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## CONTENTS

Page

### Agenda item 54:

*Elimination of all forms of religious intolerance:*

(a) *Draft Declaration on the Elimination of All Forms of Religious Intolerance (continued);*

(b) *Draft International Convention on the Elimination of All Forms of Religious Intolerance (continued)*

*General debate (continued) . . . . . 133*

*Chairman: Mrs. Mara RADIĆ (Yugoslavia).*

## AGENDA ITEM 54

Elimination of all forms of religious intolerance:

(a) *Draft Declaration on the Elimination of All Forms of Religious Intolerance (continued)* (A/6660 and Corr.1, A/6703 and Corr.1, chap. XII, sect. V);

(b) *Draft International Convention on the Elimination of All Forms of Religious Intolerance (continued)* (A/6660 and Corr.1, A/6703 and Corr.1, chap. XII, sect. V; A/C.3/L.1456 to 1458, A/C.3/L.1460, A/C.3/L.1461)

### GENERAL DEBATE (continued)

1. Mr. MELOVSKI (Yugoslavia) said that the drawing up of legal instruments which develop the principles enunciated in the Universal Declaration of Human Rights was among the important tasks undertaken by the United Nations in recent years. The International Convention on the Elimination of All Forms of Religious Intolerance should impart international sanction to freedom of thought, belief, conscience and religion and confirm the principle of non-discrimination in that sphere. The task was certainly not easy, for it involved international regulation of a matter which was highly sensitive, even at the national level, namely, relations between the State, society and the individual. His delegation would confine itself for the time being to some general observations.

2. The purpose of the Convention should be to eliminate all forms of discrimination on the ground of religion or belief and to remove conditions fostering discrimination and intolerance. To that end, the Convention should clearly lay down the obligation of States to guarantee everyone, without any discrimination, the right freely to join a religious community of his choice or to manifest atheistic beliefs. Article I was satisfactory in that regard. It encompassed within the concept of belief all theistic and atheistic beliefs and interpreted non-discrimination in the widest

sense, to include not only the absence of restriction but also the absence of privilege and preference based on religion.

3. The Convention should be founded on the principle of strict separation of Church and State. The religion and beliefs of individuals were entirely their own affair, and the State should guarantee them the corresponding freedoms—freedom to have or not to have a religion, freedom to change one's religion or belief, freedom to express one's religious or atheistic convictions, freedom to worship, freedom to teach religion in religious schools where education was not a function of the State, and so forth. The Convention should clearly specify the boundary between freedom of religion and belief and the extent of the protection which States must provide for that freedom. It should not include any provisions asking States to concern themselves with the settlement of questions that were the affair of religious communities or of the citizens themselves, or to encourage in any way any particular religious activities, as that might itself constitute discrimination; it would accordingly be desirable to eliminate from article III those provisions which would commit the State beyond the limits of its competence and role and would stress protection of organized religious communities, for that would not be in conformity with the principle of the protection, in conditions of equality, of all citizens, including those who did not profess any religion.

4. The Convention should also specify the limits within which citizens and communities could express their beliefs or engage in their religious activities; the provisions of article XI, which referred to the importance of maintaining and developing friendly relations among peoples as well as to national security, were satisfactory in that regard.

5. The present Convention, like other international instruments already adopted in the human rights field, should help to promote international understanding and co-operation and to enhance respect for human rights in general, as well as for the particular rights with which each instrument was concerned. It would accordingly be advisable not to include in article VI any reference to anti-Semitism, which was a political and racial phenomenon having no place in an instrument dealing with freedom of religion and belief.

6. If the Convention was to be forward-looking, it should not, by endorsing religious or other beliefs that had become obsolete, impede the spread and application of scientific knowledge, which was conducive to the economic, social and cultural advancement of citizens and States, as had been stressed by the participants in the Seminar on Human Rights in

Developing Countries held in Senegal in February 1966.

7. In Yugoslavia, under the Constitution and the laws, the Church was separate from the State and from the educational system. The laws guaranteed citizens freedom of conscience and belief, freedom to adhere or not to adhere to a particular religious community, and the free exercise of those rights. All religious communities were free to practise their religion and train their clergy. Propagating religious hatred or intolerance of any kind was prohibited by law. The clergy were entitled to social security in the same way as other citizens. The only prohibition imposed on members of the various religions was the ban on abusing their religious freedom to the detriment of the State, of society or of friendly relations with other States. His delegation was therefore ready to join in efforts to extend the regulation of that human right at the international level as well.

8. The provisions of the draft which was before the Committee were such that it could be used as the basis for formulating the Convention.

