

2093rd meeting

Tuesday, 19 November 1974, at 3.10 p.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2093

AGENDA ITEM 54

Elimination of all forms of religious intolerance (*continued*)
(A/9603, chapter I, chapter V, section C.2; A/9644, A/C.3/L.2130, 2131)

1. Mrs. HEANEY (Ireland) said that the Constitution of Ireland provided for the free profession and practice of religion and for freedom of association, and guaranteed that no one religion should be endorsed by the State.

2. Modern communications and technology and the revolution of rising expectations led to increasing contacts between persons and groups of different persuasions. Consequent changes in traditional life-styles aggravated the problem of intolerance or outright discrimination. Such practices may result from ignorance, from conflict of interests, or from an unjust system, particularly in situations involving minority groups. A convention on the elimination of all forms of religious intolerance could make a positive contribution to the eradication of that problem.

3. It was regrettable that the Commission on Human Rights had been unable to fulfil the mandate entrusted to it by the General Assembly in resolution 3069 (XXVIII) and had thus far succeeded in adopting only the title and, provisionally, one preambular paragraph of a draft declaration on the subject.¹ However, the adoption of that resolution did not mean that the Third Committee had surrendered its right to pursue consideration of the item, if necessary, at the current and subsequent sessions. The Committee should continue to exercise its responsibilities in relation to the item, with a view—as urged by the representative of Morocco at the preceding meeting—to bringing the matter to a conclusion. Her delegation was prepared to consider document A/C.3/L.2131 as a working text, while reserving its position on specific paragraphs. Since the Committee had allocated only six meetings to the item, it was obvious that it would be unable to adopt a complete text, although it should be possible to consider the preamble which followed closely the preamble to the draft international convention considered at the twenty-second session of the General Assembly.² She found it difficult to understand the complaints of certain representatives that there was insufficient background material on the subject. There was, in fact, a wealth of material in documents produced by the Secretariat available to delegations. Many of the preambular paragraphs of the text in document A/C.3/L.2131 were of fundamental significance to the whole concept of the elimination of religious intolerance and could serve as guidelines for the elaboration of the operative part of the draft declaration.

¹ See *Official Records of the Economic and Social Council, Fifty-sixth Session, Supplement No. 5, para. 57.*

² See *Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 54, document A/6934, para. 72.*

4. Her delegation feared that the effect of draft resolution A/C.3/L.2130 would be to remove the item from the agenda of the Third Committee for years to come. The draft resolution, which took no account of the exceedingly heavy workload of the Commission on Human Rights, was unacceptable to her delegation. She wondered what grounds there were for considering that the Commission could make more progress at its thirty-first session than it had made at its thirtieth. She also wondered whether the language of the third preambular paragraph was factually accurate. It gave the impression that the Commission on Human Rights had received a continuing mandate to deal with the question of a draft declaration. Resolution 3069 (XXVIII) clearly laid down a time-table providing for action by the Third Committee at the current session.

5. Mr. NOTHOMB (Belgium) noted that the informal working group established by the Commission on Human Rights at its thirtieth session had made little progress in elaborating a draft declaration on the elimination of all forms of religious intolerance. Accordingly, the Economic and Social Council, in its decision 14 (LVI), had recommended to the General Assembly that it should consider ways and means to expedite the completion of the draft declaration. The Assembly could perform that duty by at least requesting the Commission on Human Rights to prepare at its next session, as a matter of priority, a single draft declaration to be submitted through the Council to the Assembly at its thirtieth session. The Assembly should also request the Commission to take account, in the elaboration of the draft declaration, of the excellent working paper submitted by the delegations of the Netherlands and Sweden (A/C.3/L.2131) and the various constructive suggestions made during the debate in the Third Committee.

6. His delegation joined with previous speakers in urging the speedy adoption of a draft declaration. The Belgian Government and people were firmly attached to the principle of religious tolerance. Everyone in Belgium was free to practise any religion or none at all. Freedom of religion was fully guaranteed under the Constitution, which also affirmed the principle of the separation of Church and State. However, the State paid a salary to the ministers of religions recognized by Belgian law, as a humanitarian means of fostering the free practice of religion. That measure did not place the Church in a subordinate position vis-à-vis the State. The Protestant, Catholic, Jewish and Islamic religions were recognized in Belgium, but other religions were practised freely there. Recognition of a religion implied only that the ministers of that religion received a salary from the State and that the State partially defrayed the cost of constructing its religious buildings. There was nothing to prevent other religions from being recognized by Belgian law in the future. The Islamic religion had been recognized since July 1973.

