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ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

Note by the Secretary-General

I. DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE  
AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

1. At the thirtieth session of the General Assembly, in connexion with agenda item 79 (Elimination of all forms of religious intolerance), the Netherlands, Sweden and Uruguay submitted a draft resolution (A/C.3/L.2202) in which the Assembly would request the Commission on Human Rights to submit through the Economic and Social Council to the Assembly at its thirty-first session a single "draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief"; the draft resolution also called for the inclusion of this item in the provisional agenda of the thirty-first session of the Assembly with a view to assessing progress on the elaboration of the Declaration and considering, completing and adopting, if possible, the Declaration. Owing to lack of time, the Assembly was unable to consider item 79 and the above-mentioned draft resolution relating to it. On 15 December 1975, it approved, however, a recommendation of the Third Committee (A/10497, para. 4) 1/ to include the item in the provisional agenda of its thirty-first session and to consider it with appropriate priority. 2/

2. In a note submitted to the General Assembly at its twenty-sixth session (A/8330), the Secretary-General gave an account of previous consideration of the question by United Nations organs. Annexed to the note were the following texts relating to the draft declaration on the elimination of all forms of religious intolerance:

\* A/31/150.

1/ See also Official Records of the General Assembly, Thirtieth Session, Annexes, agenda item 79.

2/ Ibid., Thirtieth Session, Supplement No. 34 (A/10034), pp. 99 and 100, item 79.

(a) Preliminary draft of a United Nations Declaration on the Elimination of All Forms of Religious Intolerance, prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (annex I);

(b) Report of the Working Group set up by the Commission on Human Rights at its twentieth session to prepare a draft Declaration on the Elimination of All Forms of Religious Intolerance (annex II).

3. In resolution 3027 (XXVII) of 18 December 1972, the General Assembly, affirming the equal importance of both a declaration and an international convention on the elimination of all forms of religious intolerance and convinced of the need to give new momentum to that work by initially concentrating on the completion of one of those instruments, decided to accord priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before resuming consideration of the International Convention on that subject. It also decided to give priority at its twenty-eighth session to the elaboration of a Declaration on the Elimination of All Forms of Religious Intolerance.

4. In resolution 3069 (XXVIII) of 30 November 1973, the General Assembly, noting that the Economic and Social Council and the Commission on Human Rights had no opportunity to consider properly the draft Declaration on the Elimination of all Forms of Religious Intolerance (A/8330, annex I) <sup>3/</sup> and to present their recommendations thereon, and believing that the preparation of a draft Declaration on the Elimination of All Forms of Religious Intolerance required additional study, invited the Council to request the Commission at its thirtieth session to consider, as a matter of priority, the elaboration of a draft Declaration on the Elimination of All Forms of Religious Intolerance, taking into account the observations submitted by Governments as well as the opinions expressed, the suggestions put forward and the amendments submitted in the course of the discussion of the question at the twenty-eighth session of the Assembly, and to submit, if possible, a single draft Declaration to the Assembly at its twenty-ninth session through the Council.

5. In resolution 3267 (XXIX) of 10 December 1974, the General Assembly, desirous that the elaboration of the Declaration be actively pursued, requested the Commission on Human Rights to submit, through the Economic and Social Council, to the Assembly at its thirtieth session a single draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. It also decided to include in the provisional agenda of its thirtieth session the item entitled "Elimination of all forms of religious intolerance" with a view to assessing progress on the elaboration of a Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to considering, completing and adopting, if possible, the Declaration, provided a single draft was completed by the Commission.

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<sup>3/</sup> For the printed text, see Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873), para. 294.

6. The Commission on Human Rights considered the question of a draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief at its thirtieth to thirty-second sessions, held in 1974, 1975 and 1976, and during each of these sessions, established an informal Working Group open to all its members to consider the elaboration of a draft declaration. The informal Working Group set up by the Commission during those sessions has so far adopted the text of the title and eight paragraphs of the preamble of a draft Declaration.

7. The text of the title and the paragraphs of the preamble of the draft Declaration that were adopted by the informal Working Group at the thirtieth to thirty-second sessions of the Commission are as follows:

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

"(1) 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 States Members 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,

"(2) Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights 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,

"(3) 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,

"(4) 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,

"(5) 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,

"(6) 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,

"(7) 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,

"(8) 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." 4/

8. In decision 7 (XXXII) of 5 March 1976, the Commission on Human Rights, in order to accelerate its work on the Declaration, decided to establish an open-ended working group which would meet three times a week during its thirty-third session beginning in the first week of the session.

II. DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF 5/

9. As indicated in paragraph 3 above, the General Assembly, in resolution 3027 (XXVII), decided to accord priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before resuming consideration of the International Convention on that subject. Since then, pending completion of the draft Declaration, the Assembly has not examined the International Convention.

10. In a note submitted to the General Assembly at its twenty-sixth session (A/8330), 6/ the Secretary-General gave an account of the previous consideration of the question by United Nations organs. The note contained, in paragraphs 16 to 21, details of the action taken by the Assembly when it last considered this item at its twenty-second session and, as annexes, the following texts relating to a draft International Convention on the subject:

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4/ See Official Records of the Economic and Social Council, Sixtieth Session, Supplement No. 3 (E/5768), chap. XIV.

5/ Title changed from "Draft International Convention on the Elimination of All Forms of Religious Intolerance" (see Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 54, document A/6934, and General Assembly resolution 2295 (XXII).)

6/ In compliance with General Assembly resolution 2836 (XXVI) of 17 December 1971 on publications and documentation of the United Nations, the material contained in document A/8330 is not reproduced in the present report. Copies of that document are available upon request.

- (a) Preamble and 12 articles of the draft International Convention on the Elimination of All Forms of Religious Intolerance, adopted by the Commission on Human Rights at its twenty-first, twenty-second and twenty-third sessions (annex III);
- (b) Additional draft article submitted by Jamaica to the Commission on Human Rights (annex IV);
- (c) Draft article XIII submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights (annex V);
- (d) Preliminary draft on additional measures of implementation transmitted to the Commission on Human Rights by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (annex VI).

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