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DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE
MATTER OF RELIGIOUS RIGHTS AND PRACTICES

Note by the Secretary-General

As requested in the first operative paragraph of resolution 4 (XVI), which the Commission adopted at its sixteenth session, the Secretary-General transmitted to the Governments of States Members of the United Nations and of the specialized agencies the text of the draft principles on freedom and non-discrimination in the matter of religious rights and practices drawn up by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/800, para. 160, resolution 1 (XII), annex), so that they could submit their comments on the substance of the draft principles and the form in which such principles should be embodied.

The comments received from the Governments of Austria and the Federal Republic of Germany are transmitted to the Commission herewith.

AUSTRIA

I

Although all efforts directed towards the protection of fundamental rights and freedom are welcome, an international convention on the subject does not seem necessary from the standpoint of Austrian legislation, as will be explained in detail below. In the first place, there is no need for such a convention since fundamental rights and freedoms in Austria have for many decades been guaranteed by exemplary constitutional and legal safeguards and anyone who feels that he has suffered infringement of such a right may lodge a complaint with the Constitutional Court in accordance with the procedure laid down in article 144 of the Federal Constitution. Moreover, such conventions may create difficulties, for owing to their multilateral character, which makes it necessary to take various legal systems into account, they are often very ambiguous and are worded in a special legal language. This lack of clarity and this broad formulation might introduce into the Austrian legal system, which not only embodies a very clear and generally comprehensible code of fundamental rights but is amply clarified by a copious jurisprudence on the individual fundamental rights and freedoms constitutionally guaranteed in Austria, an uncertainty which might bring individual rights into question and thus obscure their true meaning. Because of the legal uncertainty thus created, the conclusion of international conventions in the field of fundamental rights and freedoms very often has an effect opposite to that intended.

The Federal Ministry of Foreign Affairs wishes to emphasize that its position is predicated on the Austrian legal system and that it does not deny that regulations such as those in the draft in question may well, within other legal systems, represent progress towards the universal safeguarding of fundamental rights and freedoms. The Federal Ministry of Foreign Affairs does not therefore wish to express any categorical opposition to Austria's accession to international conventions in the field of human rights and fundamental freedoms, especially in the light of the obligation to promote respect for human rights which Austria has assumed as a Member of the United Nations. The Federal Ministry of Foreign Affairs feels bound, however, to emphasize that such conventions should be so drafted that the above-mentioned dangers to the Austrian system of fundamental rights and doubtless to the systems of other States as well, are as far as

possible avoided. In Austria's view, the duty of promoting respect for human rights begins at home and should in no case lead to the weakening of already existing safeguards against the infringement of such rights.

The creation of any legal uncertainty regarding national systems of fundamental rights can be avoided by measures on the lines of the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948. Such a declaration, which from the legal point of view constitutes a recommendation to Member States has no direct influence on national legal systems since it is not in any way legally binding. It would, however, be a mistake to regard such declarations as valueless for that reason. The example of the Universal Declaration of Human Rights shows that such a recommendation may have a very considerable, if only moral, value and that all States which take the obligations they have assumed as Members of the United Nations seriously are inclined to treat it as if it were legally binding and to arrange their legal systems accordingly. Nevertheless any States which disregard the United Nations Charter could not be compelled to respect human rights even by a legally binding instrument, since they obviously do not respect the principle "pacta sunt servanda", and might well ignore such an instrument even if they were prepared to accede to it. The Federal Ministry of Foreign Affairs therefore considers that the basic principles of religious freedom should be embodied in a recommendation of the United Nations General Assembly, as in the case of the Universal Declaration of Human Rights.

Should a large majority of States Members of the United Nations express a desire for a stronger instrument on religious freedom, it would only be possible in the opinion of the Federal Ministry of Foreign Affairs, to conclude or accede to a multilateral convention for that purpose which would indicate clearly and unequivocally that it committed only States to positive action and extended no immediate rights to individuals. An international agreement guaranteeing religious freedom would therefore have to be non-self-executing, so that that point would be as clear and explicit as possible.