9. The most appropriate measures of implementation would probably be those adopted in connexion with the International Covenant on Economic, Social and Cultural Rights. Nevertheless, his delegation was prepared to study any other proposals, such as those presented in documents A/C.3/L.1456 and A/C.3/L.1457, provided that they suggested solutions in conformity with the spiritual purposes of the Convention. All the recent international instruments in the human rights field made provision for a system of implementation measures. It was not impossible, however, that a single implementation machinery would have to be set up within the United Nations in the future; that would tend to encourage respect for human rights through the commitment and co-operation of as many States as possible. It would therefore be desirable at the present time to adopt implementation measures calculated to facilitate the transition to a single system of implementation and to international protection of human rights within the framework of the United Nations system.

10. The Convention under consideration and the measures of implementation connected with it posed problems of principle as well as of drafting. As many delegations as possible should take part in its formulation, and he thought it inadvisable, at the present session, to set up the working group proposed by the New Zealand delegation (A/C.3/L.1458).

11. Mr. SANON (Upper Volta) said that religious intolerance, while varying in form and intensity, had existed from time immemorial. It was not intellectual in character, but entirely emotional, and was founded on fanaticism and ignorance. Religion had often fostered racism, as the examples of the Ku Klux Klan and apartheid showed. It sometimes placed undue emphasis on ritual formalism, although it should in fact rest solely upon spiritual values. Often, also, too much was made of doctrine, although religious beliefs were really a matter for the individual. It was foolish to try to impose one's own beliefs on others. As Romain Rolland had said in his Life of Rama-krishna, it was actually the same God, under different

names, that everyone was seeking by different paths. Religion consisted of principles of universal morality which remained valid, whatever the form of worship. In the Upper Volta, no one had the right to impose his religion on another, and the principle of separation of Church and State was regarded as fundamental.

12. He hoped that the Committee would succeed in elaborating a convention on the elimination of all forms of religious intolerance. All members should endeavour to be candid and impartial, in order that the instrument might include the maximum which was generally acceptable. It would serve no useful purpose to adopt a convention which was nothing but a declaration. In his view, the measures of implementation should be as simple as possible.

13. With regard to the New Zealand proposal, he believed that, in view of the nature of the matter under consideration, the rule of geographical distribution was not applicable to the proposed working group, since delegations represented countries, and not religions. Religion was not a matter of country or continent, but concerned the individual alone. Moreover, opinion was divided on the text of the draft Convention before the Committee, and those who approved of it would not be happy to see provisions they considered essential deleted by a small group. He accordingly thought that the establishment of a working group was inadvisable.

14. Mr. BAHNEV (Bulgaria) observed that the General Assembly was holding a general debate on the draft International Convention on the Elimination of All Forms of Religious Intolerance for the first time, and it was natural that it should ponder over the need for formulating such a convention. The Committee should avoid any haste in the matter.

15. It was to be expected that, once adopted by the United Nations, the Convention would become an integral part of international law; otherwise, it would be unnecessary to discuss it in so representative a body. International law derived its force from the universal recognition accorded to it, and only those principles which did not conflict with the ideology of any particular legal system could be universally recognized. Modern international law could not, therefore, be anything but secularized and religiously neutral. However, the purpose of the International Convention on the Elimination of All Forms of Religious Intolerance was precisely to regulate the religious sphere.

16. In fact, religious rights had never been universally recognized in international law. The most recent attempt in that connexion had been the one made by the League of Nations regarding the protection of minorities; that attempt had failed in practice, and States had not given up their political positions. They had preferred to accept compromises, rather than take special measures to combat violations.

17. Among the fifteen international agreements on human rights prepared under United Nations auspices, ten of which were in force, none had received as many ratifications as had rightfully been expected. Were the Assembly to adopt a convention on the elimination of all forms of religious intolerance, that would not mean that the majority of States would ratify it.

In fact, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Krishnaswami, in his Study of Discrimination in the Matter of Religious Rights and Practices,<sup>1/</sup> had not come out openly in favour of the preparation of such a convention. The elimination of discrimination in the area of freedom of thought, more than in any other sphere, required a change of customs, of attitudes, and particularly of feelings, and that could not happen in a day.

18. He wished to add a few political observations to those legal considerations. In 1963 the United Nations Fact-Finding Mission to South Viet-Nam had found that Buddhists were the victims of extortion and persecution. He was surprised that the very parties backing the South Viet-Name Government should express their support, in the Third Committee, for the draft International Convention on the Elimination of All Forms of Religious Intolerance. He also deplored the fact that the Israel Government planned to destroy the most sacred places of Islam in the Old City of Jerusalem, and that Israel's religious fanaticism was supported by precisely those who claimed to favour the elimination of religious intolerance.

