

indicated that the paragraph on freedom to change religion could not favour Christianity. Freedom to change religion was a fundamental right, and it was better that men should have the right to change their beliefs than that they should be obliged to live a lie. With regard to his delegation's amendments, the intention was not to add one more document to those which the Committee already had before it, but to rally to the Egyptian representative's view that the work should not be based on one country's draft alone. With that in mind, his delegation had submitted its proposals as amendments to the Working Group's text.

60. Mr. COSTA COUTO (Brazil) said that he was in consultation with the socialist countries with a view to submitting a draft resolution, and he had therefore been surprised when document A/C.3/L.2030 was distrib-

uted. His delegation's intention was that the consultations, which were supported by the delegation of Trinidad and Tobago, should culminate in a draft which would win majority support. The proposed text was incomplete, and it was essential to bear in mind the will of the majority to revert to the topic in the Third Committee at the next session of the General Assembly. He was sure that following the consultations, substantial changes would be made in the wording of the draft resolution, and that it would then have the support of most delegations.

61. The CHAIRMAN welcomed the consultations and recalled that the time-limit for submitting amendments had been extended until 1 p.m. on the following day.

The meeting rose at 6.15 p.m.

2013th meeting

Thursday, 1 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2013

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.2027-2034):

- (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.2027-2034);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (*continued*)** (A/8330)

1. The CHAIRMAN invited members to resume their consideration, article by article, of the text of the articles prepared by the Working Group established by the Commission on Human Rights (see A/8330, annex II),¹ beginning with article II.

Article II

2. Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) said that article II went beyond the aims and principles of the draft Declaration. His delegation proposed its deletion and replacement by the text appearing in paragraph 14 of document A/9135.

3. Mr. VAN WALSUM (Netherlands) said he understood that the text proposed by the representative of the Ukrainian SSR would provide for the separation of the Church from schools and from the State, and for the equality before the law of all churches and religious creeds. He asked whether the proposed text was meant to provide for full equality of all convictions, whether of a religious or a non-religious nature, and not merely religious convictions.

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

4. Mr. BUCHANAN (United States of America) said that his delegation could accept article II as worded in the Working Group's text. However, it had no objection to the amendment to that article submitted by the Netherlands in document A/C.3/L.2027, which included a reference to the International Covenants on Human Rights. The main reference to religious freedom in the Covenants was in article 18 of the International Covenant on Civil and Political Rights. Moreover, under article 2 of the International Covenant on Economic, Social and Cultural Rights and article 2 of the International Covenant on Civil and Political Rights, States parties undertook to guarantee all rights enunciated in the Covenants without regard to religion. It might be useful to refer specifically to those articles of the Covenants in article II of the draft Declaration.

5. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said he supported the Ukrainian proposal for the replacement of article II by a new text. If delegations wished to retain the existing draft article II, he proposed that the Ukrainian text should be included as a separate article, and that the Working Group's text of article II should be amended to read: "Discrimination between human beings on the ground of religion or belief is inadmissible and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and confirmed in the International Covenants on Human Rights."

6. Mr. VON KYAW (Federal Republic of Germany) said his delegation supported the Working Group's version of article II and could also support the amendment by the Netherlands (see A/C.3/L.2027). The text proposed by the Ukrainian SSR might create problems in practice, since the separation of the Church from the State and from schools was not always clear-cut. His delegation preferred the more general approach to the

problem taken by the Netherlands delegation in its proposed text for article VIII (*ibid.*).

7. Mr. VAN WALSUM (Netherlands) said his delegation had strong reservations with regard to the Ukrainian proposal, which appeared to insist on the separation of religion from the State, while making no mention of the separation of other personal convictions from the State, and thus smacked of discrimination.

8. Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) said that the separation of the Church from the State was a very important concept, in so far as it was difficult to guarantee the rights of the followers of the Church, if the latter was involved in politics. Replying to the question asked earlier by the representative of the Netherlands, he said that the article proposed by his delegation made no reference to atheists and other non-believers, because his delegation did not feel that such persons constituted a separate institution.