II

In judging the draft principles we have proceeded on the basis of the following considerations:

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1. It is assumed that the different relationships between Church and State which have arisen as a result of the historical development of individual States are not fundamentally altered by these principles.
2. The purpose of the principles is to prevent infringement of the religious rights of individuals by State authorities.
3. The draft principles regularly employ the terms "religion" and "belief". In Austria's view, the word "belief" is not to be interpreted as embracing every philosophy, particularly purely political philosophies, but only such philosophies or beliefs as are transcendental in character.

III

A comparison of the principles in question with Austria's internal system of fundamental rights evokes the following observations:

On the preamble:

In the third paragraph, it would be better to delete the words "in the past" since the text might otherwise be construed as constituting a certificate of good conduct for all Contracting Parties.

On part I:

Firstly, it should be made clear in this part that the principles laid down refer only to the profession of a religion or belief and not to its practice. This applies in particular to the principle laid down in paragraph 4. Only on that understanding can the exclusion of this part from the general public-order clause of part III be regarded as unobjectionable.

The principle in paragraph 1 follows from article 14, paragraph 1, of the Basic State Act regarding the general rights of citizens, RGBl, No. 142/1867, and from article 63 of the Treaty of St. Germain, which, under article 149 of the Federal Constitution, constitutes an integral part of that Constitution. The freedom of religion thus constitutionally guaranteed has always been held (see Klecatsky-Weiler, Oesterreichisches Staatskirchenrecht, p.16 and p.49) to refer to every religion and to the profession of no religion.

The Act of 15 July 1921 (DRGBl.I, p. 939), which now regulates the religious upbringing of children in Austria and which is essentially to be regarded as an act implementing article 14 of the Basic State Act concerning the general rights of citizens (see Adamovich, "Die oesterreichischen Bundesverfassungsgesetze," p.302) provides regulations corresponding to paragraph 2.

Paragraph 3 follows from the principle of equality before the law, which is also constitutionally guaranteed (see article 7, Federal Constitution). Moreover, article 14, paragraph 2, of the Basic State Act concerning the general rights of citizens provides that the enjoyment of civil and political rights shall be independent of religious confession. Act RBG1. No. 49/1868 (see in particular article 4) further explicitly guarantees the right to free choice of a religion.

This applies also to the principle in paragraph 4, which is also guaranteed by article 63, paragraph 2, of the Treaty of St. Germain.

On part II:

The introductory general principle laid down here also follows, for the Austrian system of fundamental rights, from article 14 of the Basic State Act concerning the general rights of citizens, which guarantees not only freedom to choose a religion or to be without a religion but also freedom of religious practice in accordance with one's confession (see Decisions of the Constitutional Court) Slg. 799, 800 and in particular 1,408). Indeed, article 14, paragraph 3, leg. cit. goes even further than the general principle in question, since it also provides that no one may be compelled to practise a religion.

Freedom of worship (paragraph 1 (a)) is constitutionally guaranteed in Austria by article 63 of the Treaty of St. Germain. Adequate protection of religious life (paragraph 1 (b)) is provided under penal law by the relevant provisions of the Criminal Code (see in particular paragraphs 122 et seq., 153, 174 II (b), 175 I (a), 302 and 303 of the Criminal Code).

Since article 4 of the Basic State Act concerning the general rights of citizens provides a general guarantee of freedom of movement and freedom to emigrate, the Austrian system of fundamental rights makes no special provision for pilgrimages within the meaning of paragraph 2. In view of the above-mentioned general guarantee a special provision would be superfluous.

In Austrian law, the observance of dietary practices prescribed by a religion or belief (paragraph 3) is also regarded as a religious act protected by article 14 of the Basic State Act concerning the general rights of citizens. A special provision on the subject is therefore unnecessary so far as the Austrian system of fundamental rights is concerned.

The principle embodied in paragraph 4 also follows from article 14 of the Basic State Act concerning the general rights of citizens, since under that article