7. Turning to the draft declaration contained in the working paper submitted by the Netherlands and Sweden (A/C.3/L.2131), he noted that the word “belief” in the original English text had been translated into French as “conviction”. He felt that the French word “croyance” was a more accurate translation since the words “belief” and “conviction” represented different concepts. His delegation proposed that the last sentence of article I of the working paper should be amended to read: “The expression ‘religion or belief’ shall include theistic, non-theistic and atheistic concepts of life.” The original wording of that sentence was defective, since the definition of “religion or belief” contained one of the words to be defined.

8. Lastly, article VIII of the working paper should be amended to read: “Neither the establishment of a State religion or of a secular concept of life advocated by a State, nor the recognition of a religion or secular concept of life by a State, nor the separation of a religion or a secular concept of life from the State shall by itself be considered discrimination on the ground of religion or belief.” The proposed amendment would have the advantage of clarifying the position of atheists in their relations with the State.

9. Miss CAO-PINNA (Italy) expressed regret that little progress had been made since the item under consideration had first been taken up in 1962. Following the adoption of General Assembly resolution 3027 (XXVIII), however, there had recently been three positive developments. First, the work currently being done on the elimination of religious intolerance confirmed the importance of the rights and freedoms enunciated in article 18 of both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex). Secondly, efforts were currently being concentrated on the completion of a declaration on the subject before consideration of a legally binding instrument, on which it had been difficult to reach broad agreement in the past, was resumed. Thirdly, there had been no unproductive confrontations between believers and non-believers during the general debate on the item at the thirtieth session of the Commission on Human Rights.

10. In view of those positive developments, her delegation hoped that progress would now be made on the substance of the item both in the Committee and in the Commission on Human Rights, whose working group had thus far done little more than agree on the title of a draft declaration. Goodwill was required if the completion of the draft declaration was to be expedited pursuant to decision 14 (LVI) of the Economic and Social Council. A major step towards the achievement of the necessary unity of purpose had been taken at the twenty-second session of the General Assembly when delegations had voted in favour of a definition of the expression “religion or belief” which implied equal protection for persons and groups professing a religion and for non-believers or persons who held anti-religious beliefs.³ Those same delegations now supported the working paper submitted by the delegations of the Netherlands and Sweden (A/C.3/L.2131). A similar co-operative approach was now required on the part of those delegations which at the thirtieth session of the

Commission on Human Rights had expressed scepticism as to the advisability of preparing a draft declaration. The draft resolution submitted by Bulgaria and the Byelorussian SSR (A/C.3/L.2130) showed no signs of a co-operative approach, and her delegation hoped that its text would be improved.

11. As a means of promoting progress on the draft declaration at the current session, her delegation wished to make two concrete suggestions concerning the scope of the draft declaration and the method of work to be followed by the Third Committee. It had repeatedly been stated that the draft declaration should elaborate upon article 18 of both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. However, no mention of the scope of the draft declaration was made in the five resolutions thus far adopted by the General Assembly on the question of the elimination of religious intolerance. Her delegation felt that the scope of the draft declaration should be clearly stated, either by the Committee or by the plenary General Assembly, so as to serve as a constant guideline and point of reference in the further work of both the Commission on Human Rights and the Committee. Her delegation would consider making a formal proposal to that effect, if its concern was shared by other members of the Committee.

12. As far as the method of work was concerned, in view of the concern expressed by members at the slow pace of progress on the item in the past, the Committee might wish to recommend that the Commission on Human Rights should give high priority to the item in the future. The Committee and the General Assembly might also consider expediting their own work. For example, if the Commission was unable to conclude its work at the next session, the Economic and Social Council and the Committee might consider acting upon the work already done by the Commission, so as to avoid further delays in the completion of the draft declaration. A recommendation to that effect could be addressed to the Council and a decision could be taken by the Committee as far as its own work was concerned.

13. In her delegation’s opinion, draft resolution A/C.3/L.2130 did not reflect the wish of several delegations for the positive and speedy conclusion of United Nations action on the elimination of all forms of religious intolerance. On the other hand, her delegation appreciated the working paper submitted by the delegations of the Netherlands and Sweden as a positive contribution to further work on the subject. It would support any proposal aimed at transmitting the working paper to the Commission on Human Rights for use by the latter body as the basis for its work on a draft declaration.

14. Mr. DE AZAMBUJA (Brazil) observed that General Assembly resolution 3069 (XXVIII) represented a useful yardstick, from both the substantive and the procedural point of view for measuring the efforts to be made on the question of the elimination of all forms of religious intolerance at the current session. His delegation hoped that the search for a consensus would not be abandoned and that the Committee would not proceed to a hasty, divisive vote on the question.

³ *Ibid.*, paras. 73-77.