9. Mr. VAN WALSUM (Netherlands) said he appreciated the point made by the Ukrainian representative but felt that it was illogical to limit the provisions of the proposed new article to institutions based solely on religion. He did not oppose the separation of the Church from the State, but recalled that the main aim of the Committee was to prepare a document which would be concise enough to have some impact but not so detailed as to jeopardize the acceptance of the Declaration as a whole or to give rise to misinterpretation.

10. Mr. BUCHANAN (United States of America) asked whether it was the intention of the Ukrainian delegation that there should be no schools operated by churches for the purpose of training for the priesthood or teaching religious precepts. If that was the case, the representative of the Ukrainian SSR was proposing the introduction of discrimination against church schools in the name of religious freedom.

Article III

11. Mr. ABSOLUM (New Zealand), referring to the amendment to article III submitted by his delegation (see A/C.3/L.2034), said that religious discrimination could take many forms, both subtle and extreme, and provision should be made for a wide variety of possible remedies. That was the purpose of his delegation's amendment. The phrase "by the competent national tribunals" was too restrictive in the sense that administrative rather than judicial action might be required in some cases, and other cases might need to be referred to international tribunals.

12. The word "discrimination" in paragraph 1 of the article was open to wide interpretation; in the absence of a more precise term, his delegation could accept that word on the understanding that it was to be interpreted in the way in which it was normally understood within the United Nations.

13. Mr. KABINGA (Zambia) proposed the addition of the following phrase at the end of article III, paragraph 1: "subject to the interests of society as a whole".³

14. His delegation had some reservations with regard to the New Zealand amendment. The phrase "by whatever means may be appropriate" could give rise to abuse in the form of external interference in the domes-

tic affairs of a State. His delegation thus favoured the wording of article III which appeared in the Working Group's text.

15. Mr. VON KYAW (Federal Republic of Germany) said that his delegation could accept the text of article III prepared by the Working Group. It could accept either of the two alternatives contained in square brackets at the end of paragraph 2 of the article, but preferred the second alternative, which would take account of the concern expressed by the Zambian and other delegations.

16. Mr. BUCHANAN (United States of America) said that his delegation could also accept the version of article III drafted by the Working Group. With regard to the two alternatives in square brackets at the end of paragraph 2, his delegation preferred the phrase "with respect to his fundamental rights and freedoms", which was in keeping with the broad principles of the Declaration. The second alternative was unacceptable in so far as it implied that States might limit the right to legal remedy simply by not providing for it in their laws or constitutions. The inclusion of that alternative phrase would give States a free hand to subvert the meaning of the article by curtailing religious rights and activities.

17. Mr. ABSOLUM (New Zealand) said that the Zambian objection to his proposed amendment was based on a misinterpretation of its intended scope. Clearly, remedial relief would be restricted to a form of relief provided in the country concerned.

18. Mr. KABINGA (Zambia) said that the New Zealand amendment clearly provided for remedial relief by any means deemed appropriate. That raised the obvious question of who would be responsible for determining what means were appropriate. The problem might perhaps be solved by inserting the word "national" immediately before the word "means".

19. Mr. ABSOLUM (New Zealand) said that the State adhering to the Declaration would obviously be responsible for determining what means were appropriate. However, his delegation could accept the Zambian subamendment.

20. Replying to a question from Mr. LOSHCININ (Byelorussian Soviet Socialist Republic), Mr. VAN WALSUM (Netherlands) said that his delegation's only reason for proposing the deletion of the phrase "as defined by the constitution or by law" was that it preferred the alternative phrase contained in square brackets at the end of paragraph 2.

