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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS
OF INTOLERANCE AND OF DISCRIMINATION BASED ON
RELIGION OR BELIEF

Report of the Secretary-General prepared pursuant to paragraph 11
of Commission on Human Rights resolution 1987/15

Addendum

The present document contains communications received from Denmark,
Jamaica and Norway.

DENMARK

[Original: English]
[26 November 1987]

As far as the drafting of a binding international instrument is concerned, the Danish authorities would be prepared to consider in a positive spirit the possibility of participating in the preparation of a draft international instrument aiming at eliminating all forms of intolerance and of discrimination based on religion or belief. General Assembly resolution 36/55 could serve as a useful basis for further efforts in this field.

JAMAICA

[Original: English]
[20 November 1987]

Jamaica has no objection in principle to the initiative of the Commission on Human Rights to prepare a binding international instrument which would contribute to the elimination of all forms of intolerance and discrimination based on religion or belief. However, bearing in mind the several international agreements related to this subject, the question arises whether another international instrument would be the most effective means of securing the desired objective. For this reason, therefore, other mechanisms could be considered and Jamaica supports the idea of a working group being established to consider ways in which international guarantees against religious intolerance and discrimination may be strengthened.

NORWAY

[Original: English]
[4 December 1987]

The Government of Norway believes that the international community should strive to establish further internationally binding norms with a view to eliminating and preventing discrimination and intolerance based on religion or belief. Norway welcomes the recommendation in the report of Mrs. E. Odio Benito, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities with regard to the elaboration of binding norms. Furthermore it has noted the recommendation of Mr. A. d'Almeida Ribeiro, Special Rapporteur of the Commission on Human Rights, also in favour of the establishment of such norms.

In the further deliberations on the question of elaboration of legally binding norms, Norway finds it crucial that the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities should continue to exchange views. The Commission should therefore take into account resolution 1987/33 of the Sub-Commission in which it has entrusted one of its members to examine several aspects related to the issue of elaborating a binding instrument.

Norway would in the meantime like to submit a few observations which it feels are worth consideration.

A legally binding instrument must ensure that rights already defined and established as part of international human rights law, e.g. the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, are not reduced. General Assembly resolution 41/120 on setting international standards in the field of human rights should be taken into account.

At the same time as efforts are made to achieve the long-term objective of establishing further binding norms, emphasis must also be placed on the implementation of the relevant norms in existing instruments, e.g. the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Discrimination and Intolerance Based on Religion or Belief.

The formulation of norms should be as precise and concise as possible. This is important with regard to the implementation and the establishment of effective monitoring functions.

The norms should contain provisions for the submission and consideration of individual communications in relation to violations of the norms to be established as well as for communications to the effect that a State claims that another State is not fulfilling its obligations with the norms to be established.

It would be important to ensure as broad a recognition as possible of such norms. To this end participation in the drafting process by Government representatives as well as experts and representatives of non-governmental organizations should be encouraged.

Experience has shown that the drafting of new human rights instruments is normally a long-term endeavour requiring a considerable amount of human and financial resources. Before a drafting process is initiated, careful consideration should therefore be given to a number of questions and especially to the nature of the instrument, whether the norms should be established within the framework of a separate convention with its own supervisory body and reporting procedures, or in the form of an optional protocol to the International Covenant on Civil and Political Rights.

In relation to the alternative of an optional protocol it ought to be kept in mind that the International Covenant on Civil and Political Rights has been ratified by 86 States and that the Human Rights Committee, as the supervisory body, performs its functions in an exemplary manner.

In Norway's view the possible establishment of an optional protocol merits consideration by the Sub-Commission and the Human Rights Committee could be asked to pronounce itself on the matter.