15. Although the progress made thus far by the Committee and the Commission on Human Rights was disappointing, there was reason to hope that the draft declaration would be completed at the next session of the Commission. The fact that the Commission had the task of preparing the draft declaration did not detract from the relevance of the Committee's current debates, the record of which should be forwarded to the Commission for use as a guide in its work. It appeared from the comments of previous speakers that the United Nations was basically committed to the completion of a draft declaration, although an arduous process of negotiation still lay ahead.

16. His delegation appreciated the working paper submitted by the delegations of the Netherlands and Sweden (A/C.3/L.2131) which should provide a valuable contribution to the work of the Commission on Human Rights. It hoped that draft resolution A/C.3/L.2130 would be open to constructive revision to bring it closer to the letter and spirit of General Assembly resolution 3069 (XXVIII). Governments which had not yet done so should be encouraged to submit their comments on the item to the Commission on Human Rights.

17. His delegation felt that the resolution that was adopted should specifically request the inclusion of the item in the Assembly's agenda at its thirtieth session, so as to reaffirm the Committee's continuing interest in the subject. The resolution should also express confidence that a declaration on the subject would be adopted at the thirtieth session.

18. As was well known, various religions coexisted peacefully in Brazil. However, the largely successful national experience in that regard was not a matter for complacency, since every new generation should be brought up in a spirit of tolerance and should be made aware of the dangers of bigotry and discrimination. His delegation hoped, therefore, that the declaration to be adopted would remain as a permanent source of inspiration for future generations. His delegation would press for the completion of the declaration, which would be a useful international instrument, but in doing so would remain mindful of the delicate considerations that had to be taken into account by other delegations, thus necessitating a cautious approach to the subject.

19. Mr. NOWORYTA (Poland) said that his delegation supported the efforts aimed at drafting international instruments on the elimination of all forms of intolerance and discrimination based on religion or belief. It had expressed its position on the substance of the item in the debate at the previous session, and would confine itself to a few comments on procedure at the current stage.

20. Past experience showed that the item was very complex and should not be dealt with in haste. It was essential that the documents to be adopted on the subject should embody the principle of the equality of the rights and duties of believers and non-believers and of persons of different beliefs, thereby contributing to the harmonious coexistence of peoples at the national and international levels and to the elimination of attempts to use religion as a means of sowing discord.

21. The Commission on Human Rights had not yet completed its work on the elaboration of a draft declaration on the subject and intended to give priority to that question at its next session. In the circumstances, it seemed logical that the General Assembly should await the outcome of the work of the Commission before continuing its own work on the basis of the draft declaration prepared by the latter body. His delegation therefore supported the proposal in draft resolution A/C.3/L.2130 that consideration of the item should be deferred until the Commission had completed its work.

22. Lady GAITSKELL (United Kingdom) observed that if article 18 of the Universal Declaration of Human Rights had included the words "this right shall include freedom to adhere or not to adhere to any religion or belief", which appeared in article I of the draft submitted by the Netherlands and Sweden (A/C.3/L.2131), it would have stood the test of time as a tablet against religious intolerance. However, declarations lacked binding force and it was accordingly the practice of the Committee to go on to the completion of international conventions after it had succeeded in adopting declarations.

23. The problems of religious intolerance were deeply rooted and pervasive and could not be compressed into any simple formula. Nevertheless, the United Nations had surely been remiss in not elaborating upon article 18 of the Universal Declaration of Human Rights in the more than 25 years that had elapsed since its adoption. Given the political will, there was no reason why that deficiency could not be remedied. However, the Committee could not proceed to the completion and adoption of a declaration when the Commission on Human Rights had made so little progress in preparing the single draft declaration called for in Assembly resolution 3069 (XXVIII). In the circumstances, her delegation hoped that the Assembly, at its current session, would make a serious effort to draft a text which could command full support. She disagreed with the view expressed by the representative of the German Democratic Republic at the previous meeting that the Committee could not act as a drafting group. The problem was no longer one of drafting, since there already existed a number of texts which could be used as a basis for preparing a widely acceptable instrument. The Committee had shown itself to be more than equal to such a task during the drafting of other international instruments.

24. Her delegation welcomed the working paper submitted by the Netherlands and Sweden, which combined the positive features of a number of texts considered in the past. Although there were certain aspects of the text with which her delegation was not in complete agreement, she considered that it was the duty of the Committee to proceed, without vacillation, to draw up a text that could be adopted by the Assembly at the current session. She agreed with the representative of Belgium that "belief" and "conviction" were two different concepts.