21. The point raised by the representative of Zambia with regard to the New Zealand amendment touched on a major issue on which common ground must be found if progress was to be made in drafting the Declaration. Under the Constitution of the Netherlands, citizens had the possibility of obtaining effective remedial relief through the competent national tribunals. Thus, his delegation had no difficulty with the wording of paragraph 1 as it stood. Moreover, all new provisions of criminal law adopted in the Netherlands in order to implement the International Convention on the Elimination of All Forms of Racial Discrimination, had been drafted in such a way as to refer both to religion and to race. Thus, the Netherlands was already prepared for the adoption of an international convention on the elimination of religious intolerance.

³ Text subsequently circulated in document A/C.3/L.2038.

22. Mr. HAGARD (Sweden) said that his delegation supported the amendment to article III proposed in document A/C.3/L.2027. The phrase "as defined by the constitution or by law" was ambiguous and might give rise to misinterpretation.

23. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said he appreciated the reasons given by the representatives of the United States and the Netherlands for their objection to the words "as defined by the constitution or by law". The representative of the United States had said that those words might be used as an excuse to limit religious freedom. However, it was clear that absolute freedom did not exist in any country, even the United States, and that the task of the Committee was to prepare a declaration that would be acceptable to all States. For that purpose it was essential to provide for effective remedial relief. His delegation was convinced, therefore, that the phrase in question should be retained.

24. With regard to paragraph 1 of the article, he drew attention to the comments of India in paragraph 17 of document A/9135, which called for the deletion of the words "institution, group or individual". The Government of India was correct in asserting that there might be private religious institutions which could not be compelled in that regard.

25. Mr. GRAEFRATH (German Democratic Republic) observed that he had never encountered a national tribunal which did not act in the manner defined by the constitution or by law.

26. Mr. VON KYAW (Federal Republic of Germany) said that, while his delegation admitted the possibility that the words "as defined by the constitution or by law" could be invoked in order to avoid implementing the principles set out in the Declaration, it nevertheless preferred that wording to the phrase contained in the first set of square brackets. He felt that the concept of discrimination related to arbitrary acts, and that prohibiting discrimination did not preclude the drawing of reasonable and justified distinctions.

27. Mr. GUERRERO (Philippines) said that his delegation wished to suggest an amendment to article III which he hoped would meet the misgivings expressed by certain delegations. A new paragraph should be added after paragraph 1, stating that the rights granted to individuals and groups to the full exercise of religion and belief imposed upon them a correlative duty to exercise those rights responsibly and with due regard for the rights of others and the security of the State.

28. Mr. FØNS BUHL (Denmark) said that his delegation would prefer the first of the two alternative phrases contained in square brackets in paragraph 2 of the article. Perhaps the doubts which had been expressed by some delegations during the discussion could be allayed if the paragraph ended with the words "with respect to his fundamental rights and freedoms, as defined in this Declaration and other relevant international instruments".

Article IV

29. Mr. HAGARD (Sweden) expressed support for the views of the Canadian Government, as set out in document A/9135. Paragraph 2 was superfluous and could lead to misinterpretations since it would be very

difficult to specify what particular efforts should be made in pursuance of paragraph 2.

30. Mr. ABSOLUM (New Zealand) said that his delegation had already expressed its reservations with regard to the interpretation of the concept of discrimination. He was inclined to subscribe to the view expressed by the United Kingdom Government in document A/9134/Add.1.

31. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said that he agreed with the views set out in the observations of the Austrian Government (see A/9134), and felt that paragraph 2 of the article should be retained. As the Austrian Government had correctly pointed out, political rights, and particularly the right to participate in elections and to hold public office, were especially susceptible to discriminatory practices, especially in countries in which the Church was not separated from the State, or in which one church was predominant.

32. Mrs. BONENFANT (Canada) said that paragraph 2 of the article was superfluous, and might lead to confusion. Since, under the provisions of the first three articles and paragraph 1 of article IV, guarantees against all forms of religious intolerance applied to human rights as a whole, it was unnecessary to specify that "particular efforts" should be made. That would appear to imply that human rights in fields which were not mentioned did not merit special attention.

