious belief and was not subjected to any discrimination for that reason. In the German Democratic Republic, all religious communities were granted the same rights and were protected by the socialist State and its legal system. For that reason, his delegation attached great importance to the Ukrainian proposal to insert a new article II on the equality of all churches before the law (A/9135, para. 14). His delegation considered it was not sufficient to prohibit discrimination in general: it would be advisable for the text to make specific mention of the equality of the various religions and atheistic convictions. In the German Democratic Republic, the Church and the State were separate, thus ensuring the full independence and freedom of the religious communities in their services and activities. Similarly, there was a separation of school and Church, which made it impossible

for children to be given religious instruction against their will or the will of their parents.

50. The history of the German Democratic Republic, like that of other States and peoples, provided many examples of the way in which different political groups had tried at various times to use religion and the churches for their own ends. For that reason, the German Democratic Republic considered that the elimination of religious intolerance should be combined with the elimination of any misuse of religion for political purposes which ran counter to the struggle for justice, social progress, peaceful coexistence and the independence and equal rights of peoples. The German Democratic Republic believed that, in accordance with the purposes and principles of the Charter of the United Nations, the elimination of religious intolerance should not result in the granting of privileges to religions or churches as opposed to non-religious or atheistic beliefs, since that would be inconsistent with the principle of equality and tolerance for all convictions, whether religious or atheistic. Furthermore, the rights of the churches and religious communities should not run counter to the sovereignty or legal order of States or lead to interference in their internal affairs.

51. The Declaration on the Elimination of All Forms of Religious Intolerance should be so formulated that, in accordance with the principle of universality of the United Nations, it would be acceptable to all States involved. His delegation approved of the view of the Netherlands, expressed in document A/9134, that the draft Declaration should include only general

guidelines on the promotion of the right to religion and belief. The basic principles of the draft Declaration should serve to ensure international security and to strengthen peace and peaceful co-operation among States.

52. Mr. COSTA COUTO (Brazil) said it might be advisable to close the general debate, or at least the list of speakers, on the following day. Furthermore, he continued to believe that it would be useful to examine certain articles separately, especially those which had been taken as a basis for the work. A number of very interesting suggestions had been made at the current session, but it was difficult to obtain a general picture of all of them. Perhaps on the following afternoon the Committee could undertake a rapid examination of the six articles prepared by the Working Group and the three additional articles proposed by the Netherlands, as well as any amendments or other articles that might be submitted. That was not a formal proposal, but he wished to suggest that consultations should be undertaken to determine whether it was supported by the members of the Committee.

53. The CHAIRMAN observed that thus far only 27 speakers had taken the floor, and that it would therefore be preferable to wait a little before ascertaining whether there was a consensus regarding the second Brazilian suggestion. As to the first suggestion, he could only urge delegations to refer to the articles under consideration. That was the only way in which the Committee could make progress with its work.

The meeting rose at 6.05 p.m.

2011th meeting

Wednesday, 31 October 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2011

AGENDA ITEM 55

Elimination of all forms of religious intolerance (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027);**
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (*continued*) (A/8330)**

1. Mr. OVSYUK (Ukrainian Soviet Socialist Republic) said his delegation had already had occasion to state that the draft Declaration under consideration needed further work so that it would meet the required standards for such international documents.

2. Article 18 of the Universal Declaration of Human Rights had originally laid down the right of everyone to freedom of thought, conscience and religion. In addition, in the relevant articles of the International Covenants on Human Rights, States parties had undertaken

the obligation to guarantee fundamental human rights and freedoms without discrimination of any kind, including discrimination on the basis of religion. The principal reason why a separate document on religious intolerance had not yet been adopted was that much time had been spent on determining whether a draft convention or a draft declaration was preferable.

3. The draft Declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I)¹ had been before the Commission on Human Rights, but had not been considered in substance despite the fact that use could have been made of a considerable number of its provisions. That consideration, and in particular the fact that work on the draft Convention had been suspended even though it had in essence been approved, caused his delegation to wonder whether the switch to the preparation of a declaration was justified; even if it was, had the Committee not embarked upon consideration and adoption of such a declaration with too much haste?

¹ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8, para. 294.*