any measures which seem likely in any way to limit religious freedom in the above-mentioned sphere are constitutionally prohibited. A measure under which it would become impossible for a member of a religion or belief to fulfil the principles of his belief would therefore be incompatible with article 14 of the Basic State Act concerning the general rights of citizens (see in this connexion the Decisions of the Administrative Court of 30 April 1897, Slg. 10,666 and of 11 June 1907, Slg. 5248 A). In this connexion, reference must also be made to article 6, paragraph 2, of the Basic State Act concerning the general rights of citizens, which provides that in the case of mortmain - that is, corporate bodies and institutions, especially those of an ecclesiastical character, as the owners of immovable property - "limitations of the right to inherit and dispose of real property are permissible by legislation on grounds of public policy". Apart from the fact that so far no such legal limitations have ever been established, this provision is applicable only to the extent that the exercise of the right to religious freedom constitutionally guaranteed by article 14 of the Basic State Act concerning the general rights of citizens is not thereby made impossible. This follows not only from the general rule for the interpretation of article 14, paragraph 1, of the Basic State Act concerning the general rights of citizens (see Klecatsky-Weiler, op. cit., p. 15, footnote 3) but from the fact that the legislator must take religious freedom into account even in exercising the authority granted under article 14, paragraph 2, second sentence, leg. cit. (see in this sense the comment by Klecatsky-Weiler, op. cit., p. 18, footnote 19).

On paragraph 4 (a): Paragraph 4 (a) should protect not only the right of individuals to satisfy ritual requirements but the right of religious bodies themselves to do so. It is also requested that the words "from engaging in any activities prescribed by his religion or" should be added after the words "not be prevented" and that the word "possessing" should be added between the words "requiring" and "or producing".

In Austrian law, marriage rites are regarded as an observance of the belief or religion in question (See Decision of the Constitutional Court, Slg. 2944) and consequently enjoy the full protection of article 14 of the Basic State Act concerning the general rights of citizens and of article 63 of the Treaty of St. Germain. They may not be prevented by State action (paragraph 5 (a) - for details see the above-mentioned Decision of the Constitutional Court, Slg. 2944) nor may anyone be compelled to undergo them (paragraph 5 (b)).

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On paragraph 5 (a): The provision in paragraph 5 (a) may not be acceptable to those churches - i.e. the Catholic Church, the Greek-Oriental Church, the Anglican High Church - which regard marriage as a sacrament.

The following wording might therefore be adopted:

"Without prejudice to the right of the State to prescribe another specific form for the performance of a valid civil marriage, no one shall be prevented from having marriage rites performed in accordance with the prescriptions of his religion or belief."

In addition, the principle in paragraph 5 (b) should be based not on the inner convictions of the individual but primarily on the actual religious affiliation of the person concerned, since an individual's inner convictions cannot be determined by objective criteria.

The system of fundamental rights in Austria contains no principle similar to that laid down in paragraph 5 (c), although under the marriage law now in effect the dissolution of a marriage is always enacted without reference to the religion or belief of the parties concerned. Austria may have a further observation to make on the politico-legal aspect of this principle. Moreover, it is not possible to comment in detail on this provision until the meaning of the word "adverse" is clarified. We therefore request the Secretary-General of the United Nations to provide the necessary clarification.

Matters relating to denominational cemeteries (paragraph 6 (a)) are generally recognized in Austrian jurisprudence (see Klecatsky-Weiler, op. cit., p. 31) as an internal affair of the religious community in question, which, under article 15 of the Basic State Act concerning the general rights of citizens, falls within the independent jurisdiction of legally recognized churches and religious communities. For the rest, burial and the decoration of graves are regarded as religious observances and therefore enjoy the protection of article 14 of the Basic State Act concerning the general rights of citizens and of article 63 of the Treaty of St. Germain.

Under the provisions of penal law referred to earlier, burial places and funeral rites are protected against desecration or interference (paragraph 6 (b)) in the same way as other religious places and rites.

The principle laid down in paragraph 7 is not constitutionally guaranteed in Austria. The Holiday Rest Act of 1957, BGBL, No. 153, provides, however, that,

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to the extent justifiable in a modern State with a modern economic system, no work shall be done on the days prescribed as holidays or days of rest by the religious communities most widespread in Austria. To the extent that exceptions to the general rule of rest on Sundays and holidays are permissible, the relevant provisions usually provide also that persons working on those days must be granted the free time necessary to attend religious services. The provision in the principle in question that due account shall be taken of the prescriptions of each religion or belief relating to holidays or days of rest can hardly be given domestic application, at least in its present wording. On the one hand, how far the "due account" to be given to the holidays or days of rest of each religion or belief must extend is left completely undefined; on the other hand, it would be out of the question to take account of all the holidays or days of rest of all the religions or religious communities which now exist in Austria or may exist there in the future without the most serious consequences for the general public. It would therefore appear that in any case this principle will have to be amended.