33. Mrs. WARZAZI (Morocco) agreed with those speakers who had urged the deletion of paragraph 2. She felt that the word "*rapporter*" in the French text of paragraph 1 of the article did not fully correspond with the words used in the other language versions.

34. Mr. BUCHANAN (United States of America) said that his delegation felt that paragraph 2 of the article was unnecessary. However, if that paragraph was retained, it would like to see the deletion of the square brackets around the words "access to". It should be made clear in the Declaration that that provision applied both to the exercise of citizenship and to the granting of it. A reference might also be included in paragraph 2, if it was retained, to discrimination in certain economic and social fields, such as those of education, housing and employment.

35. If the suggestions made by the representative of Bolivia at the 2011th meeting were presented formally, his delegation would be pleased to support them. It would also support the Netherlands proposals contained in document A/C.3/L.2027.

36. Miss CAO PINNA (Italy) said that her delegation agreed that paragraph 2 of the article should be deleted. By enumerating specific rights, it implied that certain categories of human rights were more important than others, and that States could refrain from taking the necessary measures in respect of rights which were not enumerated. If the paragraph was retained, she wished to suggest that it should be interpreted to apply only in situations of particular urgency.

37. Mr. THOMAS (Liberia) said that his delegation fully concurred with the remarks made by the representative of the United States concerning article IV.

38. Miss MENESES (Venezuela) agreed that paragraph 2 should be deleted.

Article V

39. Mr. KABINGA (Zambia) proposed that, in paragraph 1 of the article, the phrase "Parents or legal guardians" should be expanded to read: "Parents, traditional and other social institutions and legal guardians". The whole of the second sentence in that paragraph should be deleted, and the third sentence retained. His proposal² was designed to avoid an excessively narrow interpretation of the word "legal" in the first sentence, and to cover situations in countries where children could be brought up in accordance with traditional practices.

40. Mr. KHMIL (Ukrainian Soviet Socialist Republic) proposed³ the addition of the words "until he becomes of full age" at the end of the second sentence in paragraph 1, so that it would be quite clear what was meant by "a child".

41. Mr. ABSOLUM (New Zealand) stressed that article V should be drafted in such a way as to strike a balance between the wishes of the parents and the needs of the child. He was inclined to favour the retention of paragraph 1 as it stood, since the second sentence, the deletion of which the representative of the Netherlands had proposed (see A/C.3/L.2027), touched on a very important matter which should be reflected in the text. The words "expressed or presumed" in paragraph 1 should be deleted. The third sentence in paragraph 1 should also be deleted.

42. With regard to paragraph 2, his delegation tended to agree with the United States Government's view, as set out in document A/9134/Add.1. The alternative suggestion made by the United States might also quell the misgivings felt by a number of delegations about various parts of the text.

43. Mr. CABANAS (Spain) observed that the purpose of paragraph 1 of the article was to strengthen parental authority and to make it clear that the family had the right freely to organize its religious life. That was based on article 16, paragraph 3, of the Universal Declaration of Human Rights. His delegation felt that paragraph 2 of the article should be deleted. In principle 7 of the Declaration of the Rights of the Child it was stated that the best interests of the child should be the guiding principle of those responsible for his education and guidance, and that that responsibility lay in the first place with his parents.

44. Mr. VAN WALSUM (Netherlands) said that his delegation had proposed the deletion of the second sentence in paragraph 1 because substitute authorities were always available for children who had been deprived of their parents. However, his delegation would have no difficulty in accepting the addition to the first sentence suggested by the representative of Zambia. If that suggestion was accepted, the second sentence would be inherently contradictory, and should therefore be deleted. On the other hand, the third sentence in that paragraph should be retained, as a guiding principle in the matter. Although the present wording was imprecise, it was very difficult to determine the specific date at which account should be taken of the child's wishes.

45. Mr. HAGARD (Sweden) recalled that his Government's views on the subject had already been set out in its observations submitted to the Secretary-

General (see A/9134). However, he wished to add that his delegation supported the Netherlands view that, in paragraph 1, the second sentence should be deleted and the third retained, and that paragraph 2 as a whole should be deleted. It was very difficult to define in what respect the rights of parents should be subject to limitations.