19. His delegation therefore hoped that the Third Committee would not act hastily and would seek to draw up a text that the majority of States could ratify.

20. Turning to the draft Declaration, he expressed the view that some parts of the text were unclear, and that it contained omissions and repetitions. There was even a discrepancy between the title of the draft Convention and the tenor of the text. The Convention was meant to provide legal protection for freedom of thought, conscience and religion—a principle enunciated in the Universal Declaration of Human Rights. However, the notion of intolerance was difficult to define juridically. The definition of intolerance given in article I, paragraph (c), was pure tautology. Moreover, all the instruments which the United Nations had adopted in the matter of religion mentioned discrimination, not intolerance, and the latter term appeared only in the Preamble of the Charter. The title of the Convention should therefore be: "Elimination of All Forms of Religious Discrimination". What was more, the draft Convention, unlike the International Covenants on Human Rights, did not take into account the characteristics of different legal systems. In addition, it should state that the Church must not interfere in the domestic affairs of States or impair friendly relations among nations. It should also prohibit any attempt to impose a religion or creed by force and should defend the beliefs of agnostics and atheists. With regard to education, he observed that the draft Convention diverged from the International Covenant on Economic, Social and Cultural Rights, which had linked the religious upbringing of children to morality and dissociated it from education. Secular education was the only modern kind of education—the only kind which met the requirements of the modern world and which had enabled the socialist countries to make such great strides in science and technology. Moreover, in countries—such as the United Kingdom—where religion was still as-

sociated with education, a separation movement was getting under way.

21. The Bulgarian Constitution carefully regulated the status of the Church and of religion; it did not recognize any privileges on the ground of religion, it proclaimed freedom of thought, conscience and worship, and it affirmed the principle of separation of Church and State. It prohibited the use of religion for political ends and the establishment of political organizations with religious backing. Finally, it required secular education. The Bulgarian Penal Code confirmed those principles by providing penalties for incitement to hatred on religious grounds. It also punished any person who sought by intimidation or force to prevent believers from worshipping or who compelled anyone to take part in a religious service or celebration.

22. In conclusion, he believed that the Committee should not be in haste to vote on the text, but that an attempt should be made to prepare a draft which would be acceptable to most delegations. That task should not be entrusted to a small working group; the Committee itself should take up that difficult endeavour in plenary meetings, as it had done in the case of the International Covenants on Human Rights, even if it meant that the draft Convention would not be adopted at the twenty-second session.

23. Mrs. CISSÉ (Guinea) said that the problem of religious discrimination did not exist in Guinea or in most countries of West Africa, and she wondered whether the Convention really met the needs of the African countries. Although her country had been oppressed by a religious minority under the colonial régime, its Constitution now guaranteed the equality of all its citizens, without distinction as to religion, and also universal freedom of conscience and secularity of schools and of the State—a principle which had led to the nationalization of all private schools, whether denominational or not, when Guinea had gained its independence. Her delegation believed that religion was a personal matter concerning each individual, and it refused to turn it into a State problem. In view of that principle, therefore, it could hardly accept certain articles of the draft Convention. Article III, paragraph 2 (c), for instance, seemed dangerous; for her delegation remembered the sinister role played by certain charitable institutions which, under the guise of religion, had engaged in a propaganda campaign contrary to the interests of the State. Paragraph 2 (e) of the same article ran counter to the economic interests of the country. She shared the views of the representatives of the United Arab Republic and Libya in connexion with article VI, and she agreed with them that one form of religious intolerance could not be considered more important than another. She therefore favoured the amendment proposed by Libya (A/C.3/L.1461). She would also support the amendment in document A/C.3/L.1456, which, if accepted, would balance the draft Convention and make it acceptable to all. She believed that it was too early to set up a working group, and she would vote against the New Zealand proposal (A/C.3/L.1458).

24. Mr. SPERDUTI (Italy) said he wished to point out that, contrary to what the representative of the

<sup>1/</sup> United Nations publication, Sales No.: 60.XIV.2.

Ukrainian Soviet Socialist Republic had said when praising atheism, Galileo had not been an atheist but a sincere believer, convinced that it was possible to reconcile religious and natural truths. That had been acknowledged at the celebration in Rome, in 1964, of the quatercentenary of Galileo's birth—an event in which scientific delegations from all over the world, including the Soviet Union, had taken part.