25. Miss VOLLMAR (Federal Republic of Germany) expressed the view that the principles of tolerance and non-discrimination, including the free exercise of religion, belief or conviction within the framework of the law and the interests of society as a whole, were the bases of democratic society. While recognizing the complexity of

the item under consideration, her delegation had supported General Assembly resolution 3069 (XXVIII) in the expectation that the Commission on Human Rights would tackle the issue in a serious manner at its thirtieth session. Her delegation had participated as an observer at that session and was disappointed at the results. The statement by one delegation at the Committee's previous meeting that constructive work had begun in the Commission was certainly an exaggeration. Even the Chairman of the Working Group had reported a lack of progress to the Commission, and a number of representatives had expressed disappointment at the lack of co-operation in the Group.

26. Any attempt by any delegation to help end the deadlock existing in the Commission on Human Rights would have the support of her delegation. Accordingly, it welcomed the working paper A/C.3/L.2131 as a useful basis for the Committee's work and expressed the hope that it would constitute a means of achieving progress in the Commission.

27. Referring to draft resolution A/C.3/L.2130, her delegation considered that the text of that document was not satisfactory in that it did not take account of the real situation which had prevailed at the thirtieth session of the Commission on Human Rights or Economic and Social Council decision 14 (LVI). It could be amended without prejudice to General Assembly resolution 3069 (XXVIII) to convey the desire of the General Assembly to see the work of the Commission on Human Rights accelerated. Her delegation considered that the General Assembly should remain seized of the item on an annual basis in order to enable it to review the work of the Commission.

28. Miss DUBRA (Uruguay) said that it had always been a guiding principle of her country's policy with regard to religion to outlaw discrimination against any of its nationals on the grounds of their religion or lack of religious belief. The Constitution provided for complete religious freedom as well as for the separation of Church and State. Article 18 of the Universal Declaration of Human Rights, which proclaimed the right to freedom of thought, conscience and religion, was fully respected in Uruguay, where there was no restriction on religious freedom, freedom to change one's religion or freedom to express one's beliefs, either in private or in public.

29. Since the beginning of the twentieth century there had been no official religion in Uruguay and all religious practices were tolerated. Uruguay had always understood that the increase in individual freedom represented a growing freedom of choice with regard to the norms of individual behaviour. All countries should follow a policy which recognized the right of the individual to choose his own religious belief. Such a policy could be enforced only if other fundamental human rights were respected and protected. At the same time, religious principles were losing their importance as a standard of social behaviour, particularly among the young, and the problem now existed of the elimination of all forms of intolerance, including intolerance towards non-believers. Accordingly, full freedom of conscience presupposed the separation of Church and State.

30. Her delegation considered that all forms of religious intolerance should be eliminated at the international level.

To that end, it was necessary, as a first step, to adopt a declaration containing general principles which States would undertake to observe, to be followed at a later stage by a legally binding international convention.

31. Mr. TUERK (Austria) said that religious freedom and tolerance were generally the result of a long historical process whereby people came to realize the futility of persecuting their fellow men or discriminating against them on account of their views on religion. That evolution usually found expression in legal instruments; however, legal or administrative measures were only the framework within which freedom of thought, conscience and religion and in particular religious tolerance could evolve further and really become part of everyday life.

32. In Austria freedom of religion was constitutionally guaranteed, and there was also an express provision in the law that no one could be compelled to practise a religion. There were no difficulties whatsoever with regard to the practical realization of those legal provisions.

33. The Austrian Government had always fully supported the efforts of the United Nations in preparing draft instruments on the elimination of all forms of religious intolerance and had favoured awarding a high degree of priority to the matter. It had therefore voted in favour of the text adopted by the General Assembly as resolution 3027 (XXVII) and had submitted detailed comments on the preliminary draft of a declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and on the revised draft articles prepared by the Working Group of the Commission on Human Rights. His delegation approved of the approach which was being taken to the subject under consideration, as past experience had shown time and again that the successful completion of a declaration greatly facilitated the eventual elaboration of a legal instrument of a more binding character in the relevant field of law. It noted with deep regret that the Commission on Human Rights had not yet been able to progress very far with its work, but it whole-heartedly endorsed the Commission's intention to accord priority to the elaboration of a draft declaration at its thirty-first session and felt that the Committee should not enter into a discussion of the provisions of such a declaration at the present stage but should leave that task to the Commission. It thought that the working paper in document A/C.3/L.2131 should make the Commission's task easier.

34. He hoped that the sponsors of that working paper and of draft resolution A/C.3/L.2130 would be able to agree on a single draft resolution to be submitted to the Commission.

