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ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

Report of the Third Committee

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## I. INTRODUCTION

1. The General Assembly, at its 2123rd plenary meeting, on 21 September 1973, allocated to the Third Committee agenda item 55 entitled:

"Elimination of all forms of religious intolerance:

"(a) Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General;

"(b) Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

2. In connexion with the item as a whole, the Committee had before it a note by the Secretary-General, submitted to the General Assembly at its twenty-sixth session (A/8330), which included details of the action taken on the matter by the General Assembly and by various other organs of the United Nations. The following texts were annexed to document A/8330:

(a) Preliminary draft of a United Nations Declaration on the Elimination of All Forms of Religious Intolerance, prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (annex I);

(b) Report of the Working Group set up by the Commission on Human Rights at its twentieth session to prepare a draft Declaration on the Elimination of All Forms of Religious Intolerance (annex II);

(c) Preamble and twelve articles of the draft International Convention on the Elimination of All Forms of Religious Intolerance, adopted by the Commission on Human Rights at its twenty-first, twenty-second and twenty-third sessions (annex III);

(d) Additional draft article submitted by Jamaica to the Commission on Human Rights (annex IV);

(e) Draft article XIII submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights (annex V);

(f) Preliminary draft on additional measures of implementation transmitted to the Commission on Human Rights by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (annex VI).

3. In connexion with item 55 (a), the Committee had before it:

(a) A report prepared by the Secretary-General (A/9134 and Add.1 and 2) pursuant to General Assembly resolution 3027 (XXVII) of 18 December 1972, which contained the substantive observations received from Governments of Member States on the texts of the draft Declaration submitted by the Sub-Commission on Prevention

of Discrimination and Protection of Minorities and by the Working Group set up by the Commission on Human Rights at its twentieth session (A/8330, annexes I and II);

(b) A note by the Secretary-General prepared in accordance with paragraph 4 of the same resolution and containing an analytical presentation of the observations received as at 15 August 1973 (A/9135).

4. The Third Committee considered the item at its 2006th meeting, on 25 October, and at its 2009th to 2014th meetings from 29 October to 1 November 1973. The summary records of these meetings (A/C.3/SR.2006 and 2009-2014) contain the views expressed by representatives of Member States on the item.

5. After a general debate, the Committee took into account General Assembly resolution 3027 (XVII) and agreed to accord priority to the completion of the draft Declaration on the Elimination of All Forms of Religious Intolerance before resuming consideration of the draft International Convention on the subject.

## II. CONSIDERATION OF THE DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

6. The Committee decided to take as a basis for its detailed consideration of a draft declaration the texts submitted by (a) the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I); (b) the Working Group set up by the Commission on Human Rights at its twentieth session (A/8330, annex II); and (c) the Netherlands (A/C.3/L.2025), at the 2009th meeting of the Committee on 29 October. In the course of the procedural discussion on the question, it was also understood that no vote would be taken at the conclusion of the discussion of each article. At the 2010th meeting, the representative of the Netherlands withdrew the text contained in document A/C.3/L.2025 and reintroduced his delegation's proposals in the form of amendments (A/C.3/L.2027) to the text prepared by the Working Group (see paragraphs 19, 27, 30, 35, 40, 46, and 54 below).

### A. Amendments submitted to the text prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities

7. Amendments to the text prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I) were submitted by Burundi, Canada and Poland (see paragraphs 9, 11, 13 and 14 below).

#### Preamble

8. In the text of the draft Declaration submitted by the Sub-Commission, the preamble read as follows:

"The General Assembly,

"Considering that the Charter of the United Nations is based on the

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principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, in particular as to race, colour, religion or national origin,

"Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

"Considering further that the right of everyone to freedom of thought, conscience and religion has been proclaimed in the Universal Declaration of Human Rights, which right includes freedom to change one's religion or belief, and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship or observance,

"Noting that the disregard of human rights and fundamental freedoms through discrimination because of religion and the denial of the right to freedom of thought, conscience and religion has brought in the past untold sorrow to mankind by inflicting grievous suffering on those who were its victims and in injuring those responsible for them,

"Considering that in order to eliminate and prevent all such forms of religious intolerance it is vital for Governments to take legislative, educational and other measures to that end, and for organizations and private persons to lend their fullest support to the achievement of this objective,

"Convinced that the building of a world society free from all forms of religious intolerance is one of the fundamental objectives of the United Nations,

"Solemnly affirms the necessity of adopting national and international measures to that end and in order to secure the universal and effective recognition and observance of the principles set forth below,

"Proclaims this declaration:"

9. Canada proposed (A/C.3/L.2031) to amend the end of the second preambular paragraph to read: "without distinction of any kind, in particular as to race, colour, sex, religion or national origin".