46. Article V dealt with a vital question, since children and their parents might well have conflicting views on religious matters. Although it was difficult to set an age at which a child's wishes should be taken into account, decided upon should preferably be a young one, since it was better to give consideration to the views of the young than to give parents authority to suppress those views.

47. Mr. VON KYAW (Federal Republic of Germany) said that his delegation supported the Netherlands suggestions with regard to article V. He attached particular importance to the proposition contained in the third sentence of paragraph 1. The age set by his country in that connexion was 14 years, although he realized that it was difficult to be specific on such matters.

48. Mrs. BONENFANT (Canada) said that paragraph 2 should be deleted. Its inclusion would have the effect of questioning the role of parents or legal guardians in deciding for their children in matters of religion or belief.

49. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) asked the representative of the Netherlands for clarification as to what constituted "a sufficient degree of understanding". As it stood, the third sentence of paragraph 1 lent itself to rather broad interpretation.

50. Mr. KABINGA (Zambia), observing that in some countries religious bodies might be involved in the education of children, suggested the insertion of the following words after the word "belief" in the last sentence of paragraph 2: "or undue disrespect for legitimate State institutions and laws".

51. Mr. VAN WALSUM (Netherlands), replying to the question put by the representative of the Byelorussian SSR, observed that the age of 14 had already been mentioned in that connexion. Since, in certain countries, parents retained authority over their children until they reached the age of 21, the words "a sufficient degree of understanding" were preferable, to ensure that the child's wishes were taken into account. While the provision was admittedly not very clear-cut, he strongly felt that the principle should be included in the Declaration.

52. Mr. BUCHANAN (United States of America) reiterated his Government's observations, which were contained in document A/9134/Add.1.

53. Miss CAO PINNA (Italy) said that her delegation fully agreed with the United States views concerning the phrases "degree of understanding" and "age of responsible judgement", as proposed in document A/9134/Add.1.

54. Mrs. WARZAZI (Morocco) recalled her delegation's amendment to the article (see A/C.3/L.2029). In addition, she asked whether the article under consideration related only to children who had been deprived of their parents, or to children in general.

³ Text subsequently circulated in document A/C.3/L.2037.

Article VI

55. Mr. KHMIL (Ukrainian Soviet Socialist Republic) said that his country regarded religious services as a particular form of propaganda. Consequently, in order to achieve a balanced agreement on article VI, he felt that the freedom to conduct atheistic propaganda should be mentioned in the article on the same basis as freedom of worship. However, since a proposal to that effect would create additional work for the Committee, he wished to propose³ the deletion of the entire article. Such detail was unnecessary in an international document whose purpose was to declare general principles in the struggle against religious intolerance.

56. Mr. SHAFQAT (Pakistan) said that his delegation's views on the draft Declaration were set forth in document A/9134. He would not submit any amendment at the current stage, since there appeared to be a possibility that a consensus on the text would gradually emerge. As the text took more definite shape, his delegation would submit its own amendments if necessary.

57. Mr. KABINGA (Zambia) said that his delegation supported the amendment proposed by the German Democratic Republic and Poland in document A/C.3/L.2033, and proposed that the words "in the interests of society as a whole" should be added after "in accordance with domestic law".

58. Mrs. WARZAZI (Morocco) said that subparagraph (b) of article VI was superfluous in the light of subparagraph (c) of that article. The freedom to practice a religion or belief by establishing and maintaining educational institutions normally implied the freedom to teach and learn that religion or belief, and also its sacred languages or traditions, in those educational institutions. Her delegation therefore proposed that subparagraph (b) should be deleted.