35. Mr. BATIBAY (Turkey) said that the lack of progress achieved by the United Nations with respect to religious intolerance was indicative of the complexity and sensitivity of the problem. Religious intolerance took different forms in different cultures, yet some of its aspects were common to all cultures. The prevalence of religious intolerance could be traced back to the era when religions had multiplied and confronted each other and some religious systems were used by States as means of discrimination against and oppression of certain social groups, as elements of internal

cohesion or as tools of expansionism. The contemporary manifestations of religious intolerance were to a large extent embedded in colonial policies; colonialism had exploited different systems of belief and, perhaps even more significantly, had created conflicts between the social groups belonging to different systems of belief for the purpose of dividing subjugated peoples in the areas it dominated.

36. His delegation believed that an extensive study should be made of religious intolerance; however, that did not justify inaction on the part of the United Nations. It regretted that the Commission on Human Rights had been unable to conclude its work on the issue, but nevertheless believed that it would be most appropriate for the work to be continued in that body.

37. Turkey was a predominantly Moslem country, yet it was a secular State where discrimination on religious grounds was a criminal offence. Historically it had been the meeting point of three religions, and the Turkish people had long tolerated different systems of belief.

38. His delegation supported draft resolution A/C.3/L.2130.

39. Mr. ARIZAGA (Ecuador) said that discrimination on religious grounds was the most obnoxious form of intolerance since it impinged on the basic right of human beings to observe the religion of their choice.

40. For many years, the General Assembly had been engaged in consideration of numerous aspects of the problem of the elimination of all forms of religious intolerance, which demonstrated the desire of the international community to formulate binding instruments that would ensure implementation of the principles enshrined in the Universal Declaration of Human Rights.

41. The Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Third Committee had devoted considerable, though not sufficient, time to the elaboration of two instruments, namely, a draft declaration and a draft international convention on the elimination of all forms of religious intolerance. As stated in General Assembly resolution 3069 (XXVIII) the proposals of Member States provided an adequate basis for the elaboration of a draft declaration.

42. His delegation attached great importance to the adoption of a declaration on the elimination of all forms of religious intolerance and agreed with most of the provisions in the preliminary draft prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.⁴ Nevertheless, it wished to make some observations concerning certain articles in that draft. It considered that the term "effective reparation" would be more appropriate than the term "effective remedial relief" in paragraph 2 of article III, in view of the lack of competent tribunals in many countries. With regard to article V his delegation favoured inclusion of the final sentence of paragraph 1 of

article V of the draft declaration in document A/C.3/L.2131. The provision concerning the right to observe religious festivals and holidays contained in paragraph 8 of article VI might be interpreted as placing a certain obligation on the State. Accordingly, his delegation preferred the text submitted by the United States to the Working Group of the Commission on Human Rights and reproduced as a working paper to the thirtieth session of the Commission.⁵ His delegation agreed with the provisions of article VII but considered that it was essential to safeguard States' rights in order to ensure observance of State legislation on marriage. For that reason, his delegation proposed the following text: "Without prejudice to the requirements and formalities of the marriage laws of the State in question, all persons may also celebrate marriage in accordance with the precepts of their religious beliefs." His delegation considered that article X was superfluous except in the case of countries which might be considering preventive action in that respect.

43. Ecuador was a deeply religious, mainly Catholic country. Nevertheless, it respected other creeds and religious doctrines and considered that religious tolerance was essential in civilized society. His delegation regretted that the Committee had not devoted greater effort to the important item under consideration. Many resolutions had been adopted concerning other forms of discrimination and intolerance, but the problem of religious intolerance had been tackled with reluctance and proposals were passed from one committee to another. Even before the Committee had begun consideration of the item, a proposal had been submitted by the delegations of Bulgaria and the Byelorussian Soviet Socialist Republic aimed at deferring consideration of it.

44. Religion was undoubtedly one of the most important and controversial issues facing the world at the present time. Although the subject might appear somewhat irrelevant in the context of modern materialistic society, it was his view that religion and faith were the driving forces of human nature. Because of his firm belief that faith ennobled mankind, he felt that all who wished to profess their faith should be given the right to do so freely and without impediment.

45. Mr. BAROODY (Saudi Arabia) said that the elimination of all forms of religious intolerance might appear to be a laudable endeavour but there were many pitfalls on that path and the whole exercise might lead to trouble in the future. Article 18 of the Universal Declaration of Human Rights had been adopted by the General Assembly in spite of numerous objections. His delegation had abstained in the vote on that article because of the adamant stand of some delegations. The so-called religious article in the International Covenant on Civil and Political Rights had subsequently been adopted because many delegations were unaware of the dangers inherent in it. There had been general agreement concerning freedom of thought, conscience and religion but many delegations had objected to the freedom to change religion or belief, since some religions did not have missionaries. Tolerance was indivisible and a formulation which placed certain religions at a disadvantage was in itself discriminatory.

