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COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION  
OF MINORITIES  
Sixteenth session  
Item 5 of the agenda

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS  
OF RELIGIOUS INTOLERANCE

Statement submitted by the Commission of the Churches on  
International Affairs, a non-governmental organization  
in consultative status, category B

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The Commission of the Churches on International Affairs, which represents the World Council of Churches, has from the outset followed very closely the work of the United Nations in the field of human rights, and - as is well known to the Sub-Commission on Prevention of Discrimination and Protection of Minorities - gives particular attention to questions of religious liberty.

The C.C.I.A. submitted to the Commission on Human Rights, at its nineteenth session, some general remarks on the question of a draft declaration and a draft convention on the elimination of all forms of religious intolerance. These remarks were contained in document E/CN.4/NGO/108.

As the Sub-Commission now considers the preparation of a preliminary draft of the declaration requested by the General Assembly at its seventeenth session, the following considerations are here submitted.

The document, if it is to make its most adequate contribution as a means to promote greater respect for the right to freedom of thought, conscience and religion, will have to satisfy certain essential conditions, and the C.C.I.A. attaches particular importance to the following requirements:

1. The proposed declaration should emphasize the substance of the right itself. If measures to eliminate religious intolerance need to be formulated, the document should at the same time clearly reflect what is involved in freedom of religion or belief. The effort to eliminate intolerance, or to combat discrimination, must always keep fully in the forefront the substance of the right to freedom of thought, conscience and religion. The declaration could thus best give its proper place to the vitality of religion or belief, their expression in the stream of living, their impact on social life. What would be the meaning of tolerance without the affirmation of the rich substance of the right, which all should be free to exercise?
2. This leads to a second consideration: with regard to the substance of the right, the standards with which the declaration will be dealing must be fully international. While measures to eliminate intolerance must be developed at the national level, the definition of the rights to be protected must rest on internationally accepted standards and should not be left to national states.
3. The proposed declaration should preserve the value of the generalization contained in article 18 of the Universal Declaration. An elaboration of provisions relating to the right to freedom of thought, conscience and religion should in no sense admit of a less comprehensive interpretation than article 18 itself. Indeed, in dealing with certain specific aspects of freedom of religion or belief, the document can illustrate but certainly not exhaust, the meaning of article 18; specifications therefore, will have to remain clearly subordinated to the general standard, and it will be essential to ensure that the proposed Declaration should not be construed as limiting in any way the all-embracing character of article 18.
4. The document, to be elaborated, will also need to take full account of the unity of the Universal Declaration, and of the essential interrelationship which exists between article 18 and other rights, such as freedom of peaceful assembly and association; freedom of opinion and expression, including freedom to seek, receive and impart information and ideas; the prior right of parents to choose the kind of education that shall be given to their children; freedom to participate in choosing form of government and freely electing officials;

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freedom from retroactive application of penal law; freedom to leave and to return to one's country, and to seek asylum elsewhere. The point here is not only that no discrimination should be made on the ground of religion or belief in respect of any of the rights proclaimed in the Universal Declaration, but also that the exercise of freedom of religion or belief requires that other related human rights be also available for all to exercise.

5. A further requirement is the need for the proposed Declaration to reflect the supra-national character of those religious communities which transcend national boundaries, and the implication of this for the exercise of individual and corporate religious rights.

6. Finally, the draft declaration, while allowing that freedom of thought, conscience and religion may express itself in a wide variety of forms - should emphasize that these rights have a natural and indispensable counterpart in the duties of individuals and organizations towards society and the community as a whole, whether national or international.

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