The right laid down in paragraph 8 (a) exists within the Austrian system of fundamental rights on the basis of article 17, and subsidiarily article 13, of the Basic State Act concerning the general rights of citizens.

The principle in paragraph 8 (b) is also constitutionally guaranteed in Austria by article 14 and article 17 of the Basic State Act concerning the general rights of citizens, although it must be borne in mind that under article 17, paragraph 2, leg. cit. only Austrian citizens are guaranteed the right to found educational institutions. Moreover, because of the lack of objective criteria for the determination of an individual's inner convictions, it would be preferable to change the basis of this provision to the individual's religious affiliation.

The same applies to paragraph 9 (a) to the extent that the matter is not an internal affair of the religious community concerned, which is guaranteed sole jurisdiction over such matters under article 15 of the Basic State Act concerning the general rights of citizens. There is, however, no guarantee that persons who wish to enter Federal territory for the purpose of teaching must be granted permission to do so.

Paragraph 9 (b) again follows from the general right to freedom of movement and freedom to emigrate laid down in article 4 of the Basic State Act concerning the general rights of citizens.

The principle laid down in paragraph 10 is not constitutionally guaranteed in Austria at present. In fact, the relevant provisions, particularly in the sphere of procedural law, regularly provide for oaths which are of a religious nature. The Austrian system does not therefore tally with the principles under consideration on this point. Apart from that fact, it must be pointed out that the expression "contrary to his convictions" is too broad. Since a person's inner convictions cannot be established with certainty, in practice whatever any person who is required to take an oath may say concerning his convictions would have to be accepted. This, however, would leave the decision whether to take or refuse to take a religious oath to the choice of the individual. Consequently, membership or non-membership of a religious community believing in God becomes the decisive factor, which means that the criterion should be not inner conviction but external affiliation.

The law concerning military service in Austria recognizes no general right to refuse military service (paragraph 11) but recognizes the right to refuse armed service on conscientious grounds (paragraph 25 of the Military Service Act, BGBL., No. 181/1955). Paragraph 28, section 4, of the Military Service Act provides that the regular length of service for persons making use of this right shall be fixed at twelve months instead of the nine months ordinarily served. The purpose of this provision for different treatment is to exclude in advance, so far as possible, any abuse of this right by lengthening the regular time of service for persons refusing armed service. The provision is therefore regarded as necessary. In the light of these considerations, it is also regarded as objectively justified and compatible with the principle of equal treatment. The Federal Ministry of Foreign Affairs therefore considers that it must oppose the inclusion of any principle which prohibits any distinction in the treatment of persons refusing armed service and other persons liable to military service, as provided for in the above-mentioned Austrian regulation. Moreover, too strong a formulation of this principle would also be undesirable from the point of view of the individuals concerned, for States would then be inclined to exclude the possibility of objection to armed service or to military service in general. No distinction is made between individual religions or beliefs in recognizing persons as objectors to armed service under paragraph 25 of the Military Service Act.

Since under article 14 of the Basic State Act concerning the general rights of citizens, no one in Austria may be compelled to participate in a religious ceremony and there is no obligation to participate in any kind of public ceremony, the right embodied in paragraph 12 is meaningless within the Austrian system of rights and accordingly no provision is made for it.

Adequate protection of the right of a priest or minister of religion not to divulge information received in confidence (paragraph 13) is provided in the relevant provisions of Austrian procedural law (paragraph 320 of the Code of Civil Procedure, paragraph 151 of the Code of Criminal Procedure, paragraph 48 of the General Administrative Procedure Act of 1950, and paragraph 78 of the Fee Regulations (Abgabenordnung)).

Part III calls for no special comments.

The principle in Part IV is covered by article 15 of the Basic State Act concerning the general rights of citizens, which takes the principle of equal treatment into account in so far as it guarantees certain specific rights to all religious communities without distinction.

The present wording of paragraph 1 must be rejected from the standpoint of State supervision of religious affairs, since the State is not called upon to intervene in every conflict between religious communities. The provision might provide a point of departure or pretext for far-reaching interference by the State in the internal affairs of religious communities - which is obviously not what the authors of the draft intended.

The second sentence of paragraph 2 is not at all clear. If the provision is to be understood as meaning that State subsidies should be granted to religious communities for specific purposes only, there would be serious objections to it, since the State should not be prevented from assisting religious communities.