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

⁵ See E/CN.4/1145, annex II.

46. Religion was a personal and subjective issue. It consisted of ritual and ceremonial and a fundamental moral code and its form and substance were interdependent. It was not enough for man to pay lip service to religion while remaining greedy, ambitious and vainglorious. Tolerance could not be achieved by legislation; it was a question of training from an early age in the exercise of self-restraint in all matters and a constant endeavour to overcome greed.

47. Middle Eastern countries had long experience in religious matters and three major religions had been founded in the area. That experience led him to the conviction that freedom of religion could not be codified. The sponsors of document A/C.3/L.2131 came from homogeneous societies which did not have a similar experience. He therefore appealed to them to confine their efforts to the elimination of intolerance on other matters, such as education. Rules and regulations could be formulated for tangible things but not for religion. Their utopian initiatives would only result in an ineffective declaration which could never become an effective convention because of the divergence of conscience, norms, observance and even moral codes in different religions. Many religions already preached love, mercy, justice and humility but those principles were not observed and they could not be inculcated in people by means of declarations. He therefore appealed to the sponsors to reconsider the desirability of a draft declaration in order to avoid the burden on United Nations expenditure which its consideration and elaboration would entail.

48. Throughout the ages and even at the present time, violence had been fomented on religious grounds and the provision in the draft declaration that freedom of religion should not be used to kindle hatred could not solve that problem. Other provisions in the document could also give rise to difficulties and might be misinterpreted for evil ends. He appealed to delegations to give careful consideration to the dangers inherent in the proposed declaration and to be guided by common sense rather than solidarity on social issues such as the item under consideration.

49. Mr. EVANS (Australia) said that his Government attached great importance to the preparation of draft instruments on the elimination of all forms of intolerance and discrimination based on religion and belief. The issue was an integral part of the fundamental rights and freedoms which the signatories of the Charter of the United Nations and the Universal Declaration of Human Rights were committed to promote and protect. The right not to be subjected to discrimination on the grounds of religion or belief should be considered in the context of other human rights and fundamental freedoms. Ethics throughout the world derived from the expression of those freedoms and where they were denied, societies suffered accordingly.

50. For those reasons, his delegation considered it essential to endeavour to formulate a declaration which would protect those rights and provide a framework for action at the national level aimed at eliminating intolerance. As a nation, Australians were strongly committed to respect for other peoples' beliefs but no country was immune to intolerance and its unpleasant and disastrous repercussions. The statements in the Committee demonstrated a willingness to co-operate with a view to achieving agreement on

the texts of a declaration; in particular, the working paper submitted by the Netherlands and Sweden would provide a useful basis for discussion. His delegation wished to make some constructive proposals concerning that document. It considered that the words "religion or belief" in article I might be omitted; the expression was well understood in United Nations usage and there was no reason to delay the formulation of a declaration by attempting to define it at the present time. His delegation accepted articles II to IV and was attracted to the proposal by the representative of Japan at the previous meeting that the principle in article V should be incorporated in article I. It would also like to see included in that article a sentence reading "in the case of a child who has been deprived of his parents, their expressed or presumed wish was to be duly taken into account, the best interests of the child being the guiding principle". That sentence had been included in paragraph 1 of article V of the original draft⁶ prepared by the Working Group set up by the Commission on Human Rights at its twentieth session. His delegation considered that it constituted an important element in the aims which the declaration sought to achieve. It would also favour reinstatement of the original paragraph 2 of that article for the same reason. His delegation also accepted articles VI to IX and would support efforts to complete the text of the declaration.

51. In conclusion, he expressed the hope that delegations would demonstrate more flexibility in the future and engage in meaningful discussions with a view to reaching agreement during the coming year on legislation aimed at eliminating intolerance.

52. Mr. SAARIO (Finland) said that the United Nations had already endeavoured to combat religious intolerance and discrimination by means of specific provisions in several international conventions; the fact that such intolerance and discrimination still existed was proof of the great complexity of the problems involved. In most cases they were deeply rooted in history. It was therefore appropriate for the United Nations to continue its efforts to solve those problems and to create harmonious relations based on mutual tolerance and respect among peoples holding different religions or beliefs. History had shown that the insecurity of any religious, racial or cultural minority was a threat to the security of all and that human rights and fundamental freedoms were interdependent and indivisible.