Article VI

10. In the text of the draft Declaration submitted by the Sub-Commission, paragraph 1 of article VI read as follows:

"1. Every person and every group has the right to worship, either alone or together with others, in public or in private, and to maintain houses of worship in accordance with the prescription of their belief."

11. Poland proposed (A/C.3/L.2036) to delete in paragraph 1 of article VI the words "public or in private, and to maintain".

Article X

12. In the text of the draft Declaration submitted by the Sub-Commission, article X read as follows:

"Religious communities shall have the right to receive the funds necessary for the carrying out of their functions."

13. Burundi proposed (A/C.3/L.2045) to add the following new paragraph:

"In the practice of any religion or belief, State institutions and public morality and other traditional and cultural values recognized by the State shall be respected."

New article after article XIV

14. Canada proposed (A/C.3/L.2031) to insert the following new article after article XIV:

"The use of the word 'person' and of the masculine gender in this Declaration shall apply equally to men and women."

B. Amendments submitted to the text prepared by the Working Group set up by the Commission on Human Rights at its twentieth session

15. Amendments to the text prepared by the Working Group set up by the Commission on Human Rights at its twentieth session (A/8330, annex II) were submitted by Brazil, the German Democratic Republic, Germany (Federal Republic of), Morocco, the Netherlands, New Zealand, the Philippines, Poland, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Zambia (see paragraphs 16 to 59 below).

16. Brazil proposed (A/C.3/L.2043) that two of the amendments to article I (see paragraph 25 (d) and (e) below) should apply also to all subsequent articles.

Title

17. Morocco proposed (A/C.3/L.2029) that the title of the draft Declaration should read as follows: "Draft International Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief".

Article I

18. In the text of the draft Declaration submitted by the Working Group set up by the Commission on Human Rights at its twentieth session (A/8330, annex II), article I read as follows:

"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 /to any religious or non-religious/ belief and to change his religion or belief in accordance with the dictates of his conscience, without being subjected to any coercion likely to impair his freedom of choice or decision in the matter." 1/

19. Netherlands proposed (A/C.3/L.2027) to delete the words in square brackets "to any religious or non-religious" and to add the following sentence at the end of the article: "The expression 'religion or belief' shall include theistic, non-theistic and atheistic beliefs."

20. Morocco submitted a subamendment (A/C.3/L.2041) whereby the sentence proposed by the Netherlands would read: "The expression 'belief' shall include non-theistic and atheistic beliefs."

21. The German Democratic Republic and Poland proposed (A/C.3/L.2033):

(a) To replace the words "to adhere or not to adhere to any religion or belief" by "to have or to adopt a religion or belief of his choice";

(b) To add the following sentence at the end of the article: "The expression 'religion or belief' shall include theistic or non-theistic beliefs and atheistic convictions, it shall exclude racism, nazism, apartheid and all similar ideologies which are based on racial intolerance and terror as a gross violation of human rights and fundamental freedoms."

22. New Zealand proposed (A/C.3/L.2034) to add the following sentence at the end of article I: "The expression 'religion or belief' shall include theistic, agnostic, and atheistic beliefs or convictions."

23. Morocco submitted a subamendment (A/C.3/L.2042) whereby the sentence proposed by New Zealand would read: "The expression 'belief' shall include agnostic and atheistic beliefs."

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1/ The words in square brackets are those on which no agreement was reached in the Working Group.

24. Morocco proposed (A/C.3/L.2040) to add after the words "any religion or" the words "religious belief" and to delete the words between square brackets.

25. Brazil proposed (A/C.3/L.2043):

(a) To replace the words "to any religion or to any religious or non-religious belief" by the words "to any theistic, non-theistic or agnostic beliefs";

(b) To replace the words "change his religion or belief" by the words "change his or her teaching";

(c) To add the words "or her" after the words "dictates of his" and after the words "impair his";

(d) To replace in article I the words "religion or belief" by the words "theistic, non-theistic or agnostic beliefs";

(e) To add in article I wherever the word "his" occurs the words "or her".

## Article II

26. In the text of the draft Declaration submitted by the Working Group set up by the Commission on Human Rights at its twentieth session (A/8330, annex II), article II read as follows:

"Discrimination between human beings on the ground of religion or belief is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and as an obstacle to friendly and peaceful relations among nations."