IV

With regard to the general formulation of the principles, the Federal Ministry of Foreign Affairs would like to observe that, in its view, it would be more appropriate to replace the proposed very casuistical structure by a simple statement of the principle of religious freedom and then to illustrate this principle by a list, given simply by way of example, of particularly important rights which follow from this principle.

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FEDERAL REPUBLIC OF GERMANY

The Federal Government would welcome the formulation, under United Nations auspices, of principles in the matter of religious rights and practices.

If the principles were prepared in the form of a convention, they would have the most binding legal effect in respect of the countries which acceded to the convention, but they would then be of no special significance to Member States which did not accede to the convention. If, on the other hand, the principles were adopted in the form of a United Nations recommendation, any persons or groups of persons, in any State Member of the United Nations, who were threatened with a restriction of religious freedom or with religious discrimination and who in the first place were dependent upon the observance of those principles, would be entitled to invoke the recommendations and insist upon their observance. The extent of application of the principles would thus be increased, even if the principles themselves were not thereby made truly binding. Furthermore, the recommendation could be accompanied by a suggestion that each State should bring its internal legislation into harmony with the recommendations and report in due course on the measures it has taken.

This solution would be preferable in the present circumstances.

The following comments are made in respect of the individual principles:

1. The title of the resolution refers to principles on freedom and non-discrimination in the matter of religious rights and practices. It therefore clearly implies that the principles constitute a charter for the freedom of religious practices and for the free choice of a religion. Some doubt may arise in this connexion inasmuch as the principles deal not only with religious freedom but also with freedom of belief. If "belief" includes membership of non-religious sects, certain provisions of the resolution could be interpreted as referring not only to religious beliefs but also to other teachings. In the case of part II, paragraph 8, for example, this would lead to a misinterpretation of its contents and would give rise to certain objections in view of the fact that the principles provide that some of the rights which they proclaim are inviolable. It therefore appears desirable to obviate any such doubts through a more careful wording of the text.

2. Part I

Paragraph 2. The text does not specify whether or to what extent the prior right of parents to decide upon the religion or belief in which their child should be brought up must yield in the face of opposition on the part of the child. Furthermore, it is not stated up to what age of the child the parents shall continue to have the prior right of decision.

German law provides (Act of 15 July 1921 concerning religious education of children, Section 5) that after reaching the age of fourteen the child alone may decide to which creed it wants to belong. After reaching the age of twelve, a child cannot be brought up against his will in a creed different from that in which he has so far been brought up. To that extent, the present text of the principles conflicts with German law.

In the second sentence the somewhat weak word "wish" should be replaced by "will".

3. Part II

Introductory paragraph: The restriction at the end of the paragraph obviously relates to both positive and negative restrictions of freedom. It should therefore be placed at the beginning of the paragraph.

Paragraph 2. It might be desirable to consider whether everyone should not also have the right to take part, without hindrance, in supra-national gatherings and events of a religious nature which are held abroad and to visit freely religious authorities and institutions which have their headquarters abroad and to which he feels himself akin.

Paragraph 5 (a). It appears doubtful whether, under this principle, the State also has the right to impose disciplinary penalties when the marriage ceremony is performed without a prior civil marriage ceremony. Section 67 of the German Civil Status Act of 8 August 1957 provides for disciplinary penalties in such cases.

Furthermore, since marriages may be subject not only to civil law but also to ecclesiastical law, the following formula would be more correct:

"Without prejudice to the right of the State to lay down the conditions for the celebration of marriages and their recognition under civil law, no one....".

Paragraph 6. This principle is already taken into account in the German criminal law at present in force.

Section 166 of the Criminal Code provides for punishment with imprisonment not exceeding three years of "whoever gives offence by publicly blaspheming God in contumelious terms or whoever publicly vilifies one of the Christian churches or another religious body established with corporate rights within the territory of the State or insults their institutions or rights, likewise whoever in a church or in another place dedicated to religious gatherings commits a profane nuisance".

Religious practices are protected primarily by Section 167 of the Criminal Code, which reads as follows:

"Whoever by action or threats prevents anyone from conducting the divine service of a religious body existing in the State, likewise whoever in a church or another place dedicated to religious assemblies by creating noise or disorder wilfully obstructs or disturbs divine service or individual acts of worship of any religious body existing in the State shall be punished with imprisonment not exceeding three years".