25. Mr. BENAYADA (Algeria) said that freedom of thought, of which freedom of religion was the corollary, was a fundamental principle of Algeria's policy. Although Islam was the State religion in Algeria, the new institutions none the less respected other religions.

26. He was surprised that the Committee was studying the draft Convention before the draft Declaration. Even though that had been done in some previous cases, and even though the Committee wished to adopt the Convention in time for the International Year for Human Rights, there was still no need to act hastily in preparing an instrument which would commit Governments on the international level and would have considerable repercussions on the domestic level. That was why it was first necessary to adopt a declaration to serve as a basis for preparation of the Convention.

27. The draft Convention seemed to be based on concepts peculiar to the developed countries, which were trying to exonerate themselves in the eyes of international opinion for the intolerance they practised in respect of certain peripheral communities. By contrast, the countries of the Third World, and particularly the Moslem countries, had a long tradition of tolerance and hospitality.

28. The draft Convention suffered from certain weaknesses and could not command general acceptance. He was particularly opposed to giving the State responsibility for the religious education of orphans.

29. Anti-Semitism was not a form of religious intolerance. The Semites were an ethnic group which could include atheists, Christians, Jews or Moslems. Those Semites whom the draft Convention would protect were actually the ones who practised intolerance in the Near East and flaunted their sectarianism. Anti-Semitism was, in fact, a political phenomenon that had arisen in Europe at the end of the nineteenth century and was based on racial and social prejudices. Consequently, either that word should be replaced by a more general term covering all types of religious intolerance or there should be an enumeration including such phenomena as Zionism, Fascism and Nazism.

30. He was inclined to think that the provisions of article III, paragraph 2 (g), which would guarantee the freedom to organize and maintain local, regional, national and international associations, might make it possible to camouflage interference in the affairs of sovereign States with religious pretexts.

31. His delegation hoped that the draft Convention would be referred to the twenty-third session, and it was prepared to take up the draft Declaration which was on the agenda.

32. Mr. CHAVERRI (Costa Rica) said that he welcomed an instrument which, by guaranteeing freedom

of conscience, would serve the cause of world peace and encourage the full development of the human person. His delegation approved of the draft Convention in principle, but would be ready to accept any amendments which would improve the text. On the other hand, he would be opposed to adjourning consideration of the item.

33. Costa Rica had always upheld Christianity, but had never erred on the side of fanaticism. Article 76 of the Costa Rican Constitution proclaimed the Catholic religion to be the religion of the State without impeding the free exercise of other forms of worship. The Costa Rican State respected all religions and guaranteed full freedom of worship. There was no conflict between religion and the State. Hospitals and schools were secular and article 28 of the Constitution prohibited any political propaganda in the guise of religion. Religion was a moral force which contributed to progress and social order. Christian morality, which was based on love of one's fellowman, exercised a beneficent influence on the development of democracy and social justice. The States of Latin America, for example, owed much to the Catholic Church, which, despite some excesses, had contributed to the abolition of slavery and had founded hospitals, schools and many charitable institutions. In conclusion he said that his delegation attached importance to the draft Convention, which was acceptable in its present form.

34. Lady GAITSKELL (United Kingdom) said that adoption of the draft Convention was an urgent task which should be completed during the current session. In accordance with the directives given by the General Assembly, particularly the provisions of resolution 2081 (XX), the Convention should be open for ratification and accession before 1968, International Year for Human Rights. The two draft Conventions, one against racial discrimination and the other against religious intolerance, had been begun at the same time. Priority having rightly been given to the former, the Committee should now complete the second without delay. She could sympathize but did not agree with those who felt that there should be further reflection on the subject before the text was completed, nor with those who thought that in the present circumstances the atmosphere was not sufficiently tranquil to enable the Committee to study a draft on religious intolerance. She had no sympathy with those delegations who, on the present occasion as always, sought to obstruct the adoption by the United Nations of instruments relating to human rights.

35. Religious intolerance was not a phenomenon which would disappear of itself. A mere condemnation in a constitution did not suffice to combat and eliminate it. No one could claim that it was totally unknown in her own country and no scientific or technical achievement, however extraordinary, was proof that mankind had made any progress towards toleration. Moreover, scientific achievements could be used for purposes of destruction.

36. Article I, paragraph (a), could scarcely be more explicit or complete. It protected atheists, free-thinkers and humanists. But atheists could be as intolerant as believers and some atheists made a reli-

gion of their political convictions or of scientific doctrines. Extremism in any form should therefore be condemned and toleration should become the rule. That was a matter for the whole international community; it was therefore legitimate that the international community concern itself with the maintenance of good relations between the Catholic, Protestant, Jewish and Moslem communities in the United Kingdom as elsewhere.