27. The Netherlands proposed (A/C.3/L.2027) to insert after the words "the Universal Declaration of Human Rights" the words "and elaborated in the International Covenants on Human Rights,".

28. The Ukrainian Soviet Socialist Republic proposed (A/C.3/L.2037) to replace article II by an article reading as follows:

"In order that freedom of conscience may be fully guaranteed, the Church shall be separated from the State and the School from the Church. All churches and religious creeds and tendencies shall be equal before the law. No single church, religion or religious organization shall or may be accorded privileges of any kind or be subject to restrictions of any kind in its activities. No church or religion shall have a position of de jure or de facto domination."

## Article III

29. In the text of the draft Declaration submitted by the Working Group set up by the Commission on Human Rights at its twentieth session (A/8330, annex II), article III read as follows:

"1. No individual or group shall be subjected by any State, institution, group or individual on the ground of religion or belief to any discrimination in the recognition, exercise and enjoyment of human rights and fundamental freedoms.

"2. Everyone has the right to effective remedial relief by the competent national tribunals against any acts violating the rights set forth in this Declaration or any acts of discrimination he may suffer on the grounds of religion or belief /with respect to this fundamental rights and freedoms/ /as defined by the constitution or by law/."

30. The Netherlands proposed (A/C.3/L.2027) to remove in paragraph 2 the first pair of square brackets and to delete the words in the second pair of brackets: "as defined by the constitution or by law".

31. New Zealand proposed (A/C.3/L.2034) to replace in paragraph 2 the words "by the competent national tribunals" by the words "by whatever means may be appropriate".

32. Zambia proposed (A/C.3/L.2038) to add at the end of paragraph 1 the words "subject to the interests of society as a whole".

33. Brazil proposed (A/C.3/L.2043) to add a new paragraph 3 as follows:

"No individual, group or institution shall practise or disseminate its teachings considered to be detrimental to the nationalistic, cultural, civil, economic, political and social development of the State, nor to use its teachings to interfere in the electoral processes of the State, as defined by the Constitution or law of the State."

#### Article IV

34. In the text of the draft Declaration submitted by the Working Group set up by the Commission on Human Rights at its twentieth session (A/8330, annex II), article IV read as follows:

"1. All States shall take effective measures to prevent and eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life. They should enact or rescind legislation where necessary to prohibit such discrimination and take all appropriate measures to combat those prejudices which lead to religious intolerance.

"2. Particular efforts shall be made to prevent discrimination based on religion or belief, especially in the fields of civil rights /access to/ citizenship and the enjoyment of political rights, such as the right to participate in elections, to hold public office, or in other ways to take part in the government of the country as well as in the field of labour and employment."/>



35. The Netherlands proposed (A/C.3/L.2027):

(a) To replace in the second sentence of paragraph 1 the word "should" by "shall";

(b) To delete paragraph 2.

36. Morocco proposed (A/C.3/L.2029) to replace in paragraph 1 the words "religious intolerance" by "intolerance in the matter of religion or belief".

37. The Ukrainian Soviet Socialist Republic proposed (A/C.3/L.2037):

(a) To include a new paragraph 2 in article IV as follows:

"All persons shall be guaranteed equality in all spheres of economic, governmental, cultural, social and political life, irrespective of their religion or other beliefs."

(b) In the original paragraph 2, which would become paragraph 3, to replace the words "belief, especially in the fields of civil rights" by "other beliefs in the matter of".

38. Zambia proposed (A/C.3/L.2038) to add at the end of paragraph 2 the words "so long as the interests of society as a whole are not compromised".

#### Article V

39. In the text of the draft Declaration submitted by the Working Group set up by the Commission on Human Rights at its twentieth session (A/8330, annex II), article V read as follows:

"1. Parents or legal guardians have the right to decide upon the religion or belief in which a child should be brought up. In the case of a child who has been deprived of his parents, their expressed or presumed wish shall be duly taken into account, the best interests of the child being the guiding principle. If the child has reached a sufficient degree of understanding, his wish shall be taken into account."

"2. The decision concerning the religion or belief in which a child should be brought up must not be injurious to its interest or health, and must not do him physical or moral harm. The child must be guarded against practices which might inculcate in him any discrimination on account of religion or belief."

40. The Netherlands proposed (A/C.3/L.2027):

(a) To delete the second sentence of paragraph 1;

(b) To remove the square brackets from the last sentence of paragraph 1;

(c) To delete paragraph 2.