Furthermore, section 168 of the Criminal Code provides as follows:

"(1) Whoever, without proper authority removes the corpse, part of the corpse or the ashes of a deceased person from the custody of a person entitled thereto, likewise whoever commits a profane nuisance in their place of custody or in a place of burial or destroys or damages a place of burial, shall be punished with imprisonment not exceeding three years; loss of civic rights may also be imposed.

"(2) Attempts to commit such acts shall be punishable."

Paragraph 6 (a). According to this principle, the prescriptions of the religion or belief of a deceased person must be followed in all matters affecting burial. This should be supplemented by a statement that the wish of the deceased should be taken into account first and foremost.

Paragraph 6 (b). For legal reasons, "equality" of protection should not be called for but discriminatory inequality should be prohibited, in order to avoid any possibility of conflict with rights enjoyed by the State Church in many countries.

The Federal Government also considers it desirable that ceremonies of baptism and celebrations of the passage from childhood to adolescence should be protected against anti-religious acts.

Paragraph 7. This principle - to the extent that it refers to Sundays and religious holidays recognized by the State - is also protected by many provisions of German criminal law.

Section 366 (1) of the Criminal Code contains a basic provision stating that "whoever contravenes the regulations issued against disturbance of the observance of Sundays and holidays" shall be punished with a fine not exceeding 150 marks or with a term of imprisonment not exceeding fourteen days.

Further relevant provisions are contained in the Order of 16 March 1934 concerning the protection of Sundays and holidays, as amended by the Order of 1 April 1935. This Order has been supplemented by many local regulations.

Provisions concerning the protection of Sundays and holidays are also contained in the Industrial Code (Section 41 (a)), in the Protection of Youth Act (Section 18, paragraph 1: "Juveniles may not be employed on Sundays and holidays") and in other laws.

Paragraph 8 (a). There is some doubt whether the limitations in part III are sufficient to cover, for example, the dissemination of a belief which shows a tendency to endanger the State.

In the Federal Republic of Germany, no impediment is placed in the way of churches or other religious communities which train the personnel required for their own purposes. They are also allowed to bring in foreign teachers for that purpose. There is also no prohibition of travel abroad to receive training.

Paragraph 8 (b). Here again it would be preferable to replace the word "wish" by the word "will".

Paragraph 10. Under the relevant provisions of the German procedural law (e.g. Section 66 (c), paragraph 2, of the Code of Criminal Procedure) every witness is entitled to take an oath which does not include a declaration of a religious nature.

Paragraph 11. Article 3 (3) of the Basic Law guarantees that the proceedings of boards examining conscientious objectors will be conducted in accordance with this principle. That no one may suffer prejudice because of his faith or his religious opinions is a constitutionally guaranteed right in the Federal Republic and, in practice, sections 25 et seq. of the Military Service Act ensure that that right is not impaired.

In this connexion, consideration should be given to the desirability of recommending that States which do not yet recognize the right to object to military service on grounds of conscience should be required to grant that right in recognition of the right of the individual to freedom of religion and conscience.

Paragraph 12. The manner in which this principle is worded does not indicate sufficiently clearly what is meant by "public ceremonies". If events such as processions and so forth are meant, there is no objection, for there is no compulsion in the Federal Republic to participate in such events. If, however, participation in "public ceremonies" is to be understood as including service on public bodies (as lay assessor, court adviser or member of a guardianship court), this would conflict with certain provisions of German municipal law.

Paragraph 13. Section 53 of the Code of Criminal Procedure gives priests or ministers of religion the right to refuse to give evidence only in their capacity as spiritual advisers, but not in so far as they engage in charitable, social welfare, educational or administrative activities. Furthermore, this privilege is enjoyed only by those religious communities which are recognized under public law.

The Federal Government considers that this principle goes beyond the provisions in force in the Federal Republic of Germany.

Part IV

The requirement in the last part of the introductory paragraph that public authorities should prevent any individual or group of individuals from discriminating against or affording unfair treatment to other persons with respect to the right to freedom of thought, conscience and religion could, for practical reasons, prove very difficult to implement. Consideration should be given to the exclusion of any such requirement.
