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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session
Agenda item 25

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

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Annex

Text of the Declaration on the Elimination of all Forms of Religious
Intolerance and of Discrimination based on Religion or Belief

INTRODUCTION

1. At its thirty-seventh session, in resolution 37/187 of 18 December 1982 entitled "Elimination of all forms of religious intolerance", the General Assembly reaffirming its resolution 36/55 proclaiming the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, ^{*}/ invited all Governments to take the necessary measures to ensure wide publicity for the Declaration. In the same resolution, the General Assembly requested the Secretary-General to bring the Declaration to the attention of the appropriate specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and other appropriate bodies within the United Nations system, for the consideration of measures to implement the Declaration, and to report to the Commission on Human Rights at its thirty-ninth session on views expressed. In the same resolution, the Assembly requested the Commission to consider what measures may be necessary to implement the Declaration and to report through the Economic and Social Council, to the General Assembly at its thirty-eighth session.
2. In accordance with General Assembly resolution 37/187, a communication was sent on 6 January 1983 to the International Labour Organisation and to the United Nations Educational, Scientific and Cultural Organization as well as various bodies within the United Nations system.
3. The present document contains replies received as at 17 February 1983. Any additional replies will be reproduced as addenda to the present document.

^{*}/ The text of the Declaration is reproduced as an annex to the present document.

I. REPLIES RECEIVED FROM SPECIALIZED AGENCIES

[Original: French]

[28 January 1983]

International Labour Organisation

The right of all persons to equality of opportunity and treatment in the labour sector without distinction as to belief or religion, inter alia, is a constitutional principle of ILO (proclaimed in particular in the 1944 Declaration of Philadelphia), whose implementation is pursued both in the normative activities of ILO and in its operational programmes aimed at promoting the elimination of all discrimination in the areas within its competence.

Convention No. 111 and Recommendation No. 111 concerning discrimination (employment and occupation) of 1958 call for the elimination of any distinction, exclusion or preference made on the basis of religion (inter alia) which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. The Convention has been ratified by 102 member States. In accordance with the procedures applicable to all ratified conventions, on the basis of article 22 of the Constitution of the ILO, the reports of Governments on the implementation of this Convention and any observations that may be made by the employers' and workers' organizations are submitted for consideration by the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations, which meet every year. In addition, by a special decision taken by the Governing Body in 1978, reports under article 19 of the ILO Constitution are requested every four years from countries which have not ratified the Convention for the purposes of reviewing any problems they may encounter and promoting further ratifications. Reports have also occasionally been requested under the same article 19 from all countries in connection with Recommendation No. 111 for the purpose of considering the action taken on the more detailed guidelines which the Recommendation contains. All these reports are also considered by the above-mentioned supervisory bodies. Lastly, under articles 24 and 26 of the ILO Constitution, complaints or representations relating to the application of the Convention may be submitted by Governments or employers' or workers' organizations (or delegates to the Conference) in respect of countries which have ratified; these complaints or representations are considered by special commissions (established by the Governing Body), in accordance with a quasi-judicial procedure.

The International Labour Office's operational programme aimed at promoting the elimination of discrimination in the labour sector also covers discrimination based on religion as well as the other forms of discrimination. Under this programme, Governments and employers' and workers' organizations have the possibility of calling for the examination of specific problems which may even concern countries which have not ratified the Convention. This may give rise to special inquiries under the supervision of the Governing Body's Committee on Discrimination (there have not so far been any such requests concerning discrimination based on religion). The operational programme has mainly comprised the organization of meetings of experts, symposia and seminars, and publications intended to increase awareness of problems of discrimination in employment and methods of overcoming them. At present

these activities comprise, in particular, the preparation of guides on practices (describing the various methods of avoiding direct or indirect discrimination and promoting equality of opportunity and treatment in practices relating to employment and working conditions, for use by governmental agencies, enterprises and trade unions), and a series of tripartite regional seminars intended to promote the use and formulation of such guides. Various aspects of relations between forms of religious distinction and labour questions are included in these activities.

With regard to questions within its competence, the International Labour Office will be pleased to contribute to any special programme that the United Nations might undertake for the purposes of the implementation of the Declaration.

II. REPLIES RECEIVED FROM BODIES WITHIN THE UNITED NATIONS SYSTEM

[Original: English]

[20 January 1983]

Centre for Social Development and Humanitarian Affairs

As requested by the General Assembly in operative paragraph 3 of its resolution 37/187, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief will be brought to the attention of the Commission on the Status of Women at its next regular session to be held in February 1984.

Concerning the inquiry whether any views or observations have already been expressed by the Commission as regards the implementation of the Declaration please be informed that this item has not been taken up by the Commission in the last 10 years.

[Original: English]

[10 February 1983]

High Commissioner for Refugees

The Office welcomes the adoption and proclamation of the Declaration by the General Assembly, both for its relevance to the international protection of refugees in the enjoyment of their basic human rights and for its contribution to the elimination of conditions which can give rise to situations where persons are unable or unwilling to avail themselves of the protection of their country of origin and are forced to become refugees.

The Office favours, therefore, the adoption by members of the international community of all appropriate measures for the implementation of the Declaration.