41. Morocco proposed (A/C.3/L.2029):

(a) To replace in the first sentence of paragraph 1 (French version) the word "doit" by "devrait";

(b) To delete in paragraph 1 all the words after "duly taken into account".

42. The Ukrainian Soviet Socialist Republic proposed (A/C.3/L.2037) to insert the words "until he becomes of full age" after the words "brought up" in the first sentence of paragraph 2.

43. Zambia proposed (A/C.3/L.2038):

(a) To delete in paragraph 1 after the word "parents" the word "or" and to insert the following words: "traditional and other social institutions and";

(b) To delete the second sentence of paragraph 1.

44. Brazil proposed (A/C.3/L.2043):

(a) To delete in paragraph 1 all the words after "duly taken into account".

(b) To delete the second sentence of paragraph 2.

Article VI

45. In the text of the draft Declaration submitted by the Working Group set up by the Commission on Human Rights at its twentieth session (A/8330, annex II), article VI read as follows:

"Every person and every group or community has the right to manifest their religion or belief in public or in private, without being subjected to any discrimination on the grounds of religion or belief; this right includes in particular:

"(a) freedom to worship, to assemble and to establish and maintain places of worship or assembly;

"(b) freedom to teach, to disseminate [at home and abroad], and to learn their religion or belief, and also its sacred languages or traditions;

"(c) freedom to practise their religion or belief by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or belief in public life;

"(d) freedom to observe the rites or customs of their religion or belief."

46. The Netherlands proposed (A/C.3/L.2027) to delete in subparagraph (b) the words in square brackets "at home and abroad".

47. Morocco proposed (A/C.3/L.2029):

(a) To replace subparagraph (a) by the following: "freedom to practise their religion alone or in a group and to express the implications of their religion or belief in public life";

(b) To replace subparagraph (c) by the following: "the freedom of nationals of a country to establish and maintain places of worship or assembly, charitable institutions and educational establishments on the basis of their religion or belief".

48. The German Democratic Republic and Poland proposed (A/C.3/L.2033) to add after the words "Every person and every group or community has the right" the words "in accordance with domestic law".

49. Poland proposed (A/C.3/L.2036) to delete subparagraph (c).

50. The Ukrainian Soviet Socialist Republic proposed (A/C.3/L.2037) to delete article VI.

51. Zambia proposed (A/C.3/L.2038) to insert between the words "right" and "includes" the following: "which is subject to the interests of society as a whole".

52. Brazil proposed (A/C.3/L.2043):

(a) In subparagraph (a) to replace the words "freedom to worship" by "freedom to practise their beliefs or teachings";

(b) In subparagraph (b) to delete the words "at home and abroad" in square brackets.

53. Germany (Federal Republic of) and the Philippines proposed (A/C.3/L.2044) to add a second paragraph to article VI as follows:

"Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

#### Additional articles

54. The Netherlands proposed (A/C.3/L.2027) to add the following articles to the text prepared by the Working Group:

#### "Article VII

"Religious congregations have the right to train ministers and teachers and to have contacts with communities and institutions belonging to the same religion or belief both within the country and abroad.

/...

"Article VIII

"Neither the establishment of a religion or belief nor the recognition of a religion or belief by a State nor the separation of religion or belief from the State shall by itself be considered discrimination on the ground of religion or belief.

"Article IX

"Governments, organizations and private persons shall strive to promote through education, as well as by other means, understanding, tolerance and respect in matters relating to freedom of religion and belief. Freedom of religious and non-religious belief shall not be used for purposes of kindling hatred between peoples and different religious and national groups."

55. The German Democratic Republic and Poland proposed (A/C.3/L.2032) to add the words "in accordance with domestic law" after the words "Religious congregations" in article VII of the amendments submitted by Netherlands.

56. Morocco proposed (A/C.3/L.2028) to add the following new paragraph to article IX of the amendments submitted by Netherlands:

"No Government, organization or individual shall be entitled to use religion or belief as a pretext for interfering in the internal affairs of a State."

57. The Philippines proposed (A/C.3/L.2039) to add a new article X to the text submitted by Netherlands in document A/C.3/L.2027 as follows:

"The rights granted to individuals and groups to the full exercise of their religions or beliefs impose upon them the correlative duty to exercise these rights with due regard for the rights of other individuals and groups and the peace and security of the State."

58. Morocco proposed (A/C.3/L.2046) as amendments to the amendment submitted by the Philippines in document A/C.3/L.2039:

(a) To replace the word "granted" by the words "that the State shall guarantee";

(b) To replace the words "impose upon them the correlative" by the words "shall impose upon them the";

(c) To delete the last part of the sentence starting with the words "with due regard for" and replace it by the following: "in a spirit of tolerance towards the religions or beliefs of other individuals and groups".