53. However, the measures taken in that regard should be realistic and should recognize the fact that the role of religion or belief in the life of the State differed from one country to another, and also that the problems of the adherents of various religions or beliefs were different. For example, in order to be able to practise religion people needed special protection by the State, whereas the adherents of secular beliefs were protected by the general freedom of speech and freedom of association already guaranteed by most constitutions. Nevertheless, some needs were common to all people, such as the need to have complete freedom of religion or belief and the need not to be discriminated against in the enjoyment of human rights and fundamental freedoms because of adherence or non-adherence to a religion or belief.

⁶ See *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 296.

54. His delegation hoped that working paper A/C.3/L.2131 would serve to expedite progress on the item. It clarified the essential elements to be included in the draft declaration and it deserved serious consideration.

55. Mr. VELESKO (Byelorussian Soviet Socialist Republic) said that, in the view of his delegation, the question of religious intolerance was more confused than complex, as could be seen from the history of its consideration at the United Nations. He recalled that initially, in accordance with General Assembly resolution 1781 (XVII), the Commission on Human Rights had worked on the elaboration of both a declaration and a convention on the elimination of all forms of religious intolerance. The initiative to accord priority to the elaboration of a convention had come from the Western countries and the Netherlands delegation had called for the adoption of such an instrument at the twenty-second session of the General Assembly. However, the very countries which had energetically supported the elaboration of a convention had then suddenly lost all interest in it and had turned their attention to the draft declaration, the text of which had not even been approved by the Commission on Human Rights. His delegation regretted that that manoeuvre by the Western countries, which had in effect constituted an attempt by a small group of countries to impose its position on the majority of Members of the United Nations, had cancelled out all the results which had been attained in the Third Committee. At the twenty-eighth session of the General Assembly, at the insistence of those same countries, the Committee had had before it three draft declarations, one of which, prepared by the Netherlands, had been withdrawn.⁷ Detailed discussion of the texts prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the working group of the Commission on Human Rights had shown that those two documents departed considerably from the correct conceptions, and from important international acts already adopted by the United Nations, and completely ignored the positions taken on the question by States Members of the United Nations. In those circumstances it had been clear that there was no possibility of preparing a draft declaration on such a delicate matter at that session and the Committee had rightly adopted the draft resolution which became General Assembly resolution 3069 (XXVIII) which had reaffirmed the equal importance of both a declaration and an international convention. His delegation was greatly surprised that, despite the clear provisions of that resolution, some delegations had wanted to raise the question again in the Third Committee. Those delegations were doing everything possible to undermine the agreed procedure for considering the draft articles of the working group and to draw the Committee into further useless discussion.

56. With regard to the working paper in document A/C.3/L.2131, he noted that the contents of the operative paragraphs were identical to the contents of the draft declaration which the Netherlands delegation had already introduced at the previous session and which had been withdrawn. Furthermore, since the question of preparing a draft declaration was being studied by the Commission on Human Rights, the working paper should have been submitted directly to that body.

57. In operative paragraph 4 of General Assembly resolution 3069 (XXVIII) it had indeed been decided to include the item under discussion in the agenda of the Assembly's twenty-ninth session, but it should not be forgotten that that paragraph was merely the logical conclusion of the preceding part of the resolution and could not be considered in isolation from the rest of the text. The Commission on Human Rights had made a detailed study of the question at its thirtieth session, and the Economic and Social Council in decision 14 (LVI) had confirmed the priority which the Commission on Human Rights intended to give to the elaboration of the declaration at its thirty-first session. It had therefore recommended to the General Assembly that it consider ways and means to expedite the completion of the draft declaration, without prejudice to General Assembly resolution 3069 (XXVIII). In the view of his delegation, it had been precisely on that basis that the General Assembly had placed the item under discussion on the agenda of its twenty-ninth session. Discussion of the draft declaration had not even been planned, because its elaboration had not been completed. There were decisions of the General Assembly and of the Economic and Social Council which clearly entrusted the Commission on Human Rights with the task of elaborating a declaration on the basis of documentation submitted by the Secretary-General. His delegation considered that it would be senseless to initiate discussions on a non-existent draft declaration in the Third Committee, as such discussion would clearly violate the decisions of United Nations bodies. It had therefore become a sponsor of draft resolution A/C.3/L.2130.

58. Mrs. BERTRAND DE BROMLEY (Honduras) regretted that the Committee had not taken the time to consider and adopt a universal declaration on the elimination of religious intolerance and that, in spite of numerous resolutions it had adopted over the years, little progress had been achieved. Despite the complexity of the issue, it was important to endeavour to provide legislation aimed at giving mankind maximum freedom. Although past experience with other forms of discrimination had shown that such measures were not completely effective, her delegation was convinced that the adoption of a declaration would be a positive step towards the elimination of the religious intolerance which still existed in various parts of the world.