59. Mr. ABSOLUM (New Zealand) supported the general principle contained in the article, but felt that the words in square brackets "at home and abroad" in subparagraph (b) should be deleted. With reference to subparagraph (d), he agreed with it in principle, but felt that it would be difficult to apply in practice. For example, there existed in New Zealand a religious group which objected to blood transfusions on religious grounds. The New Zealand Government had therefore decided that in cases where parents belonging to that group refused to allow blood transfusions to be given to their children, the interests of the children would be paramount. That was a case of justifiable restriction of the freedom to observe the rites or customs of a religion or belief. His delegation therefore considered that the Declaration should include a general welfare provision, as was contained in article XIII of the original Sub-Commission draft (A/8330, annex I).⁴

60. Mr. HAGARD (Sweden) said with regard to school education that he would like to suggest informally that it might be desirable either to add a new article or to include in article VI a paragraph to the effect that the fact that children had to attend schools where religious classes were compulsory should not be considered a violation of their freedom of religion provided the teaching was reasonably impartial and neutral

in regard to different religions and provided it was free from any element of religious intolerance.

61. Mr. GRAEFRATH (German Democratic Republic) said that his delegation attached great importance to the use of the words "in accordance with domestic law" proposed in the amendments it had submitted jointly with the delegation of Poland (A/C.3/L.2033). It was essential that religious bodies which wished to operate in a given country should do so in accordance with the laws of that country, and, as stated in paragraph 6 of the reply of the Holy See (A/9134/Add.2), provided the just requirements of public order were observed.

62. Mr. VON KYAW (Federal Republic of Germany) supported the text of article VI drafted by the Working Group, although he had no objection to the deletion of the words "at home and abroad" appearing in square brackets in subparagraph (b). His delegation understood the motivation behind the amendment proposed by the German Democratic Republic and Poland, but felt that article 18, paragraph 3, of the International Covenant on Civil and Political Rights sufficiently embodied the principles of that amendment, which therefore needed no further restatement.

63. Mr. BUCHANAN (United States of America) said that the general limitation statement similar to that contained in article 18, paragraph 3, of the International Covenant on Civil and Political Rights, to which the representative of the Federal Republic of Germany had just referred, was what his delegation had in mind when making its proposals. He could not agree with the suggestion made by the representative of the Ukrainian SSR that article VI should be deleted altogether. The points covered by that article seemed to be so basic and essential to the honest exercise of freedom that it was essential to include such an article in a declaration which was designed to make clear the commitment of the United Nations to take action against religious intolerance.

64. Mr. COSTA COUTO (Brazil), speaking on a point of order, said that his delegation had held intensive consultations with various delegations concerning the draft resolution proposed by Bulgaria and Guinea (A/C.3/L.2030). Agreement had been reached on a text which should receive the unanimous support of the Committee. Other delegations which were sponsoring the draft resolution were preparing their own written amendments. His delegation would also be submitting a series of amendments⁵ to articles I, III, V and VI of the Working Group's draft.

Additional articles

65. The CHAIRMAN, noting that there were no further comments on article VI, drew the Committee's attention to the further articles proposed for inclusion in the draft Declaration prepared by the Working Group.

66. Mr. VAN WALSUM (Netherlands) said that his delegation had proposed its text of article VII (see A/C.3/L.2027) because of its conviction that reference should be made in the Declaration to contacts and communication between religious bodies throughout the world. The proposed article was based on

⁴ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8, para. 294.*

⁵ Subsequently circulated as document A/C.3/L.2043.

article VI, paragraph 4, of the preliminary draft of a Declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I).

67. The text of article VIII, proposed by his delegation might sound somewhat cryptic, but was based on purely pragmatic considerations. It was designed to constitute a recognition of the fact that the existence of a State religion within a given country, or the legal separation of religion or belief from the State, did not of itself imply discrimination on the ground of religion or belief. The amendment was based on article I (d) of the draft International Convention on the Elimination of All Forms of Religious Intolerance prepared by the Commission on Human Rights (*ibid.*, annex III).

68. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said that while the text of article VIII proposed by the Netherlands aimed at preventing discrimination, it contained within itself elements of discrimination. The recognition of the right to establish a particular religion implied discrimination against other religions. Moreover, his delegation considered that in order to make the article more acceptable, the words "separation of the Church from schools" should be added after "separation of religion or belief from the State". Without such an addition, his country could be charged with practising discrimination in violation of the Declaration.

69. Mr. BUCHANAN (United States of America) said that while the United States Constitution contained provisions for the separation of Church and State, he recognized that there were countries with established religions which were very tolerant to all creeds. His delegation therefore supported the text of article VIII proposed by the Netherlands. With reference to the comments made by the previous speaker, was the representative of the Byelorussian SSR implying that it was right for a State to teach atheism while denying the right to religious bodies to teach their faith?

70. Mr. VAN WALSUM (Netherlands) said that the text of article VIII proposed by his delegation differed in one basic aspect from article I (d) of the draft International Convention. The latter referred to the separation of Church from State. The use of such terminology could give rise to confusion, since it seemed to make it possible for an atheistic creed to control schools while preventing religion from doing so. His delegation's text had therefore spoken of the separation of religion or belief from the State, as opposed to the separation of Church from State.

71. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic), in reply to the representative of the United States, said that he did not consider it wrong to teach religion in schools and that he did not necessarily object to established religions. He pointed out, however, that in countries where a State Church existed, other religions were subjected to a form of discrimination. A case in point were countries where the Catholic Church was the State Church and where children were brought up in that Church without having the possibility to exercise freedom of choice in matters of religion. If that were acceptable, why was not the rejection of religious teaching in schools acceptable as well?

72. The Reverend Carlos VELA (Holy See), speaking at the invitation of the Chairman, said that the United

Nations initiative in endeavouring to produce an international instrument designed to eliminate all forms of religious intolerance was especially welcome to the Holy See, not merely because of its deeply rooted two-thousand-year-old religious convictions, but because of its abiding devotion to the cause of human rights. Out of a desire to make a constructive contribution, it had submitted the comments in document A/9134/Add.2 and had been far from imagining that the document in question would be the object of attacks with overtones of religious intolerance, which, although ostensibly directed against the document itself, displayed an aggressive and intolerant attitude towards the Holy See. He was inclined to think that those attacks arose either from a habit of false piety, or from a poor understanding of the document. The practice of false piety was exemplified by those who falsely asserted that religion was the opium of the people, and who intolerantly and consistently engaged in religious persecution. The world community would reject such an attitude by adopting the Declaration under consideration. On the other hand, there seemed to be no justification for a misunderstanding of the Holy See's comments, because they had been written in the clearest terms. They were based on considerations of two kinds, one procedural, as reflected in General Assembly resolution 3027 (XXVII), and the other substantive, as set forth in article 18 of the Universal Declaration of Human Rights.

73. With reference to the question of procedure, the position of the Holy See was quite clear. It realized that both the draft International Convention and the draft Declaration needed to be adopted by the General Assembly. The Declaration, however, once adopted by the General Assembly, required no further elaboration, and took effect immediately, whereas the Convention, following adoption, would not automatically come into force, and could not be applied until it was ratified by a specified number of States. The Convention, unlike the Declaration, was therefore a genuine international treaty. Accordingly, it was generally less difficult to adopt a declaration than to adopt a convention. The Holy See therefore considered that, after the adoption of the Declaration, strenuous efforts should be made to reach agreement on an international convention on the elimination of all forms of religious intolerance.

74. With reference to questions of substance, the Holy See considered that the draft Declaration was only an application or an extension of article 18 of the Universal Declaration of Human Rights, and that it was necessary to clarify two concepts. First, the concept of religious freedom, which formed the basis of the proposal by the Holy See that the following text, contained in document A/9134/Add.2, paragraph 8, should be introduced as the first sentence of article I of the Declaration:

"Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom to adhere or not to adhere to any religion or belief, to profess it, in public or in private, to change his religion or belief in accordance with the dictates of his conscience, without being subjected to any legal, administrative, political, economic or other coercion likely to impair his freedom of choice, decision and exercise in the matter."