59. The Union of Soviet Socialist Republics proposed (A/C.3/L.2035) to include the following provisions in the text prepared by the Working Group:

"States shall be required to respect and guarantee freedom of atheistic beliefs, including the right to express such beliefs;

"It is forbidden to make use of freedom of religious belief for purposes which threaten the security of society or to engage, under the guise of presenting religious teachings or conducting religious services, in activities which cause injury to health or other impairment of the personality or rights of citizens, which cause citizens to refuse to perform public activities or civic duties, and which cause the involvement of minors in the aforesaid activities;

"It is recognized that, if complete freedom of conscience is to be ensured, all churches and religious teachings and movements must be equal before the law, no single church, teaching or religious organization being accorded privileges of any kind and no single church or teaching having a dominant position;

"It is forbidden to make use of religious creeds or beliefs in order to prejudice the interests of strengthening universal peace and security or friendship and co-operation between peoples and States;

"All acts whose purpose or intention is to interfere with the exercise of freedom of religion or worship in conformity with the law are prohibited;

"Freedom of religion or atheistic beliefs shall not be used for purposes of political or electoral campaigns or the kindling of hatred between peoples and different religious and national groups."

### III. CONSIDERATION OF THE DRAFT RESOLUTION

60. At the 2012th meeting on 31 October, Bulgaria and Guinea submitted a draft resolution (A/C.3/L.2030). At the 2014th meeting, after an exchange of views between members of the Committee, the sponsors submitted a revised text of the draft resolution (A/C.3/L.2030/Rev.1) of which Brazil and Trinidad and Tobago became sponsors. Also at the 2014th meeting, the representative of Liberia orally proposed that the Chairman appoint a drafting group to prepare the text of an agreed draft declaration that could be submitted to the Committee later in the session for consideration and adoption, and submission to the General Assembly at its present session. After a short debate, the representative of Liberia withdrew the proposal.

61. The Committee then adopted by consensus the revised draft resolution (A/C.3/L.2030/Rev.1), as amended, (see paragraph 62 below).

### IV. RECOMMENDATION OF THE THIRD COMMITTEE

62. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

/...

Elimination of all forms of religious intolerance

The General Assembly,

Recalling article 18 of the Universal Declaration of Human Rights,

Referring to its resolutions 1781 (XVII) of 7 December 1962, 2020 (XX) of 1 November 1965, 2295 (XXII) of 11 December 1967 and 3027 (XXVII) of 18 December 1972,

Reaffirming the equal importance of both a Declaration on the Elimination of All Forms of Religious Intolerance and an International Convention on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief,

Taking into account the decision taken at its twenty-seventh session to accord priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before resuming consideration of the Draft International Convention on this subject,

Noting that the Economic and Social Council and the Commission on Human Rights had no opportunity to consider properly the draft Declaration on the Elimination of All Forms of Religious Intolerance and to present their recommendations thereon, and that, despite the efforts of Member States, it has been impossible to complete the final draft of a Declaration during the twenty-eighth session of the General Assembly,

Considering that the draft articles prepared by the Working Group set up by the Commission on Human Rights at its twentieth session, and suggestions, comments and amendments thereto presented by Member States, constitute a suitable orientation for the preparation of a draft Declaration on the Elimination of All Forms of Religious Intolerance,

Believing that the preparation of a draft Declaration on the Elimination of All Forms of Religious Intolerance requires additional study,

1. Invites the Economic and Social Council to request the Commission on Human Rights at its next session to consider as a matter of priority, the elaboration of a draft Declaration on the Elimination of All Forms of Religious Intolerance, taking into account observations presented by Governments as well as the opinions expressed, the suggestions put forward and the amendments submitted in the course of the discussion of this question at the twenty-eighth session of the General Assembly, and to submit, if possible, a single draft Declaration to the Assembly at its twenty-ninth session through the Economic and Social Council;

2. Invites Governments to transmit to the Secretary-General their additional comments and suggestions on the said articles and amendments in time for their consideration by the Commission on Human Rights at its next session;

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3. Requests the Secretary-General to transmit all the documentation on the subject that was before the General Assembly at its twenty-eighth session to the Commission on Human Rights;

4. Decides to include this item in the agenda of its twenty-ninth session with a view to considering, completing and adopting, if possible, a Declaration on the Elimination of All Forms of Religious Intolerance.

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