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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES
Sixteenth session
Agenda item 5

DRAFT DECLARATION AND DRAFT CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RELIGIOUS INTOLERANCE

Statement submitted by the World Jewish Congress, a non-governmental
organization in consultative status, Category B

The Secretary-General has received the following statement, which is
circulated in accordance with paragraphs 28 and 29 of Economic and Social Council
resolution 288 B (X).

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1. The General Assembly in 1962, declaring itself "deeply disturbed by the
manifestations of discrimination based on differences of race, color and
religion still in evidence throughout the world," requested the Economic and
Social Council to ask the Commission on Human Rights to prepare inter alia
"a draft declaration on the elimination of all forms of religious intolerance,
to be submitted to the Assembly for consideration at its eighteenth session,"
i.e. in 1963.
 2. Unfortunately no such draft declaration was made available for consideration
by the General Assembly in 1963. The Commission on Human Rights in its nineteenth
session (1963) found itself unable to comply with the request of the Assembly
or, indeed, to complete its examination of the draft principles on freedom and
non-discrimination "in the matter of religious rights and practices" submitted
by the Subcommission on Prevention of Discrimination and Protection of Minorities.
It did, however, adopt a resolution (E/6N.4/L.673) in which it decided "to give
priority at its twentieth session to preparing a draft declaration on the
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elimination of all forms of religious intolerance." In the meantime it requested the Subcommission "to prepare and submit to the twentieth session of the Commission a preliminary draft."

3. The World Jewish Congress ventures to draw attention to the fact that at least two years must now elapse since the General Assembly adopted its resolution before it receives a draft declaration on the elimination of all forms of religious intolerance on which it can act. In view of the discussions which have taken place in the General Assembly during the past few years, and which have disclosed that the adherents of various religions continue to be subject to discrimination and systematic intolerance in a number of countries throughout the world, the World Jewish Congress addresses a most earnest appeal to the Subcommission to ensure that the preliminary draft requested by the Commission on Human Rights shall be formulated at its sixteenth session. It fully appreciates that the comparative shortness of the period assigned for this session, and the length of the agenda, will call for special arrangements to make this possible. But in view of the gravity of the issues involved, and the disabilities under which adherents of religions continue to suffer, the Congress takes the liberty of urging that a special effort is justified.

4. In this context the Congress desires to draw attention to two problems which, on the basis of experience, call for special consideration in the formulation of any text of a draft declaration on the elimination of all forms of religious intolerance.

5. The first of these problems is the subject of the following clauses (Part II, 4 (a) and (b)) in the draft principles submitted by the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/200/Rev.1-P.72):

- "(a) The members of a religion or belief shall not be prevented from acquiring or producing all materials and objects necessary for the performance or observance of prescribed rituals or practices, including dietary practices.
- (b) Where the Government controls the means of production and distribution it shall make such materials or objects, or the means of producing them, available to the members of the religion or belief concerned."

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6. The problem with which these principles deal develops in gravity as the power of the State increases in economic and social affairs. It is respectfully submitted that the observance of these principles is essential to ensure any real religious freedom, and that their denial amounts to a form of active religious intolerance of a kind which must have the effect of gravely jeopardizing the survival of the religions concerned.

7. The second problem which has been a matter of serious concern to the adherents of a number of the great historic religions has been the failure of States to permit the enjoyment of facilities which will enable them to maintain their international structure and character. It should be emphasized that in these religions the unity of all believers in the discharge of their spiritual mission is part of the substance of their faith. They are robbed of an indispensable element of their religious freedom if, as a result of legal and administrative restrictions on their freedom of movement and right of association, they are broken up into fragmented groups whose frontiers are defined by State action and not by doctrine.

8. For example, all Christian Churches, wherever they may be, are based on the principle that the Church itself is defined by doctrine and has its place in the development of the spiritual economy of mankind. How strongly this doctrine is held, and how deep is the desire to give organized expression to it, has recently been abundantly demonstrated by the efforts to promote unity among separated Churches.

9. Similarly, in the Jewish religion the concept of the House of Israel, not only as the repository of an immemorial faith held in common for many centuries, but as a community sustained through all the vicissitudes of its history by the consciousness of a special purpose and mission, is fundamental to any interpretation of Judaism.

10. It is in our view one of the glories of these and other great historic religions that they transcend national frontiers and in their various ways contribute to the development of an international community with all the promise that such a concept holds for believers and non-believers alike. Accordingly we urge that in any draft declaration the free movement of ideas and persons across frontiers, and the rights of assembly and association on an international scale, should be clearly reaffirmed.