75. It was therefore necessary to distinguish between religious intolerance and discrimination in matters of

religion. As stated in paragraph 4 of document A/9134/Add.2, religious intolerance was manifested in the denial of the rights associated with religious freedom when by means of force, intimidation, or otherwise people were compelled to profess or to renounce any religion whatever, when people were prevented from practising a religion and entering or leaving a religious community or when a direct campaign was conducted against all religion in general or against a particular religion whether on a global basis, on a regional basis or on a given group. On the other hand, religious discrimination consisted in impairing the legal equality of citizens, overtly or covertly, on religious grounds.

76. Such were the considerations which had guided the Holy See in preparing the comments in document A/9134/Add.2.

77. Mr. BUCHANAN (United States of America) commended the Holy See for the wisdom and spirit of Christian tolerance it had shown by refraining from a polemical reply to the unjust and intemperate attacks on the Catholic Church by the representative of the Byelorussian SSR at an earlier meeting of the Committee. Although it was not possible to defend everything that had happened in the history of religion, the Roman Catholic Church had been a great force for good in the world, as could be shown by listing the outstanding men and women of Catholic faith in world history. He, felt duty bound to draw those points to the Committee's attention, especially after hearing the representative of

the Byelorussian SSR make such a vigorous plea on behalf of atheism, and he urged the Committee to proceed with its task of promoting religious freedom and tolerance, because there were too many places in the world where they still did not exist.

78. Mr. VAN WALSUM (Netherlands) said that the question whether mankind was better served by religion or by atheism was irrelevant to the subject under discussion. He regretted that the debate was being obstructed by such irrelevancies. The purpose of the Declaration was to ensure the protection of all kinds of personal conviction, including both religious and non-religious beliefs.

79. Mr. BAROODY (Saudi Arabia) endorsed the remarks made by the Netherlands representative. He recalled that the United States Constitution separated Church from State. The United States representative should refrain from religious partisanship in what was basically a discussion of social issues, and the observer for the Holy See should not interpret the discussion in the Committee as constituting propaganda against Catholicism. He urged members not to play politics with the item under consideration.

80. Mr. ESSONGUE (Gabon) said that since the dawn of time mankind had always had a thirst for religious principles. A State that feared religious doctrines could not have a firm base, since religion was a factor of social stability.

The meeting rose at 1.10 p.m.

2014th meeting

Thursday, 1 November 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2014

AGENDA ITEM 55

Elimination of all forms of religious intolerance (concluded) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027-2029, 2030/Rev.1, 2031-2046):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (concluded)** (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027-2029, 2030/Rev.1, 2031-2046);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (concluded)** (A/8330)

Additional articles

1. The CHAIRMAN invited the Committee to continue its examination of article IX of the draft Declaration, as proposed by the Netherlands in document A/C.3/L.2027.

2. Mr. VAN WALSUM (Netherlands) said that the proposed article IX consisted of two statements. The first was an adaptation of article VI, paragraph 3, of the draft submitted by the Sub-Commission on Prevention

of Discrimination and Protection of Minorities (A/8330, annex I),¹ and was self-explanatory. The second was an adaptation of a proposal submitted by the Soviet Union and appearing in the Working Group's report (*ibid.*, annex II).² The Netherlands considered the latter excellent and had adopted it with minor amendments.

3. Mr. HAGARD (Sweden) supported the addition to the draft Declaration of articles VII, VIII and IX as proposed by the Netherlands. His delegation attached great importance to the first phrase of article IX, since, as various speakers had pointed out, it was necessary not only to combat intolerance but also actively to promote tolerance. It was simply not enough to fight discrimination and intolerance. Governments and individuals must also actively try to foster, for instance through education in schools and at home, genuine understanding and respect for others and their opinions and beliefs. That idea must provide the basic framework for the work to combat intolerance. That was well taken care of in article IX, the first sentence,

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

² *Idem*, para. 296.