37. The United Kingdom had originally supported the proposal to mention anti-Semitism in article VI in the belief that the persecutions to which the Jews had been subjected during the past hundred years were without precedent in the history of mankind and that it was desirable expressly to condemn anti-Semitism.

38. She hoped that the Assembly would adopt a strong Convention with strong implementation clauses, such as those of the International Convention on the Elimination of All Forms of Racial Discrimination. The adoption of an International Convention on the Elimination of Religious Intolerance would supplement and strengthen the International Convention on the Elimination of All Forms of Racial Discrimination.

39. Mrs. HARMAN (Israel), speaking in exercise of the right of reply, said that she had circulated to all delegations the text of the statement she had made at the 1487th meeting. She had refrained from replying to certain accusations made against her country and certain false statements because she felt, as did the Belgian representative, that the Committee should not let itself be distracted from the subject before it and that it should avoid discussing problems which other United Nations bodies had been instructed to examine in detail.

40. She represented only her own Government and the inhabitants of Israel, but she thought that it was legitimate for them to be concerned over the sufferings of their co-religionists as Moslems, Christians, Buddhists, etc., were about theirs. She did not speak on behalf of other Jews who were capable of and did speak on their own behalf in their respective countries except where that freedom was denied them.

41. She found it regrettable that the USSR delegation should have said that she was making a systematic attempt to mar the Soviet Union's celebration of its fiftieth anniversary; in fact, she had said that she admired the Soviet Union's exceptional achievements.

42. It was the Soviet Union which had lost all sense of fairness and indulged in violent diatribes against Israel when supporting the cause of those countries which proposed to destroy Israel.

43. It was well known that the USSR and Arab Press published anti-Semitic cartoons and that *Mein Kampf* had been translated into Arabic and influenced the thinking and methods of the Arab leaders. Nevertheless, Israel wanted to live in peace with its neighbours and was in favour of settling by negotiation the disputes which stood between it and them: the Jewish State was ready to co-operate with the Arab States in the common interest.

44. In reply to the accusations made against Israel, she said that the Israelis had done everything they could to prevent fighting in the Old City of Jerusalem. Whereas the Arab Legion had shelled Israel territory, causing considerable losses in human life, Israel's soldiers had been ordered to spare the holy places and mosques, even though they were being used by snipers. The holy places had thus been saved, and were now under the protection of the public authorities. The same could not be said of the Jewish holy places, and some Jewish cemeteries, such as the old cemetery on the Mount of Olives, which had been desecrated and turned into army camps. Jerusalem was a holy city to several religions and Israel was protecting its sacred character. It was to be hoped that it would truly become a city of peace.

45. As the Arab countries felt that the term "anti-Semitism" as used in article VI was ambiguous, she thought it could be replaced by the term "anti-Judaism"; other forms of religious prejudice could also be mentioned in that context.

46. Mr. ABOUL-NASR (United Arab Republic) said that the Israel representative was contradicting herself and that she had spoken on behalf of all Jews even while denying that she was doing so. Since she had mentioned the pogroms, the memory of which had haunted her childhood, he would like to ask her if she was indifferent to the fate of the Arabs who had likewise known fear and been driven from their homes and their country and prohibited from returning to Israel because they were Moslems. While the Jews coming from Arab countries could acquire Israel nationality immediately, the Arabs, whether Moslem or Christian, were refused the right to return to their homes. Was that not a flagrant example of discrimination on religious grounds?

47. In the statement she had circulated, the Israel representative referred to the 6 million Jews, including a million children, who had been exterminated by the Nazis. That was a monstrous crime of which the whole human race was ashamed. Yet it did not give the Jewish people the right to apply discriminatory measures against the Arabs. The Israel representative had said that an international Jewish conspiracy was a myth. Yet was not the fact that she had spoken on behalf of the Jews of the whole world proof that such a conspiracy existed?

48. The Jews asserted their right to independence, defended their cultural and religious heritage and even set themselves up as defenders of the religious traditions of the Jews of the Soviet Union. Yet they deprived the Arabs of the most fundamental of their rights, the right to self-determination.

49. He had the greatest respect for the Jewish religion, but Judaism should not be confused with Zionism. Even among the Jews themselves voices had been raised to condemn and disavow the acts committed by the Israelis, acts which he too condemned in the name of morality and humanitarian principles.

*The meeting rose at 12.50 p.m.*