59. In view of the lack of progress in the Commission on Human Rights she proposed that the excellent working paper submitted by the Netherlands and Sweden (A/C.3/L.2131) should be used as a working document by the Commission, and by the Committee at the next session of the General Assembly.

60. Ms. WHITE (United States of America) said it was deplorable that antagonisms arising from divergent religious beliefs, or from opposition to the holding of any religious belief, continued to bring misery and suffering to thousands in many areas of the world. Her delegation was not so sanguine as to believe that a United Nations declaration on the right of the individual to freedom of thought, conscience and religion would of itself put an end to religious discrimination and persecution, but it believed that such a declaration would focus the attention of Governments and public opinion on such practices and by so doing help to curb them.

⁷ See *Official Records of the General Assembly, Twenty-eighth Session, Annexes*, agenda item 55, document A/9322, para. 6.

61. It was unfortunate that, after more than a decade, the United Nations had not yet completed the task of drawing up a declaration on the elimination of all forms of religious intolerance. The delay had been caused partly by a shifting of attention from a draft declaration to a draft convention and back again to a draft declaration, and also from the fact that the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities had considered the problem at different times. The preliminary draft declarations prepared by those two bodies had parallel and sometimes overlapping provisions, which prolonged discussion in the various bodies concerned.

62. The working paper (A/C.3/L.2131) was, in the view of her delegation, a sound basis on which to proceed; it reflected an understanding of the diversity of beliefs, cultures and political philosophies represented in the United Nations. Her delegation did not consider that the change in the title agreed on by the Working Group of the Commission on Human Rights was an improvement. Moreover, it was keenly disappointed in the Working Group's lack of progress. It was ironic that there should have been serious divergencies of opinion on the subject of religious intolerance, as the basic principles had been accepted in the Universal Declaration of Human Rights and the International Covenants on Human Rights, and were also set forth in the constitutions of most Member States.

63. Her own country's early experience had taught it the vital importance of preventing discrimination on grounds of religion or belief and of attempting to ensure religious tolerance through both custom and law. In that connexion, her delegation sympathized with the concern expressed by several delegations over the misuse of objects of religious veneration for commercial and publicity purposes. True tolerance was based on respect for other religions or beliefs.

64. Her delegation had been pleased by the evidence of continued interest in the subject under discussion as reflected by the large number of representatives who had spoken in the debate. The discussion had afforded delegations that did not participate in the work of the

Commission on Human Rights an opportunity to comment on the substance of the item and to present suggestions and amendments.

65. On the question of referring the subject to the Commission on Human Rights, draft resolution A/C.3/L.2130 was deficient in several vital ways. It provided no guidance to the Commission, and in the light of the Commission's inability to make significant progress at its previous session, such guidance was essential. If the Committee could agree that the draft declaration in document A/C.3/L.2131 should serve as the basis for the Commission's work and should so instruct the Commission, that would provide the kind of specific guidance that the resolution should contain if it was to be effective. The adoption of the working paper would not preclude additions or amendments. It would also be appropriate to include in the draft resolution some indication of disappointment that the Commission had not been able to make more significant progress, and it should call on the Commission to accord the highest priority to the drafting of a declaration. Draft resolution A/C.3/L.2130 also failed to provide any sort of time-limit for the Commission either to complete its work or to report on its progress; the Commission should be called upon to report on its progress through the Economic and Social Council to the thirtieth session of the General Assembly. Her delegation did not think it appropriate to defer further consideration of the item until a single draft declaration was submitted by the Commission on Human Rights; given the difficulties encountered by the Commission at its previous session, the wording of resolution A/C.3/L.2130 seemed to be a prescription for indefinite delay.

66. Her delegation believed that the broad principles of tolerance set forth in working paper A/C.3/L.2131 should be acceptable to men and women of goodwill throughout the world. Her Government hoped that the principles would serve as a basis for a draft declaration that would be referred to the Committee in the not too distant future.

The meeting rose at 6.05 p.m.

2094th meeting

Wednesday, 20 November 1974, at 3.30 p.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2094

AGENDA ITEM 54

Elimination of all forms of religious intolerance (*continued*)
(A/9603, chapter I, chapter V, section C.2; A/9644, A/C.3/L.2130, 2131)

1. Mr. DIEZ (Chile) said that his country had never had any problems with regard to religious intolerance, not only because of its laws and legal system but also, and basically, because of its history and democratic traditions. For more

than 50 years the Catholic Church had been separate from the State, and people of all religions were able to worship in complete freedom.

2. At the same time Chile, as a member of the international community, had observed the consequences of religious intolerance throughout history and therefore understood that the problem was of great importance because of its philosophical and practical significance.