

convention during the thirty-sixth session of the General Assembly;

4. *Decides* to consider at its first regular session of 1982 the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers" and to monitor the status of work done with a view to protecting the rights of all migrant workers and their families.

*18th plenary meeting  
8 May 1981*

**1981/36. Draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**

*The Economic and Social Council,*

*Recalling* General Assembly resolution 3267 (XXIX) of 10 December 1974, in which the Assembly requested the Commission on Human Rights to submit, through the Economic and Social Council, to the Assembly a single draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

*Expressing its appreciation* to the Commission on Human Rights for having concluded the elaboration of a draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

*Recommends* to the General Assembly that it should consider the draft Declaration annexed to the present resolution with a view to adopting and solemnly proclaiming it, at its thirty-sixth session, as the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

*18th plenary meeting  
8 May 1981*

**ANNEX**

**Draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**

**PREAMBLE**

*The General Assembly,*

*Considering* that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

*Considering* that the Universal Declaration of Human Rights<sup>62</sup> and the International Covenants on Human Rights<sup>63</sup> proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief, including the right to choose, manifest and change one's religion or belief,

*Considering* that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations.

*Considering* that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed.

*Considering* that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the

Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible.

*Convinced* that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination.

*Noting with satisfaction* the adoption of several, and the coming into force of some, conventions under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

*Concerned* by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world.

*Resolved* to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief.

*Proclaims* this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

*Article I*

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

*Article II*

1. No one shall be subject to discrimination by any State, institution, group of persons or person on grounds of religion or other beliefs.

2. For the purposes of the present Declaration, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

*Article III*

Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

*Article IV*

1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

*Article V*

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.

2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

<sup>62</sup> General Assembly resolution 217 A (III).

<sup>63</sup> See General Assembly resolution 2200 A (XXI), annex.

4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

5. The practices of a religion or beliefs in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

#### Article VI

In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, *inter alia*, the following freedoms:

(a) To worship or assembly in connexion with a religion or belief, and to establish and maintain places for these purposes;

(b) To establish and maintain appropriate charitable or humanitarian institutions;

(c) To make, to acquire and to use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

(d) To write, to publish and to disseminate relevant publications in these areas;

(e) To teach a religion or belief in places suitable for these purposes;

(f) To solicit and receive voluntary financial and other contributions from individuals and institutions;

(g) To train, to appoint, to elect or to designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

(h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;

(i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

#### Article VII

The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

### 1981/37. Draft convention against torture and other cruel, inhuman or degrading treatment or punishment

#### *The Economic and Social Council,*

*Recalling* General Assembly resolution 35/178 of 15 December 1980, by which the Assembly requested the Commission on Human Rights to complete as a matter of urgency, at its thirty-seventh session, the drafting of a convention against torture and other cruel, inhuman or degrading treatment or punishment, and Economic and Social Council resolution 1980/32 of 2 May 1980, by which the Council authorized a meeting of an open-ended working group of the Commission on Human Rights for a period of one week prior to the thirty-seventh session of the Commission to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment,

*Considering* that it was not found possible to complete the work on the draft convention during the thirty-seventh session of the Commission,

*Taking note* of resolution 25 (XXXVII) of 10 March 1981 of the Commission on Human Rights,<sup>64</sup>

1. *Authorizes* a meeting of an open-ended working group for a period of one week prior to the thirty-eighth session of the Commission on Human Rights to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment;

<sup>64</sup> *Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr. 1), chap. XXVIII, sect. A.*

2. *Requests* the Secretary-General to transmit to the Commission on Human Rights at its thirty-eighth session all relevant material relating to the draft convention.

*18th plenary meeting  
8 May 1981*

### 1981/38. Assistance to the Government of Equatorial Guinea in its efforts to guarantee the enjoyment of human rights and fundamental freedoms

#### *The Economic and Social Council,*

*Recalling* its decision 1980/137 of 2 May 1980 on the situation of human rights in Equatorial Guinea, as well as resolutions 15 (XXXV) of 13 March 1979,<sup>65</sup> 33 (XXXVI) of 11 March 1980<sup>66</sup> and 31 (XXXVII) of 11 March 1981<sup>64</sup> of the Commission on Human Rights,

*Taking note with appreciation* of the report submitted by Professor Fernando Volio Jiménez,<sup>67</sup> expert appointed by the Secretary-General in pursuance of resolution 33 (XXXVI) of the Commission on Human Rights,

*Bearing in mind* General Assembly resolutions 34/123 of 14 December 1979 and 35/105 of 5 December 1980 on assistance to Equatorial Guinea,

*Conscious* of the need to ensure that such assistance should include a response to the human rights requirements of the situation,

*Mindful* of the efforts being made by the Government of Equatorial Guinea to ensure respect for human rights and fundamental freedoms in that country,

*Noting* that the Government of Equatorial Guinea would be prepared to accept the working plan submitted by the expert to assist it in its efforts to restore the full enjoyment of human rights in the country,

1. *Expresses its appreciation* to Professor Fernando Volio Jiménez, expert appointed in accordance with resolution 33 (XXXVI) of the Commission on Human Rights, for his efforts to provide advice and assistance to the Government of Equatorial Guinea and also for his report;

2. *Expresses its appreciation also* to the Government of Equatorial Guinea for its efforts towards the restoration of human rights in Equatorial Guinea and for the co-operation extended to the expert, and invites the Government to continue its efforts to restore the democratic freedoms abolished by the former Government and to encourage the participation of the citizens in the restoration of the democratic system in the country;

3. *Reiterates* its readiness to assist the Government of Equatorial Guinea, at its request, in the task of restoring human rights in Equatorial Guinea and, to that end, requests the Secretary-General to invite the expert to continue to place his advice and assistance at the disposal of the Government of Equatorial Guinea, particularly with a view to the implementation of his recommendations to that Government, taking into account the political, economic and social conditions of the country;

4. *Requests* the Secretary-General, bearing in mind the need for co-ordination with other assistance ac-

<sup>65</sup> *Ibid.*, 1979, Supplement No. 6 (E/1979/36), chap. XXIV.

<sup>66</sup> *Ibid.*, 1980, Supplement No. 3 (E/1980/13 and Corr. 1), chap. XXVI.

<sup>67</sup> E/CN.4/1439 and Add. 1.