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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES
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Agenda item 12

DRAFT DECLARATION AND DRAFT CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RELIGIOUS INTOLERANCE

Statement submitted by the Coordinating Board of Jewish Organizations,
a non-governmental organization in consultative status

The Secretary-General has received the following statement, which is circulated in accordance with paragraphs 28 and 29 of Economic and Social Council resolution 288 B (X).

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1. The Coordinating Board of Jewish Organizations welcomes the resolutions of the General Assembly requesting the Economic and Social Council to ask the Commission on Human Rights to prepare draft Declarations and Conventions on the elimination of all forms of racial discrimination and of all forms of religious intolerance. CBJO has noted that the Economic and Social Council has transmitted these resolutions to the Sub-Commission for the Prevention of Discrimination and Protection of Minorities. As a body representing Jewish organizations in forty-one countries in all continents we feel particularly competent to address ourselves to the problems connected with religious intolerance and are pleased to submit our views on a draft Declaration on this subject to the Sub-Commission.
2. If at first blush "religious intolerance", being an attitude rather than an act, does not appear to lend itself to a Declaration in the same way as does, for example, "racial discrimination", a careful examination of the General

Assembly resolution, and scrutiny of the findings of social scientists suggest that a Declaration on this subject would not be too difficult to construct.

3. The preambular paragraphs of General Assembly resolution 1781 (XVII) make it clear that the General Assembly is concerned with attitudes of religious intolerance either as they flow from objective situations or as they lead to acts.

4. The first preambular paragraph refers to the desire "to put into effect the principle of the equality of all men and all peoples without distinction as to race, colour or religion". Implicit in this statement and in the context of the resolution as a whole is the assumption - a correct assumption - that an objective situation of inequality created by artificial distinctions based upon race, colour, or religion, does create attitudes of religious or racial intolerance.

5. The second preambular paragraph speaks of deep concern about "manifestations of discrimination based on differences of race, colour and religion", while the third preambular paragraph calls for the "elimination of all such manifestations". Since "manifestations" are acts, it is apparent that, in the context of the resolution as a whole, the resolution is aimed not at attitudes per se but at those forms of religious intolerance that lead to or result in acts. It will be recalled, in this connexion that the General Assembly resolution ultimately grew out of an investigation by the Sub-Commission of the "swastika epidemic", an inquiry that was entitled "Manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance of a similar nature".

6. The observation made in paragraph 4 is borne out by social scientists. A modern standard work on prejudice that sums up the findings of social science [Gordon Allport, The Nature of Prejudice (Cambridge, 1954)] points out that discriminatory laws and socio-cultural patterns of segregation and discrimination do, in fact, generate and increase prejudice or intolerance. It further notes that "when discrimination is eliminated, prejudice ... tends to lessen". Spelling this out, the author shows how the termination of discriminatory patterns in employment, housing, and elsewhere "has had the result ... of creating more friendly ethnic attitudes". The author concludes with an underscored statement: "Social science tells us that if we wish to reduce prejudice in our society, attacks on segregation (legislative or otherwise) are scientifically sound and of high priority."

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7. With reference to observations made in paragraph 5, it is also important to note the findings of social scientists. Professor Allport points out that "Any negative attitude tends somehow, somewhere to express itself in action The more intense the attitude, the more likely it is to result in vigorously hostile action." In this connexion, one might take note of the definition of "intolerance" as it will appear in the Dictionary of Political Science which is scheduled for publication early in 1963: "The refusal to accept all people as basically equal intolerance should be viewed as being on a continuum which includes progressively negative prejudicial attitudes and increasing willingness to commit acts of discrimination."

8. The definition suggests that religious intolerance can go beyond a mere attitude and verges on an act of discrimination. Social scientists show that a range of activities may separate an attitude from the act of discrimination. One such activity is "antilocution", a verbal expression of intolerance. This type of verbal activity, it is emphasized, makes transition to the more intense level of action involving either discrimination or violence easier. Thus, Professor Allport observes: "It was Hitler's antilocution that led Germans to avoid their Jewish neighbours and erstwhile friends. This preparation made it easier to enact the Nurnberg Laws of discrimination which, in turn, made the subsequent burning of synagogues and street attacks upon Jews seem natural. The final step in the macabre progression was the ovens at Auschwitz."

9. Those forms of religious intolerance which go beyond simple belief to verbal activity (of an incitatory type) either in written or oral form are subject to control and can be controlled lest they lead to discrimination or violence. Care must, however, be taken that such control does not basically interfere with the freedom of expression.

10. The opinion has been expressed that a Declaration (and Convention) on the elimination of religious intolerance need not be drafted, since the Commission on Human Rights is already discussing and drafting principles on freedom and non-discrimination in the matter of religious rights and practices. This opinion is untenable in the view of CBJO. The principles now being drafted by the Commission on Human Rights deal only with a small - yet naturally important - sector of the whole problem of religious intolerance, namely intolerance which affects the freedom of religion and its practice itself. Religious intolerance

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can result in discrimination against religious groups in all (or most) aspects dealt with by the Universal Declaration of Human Rights. The principles now under discussion by the Commission on Human Rights deal only with article 18 of the Universal Declaration; therefore they affect only a marginal aspect of the whole problem.

11. Taking into account the above preliminary observations, may we suggest as a possible skeletal structure for a "Declaration on the Elimination of All Forms of Religious Intolerance" the following:

- A. A Preamble which would draw from the preambular paragraphs of the General Assembly resolution. The Preamble might also include reference to the fact that religious intolerance can lead to and has led to discrimination and violence.
- B. Part I which would contain three subsections: (1) a definition of "religious intolerance" drawn from social science findings; (2) a statement that explains how "intolerance" is a product of legal or socio-cultural patterns of discrimination and segregation; (3) a statement indicating how the phrase "elimination of all forms of religious intolerance" is to be understood as meaning in part, the elimination of all forms of legal and/or socio-cultural discriminatory patterns that are based upon religious grounds; (4) and a statement indicating how the same phrase is to be understood as also meaning the elimination of those forms of religious intolerance that tend to lead to discrimination and violence (as, for example, the propagation of incitatory hatred of a religious group).
- C. Part II would contain the basic provision that Member States obligate themselves to abrogate all statutory provisions and administrative regulations, and to discontinue all administrative practices which involve discrimination or unequal treatment on religious grounds in public life (the areas of which would be catalogued in detail). Part II would also state that Member States obligate themselves to enact appropriate legislation and administrative regulations that forbid discrimination or unequal treatment based upon religious grounds.
- D. Part III would contain the provision that Member States obligate themselves to withhold financial aid, licence privileges, or any

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other form of assistance to those private organizations which, while deriving some form of State benefits, deny to one or another religious group either de facto or de jure equality of treatment. An exception would have to be indicated here for that type of private organization which has a distinctly religious character, as for example a church or a religious school.

- E. Part IV would contain the provision that Member States obligate themselves to take action to bring about the cessation of the propagation in public of that form of religious intolerance that is calculated to lead to discrimination or violence against a religious group.
